



Planning Committee South

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 24 October 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at https://youtube.com/live/TRndlytM_Ek?feature=share.

Members:

Councillor Mark Packard (Chair), Councillor John Fisher (Vice-Chair), Councillor Tom Daly, Councillor Mike Deacon, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mike Ninnmey, Councillor Rosie Smithson.

An Agenda is set out below.

Part One – Open to the Public

Pages


- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence and Substitutions | |
| 2 | Declarations of Interest
Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. | |
| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To confirm as a correct record the minutes of the meeting held on 22 August 2023. | 1 - 6 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1706
Report of the Head of Planning and Coastal Management. | 7 - 24 |
| 6 | DC/23/3039/FUL - Office, Wardens House, View Point Road, Felixstowe, IP11 3TW ES/1707
Report of the Head of Planning and Coastal Management. | 25 - 33 |

Part One – Open to the Public		Pages
7	DC/23/2979/FUL - Stones Throw Cottage, 19 Station Road, Woodbridge, IP12 4AU ES/1708 Report of the Head of Planning and Coastal Management.	34 - 41
8	DC/23/2980/LBC - Stones Throw Cottage, 19 Station Road, Woodbridge, IP12 4AU ES/1709 Report of the Head of Planning and Coastal Management.	42 - 47

Part Two – Exempt/Confidential **Pages**

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

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

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

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

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Unconfirmed



Minutes of a meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 22 August 2023** at **2.00pm**.

Members of the Committee present:

Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mike Ninnmey, Councillor Mark Packard, Councillor Rosie Smithson

Other Members present:

Councillor Ed Thompson

Officers present:

Sarah Davis (Democratic Services Officer (Scrutiny and Member Development)), Matt Makin (Democratic Services Officer (Regulatory)), Rachel Smith (Principal Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure)).

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Katie Graham; Councillor Ed Thompson attended as her substitute.

2 Declarations of Interest

No declarations of interest were made.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

4 Minutes

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

RESOLVED

That the minutes of the meeting held on 25 July 2023 be agreed as a correct record and signed by the Chair.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1626** of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for the Council where enforcement action had been sanctioned under delegated powers up until 13 July 2023. At that time there were 19 such cases.

The Chair invited the Assistant Enforcement Officer (Development Management) to comment on the report. The Assistant Enforcement Officer noted that there had been successful action in relation to case D.1 (Land West of Guildhall Lane, Wrentham) where fines and costs of just over £5,000 had been issued, and case E.1 (Land at North Denes Caravan Park, The Ravine, Lowestoft) where compliance had been achieved.

The Assistant Enforcement Officer noted that an enforcement notice had been issued on a site at Chepstow Road, Felixstowe, relating to a high wall adjacent to the highway.

There were no questions to the officers; on the proposition of Councillor Hedgley, seconded by Councillor Daly, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 13 July 2023 be noted.

6 DC/22/4985/FUL - Hungarian Lodge, High Street, Ufford, IP13 6EL

The Committee received report **ES/1627** of the Head of Planning and Coastal Management, which related to planning application DC/22/2985/FUL.

The application sought full planning permission for the erection of one dwelling on land at Hungarian Lodge, High Street, Ufford. The application was first presented to the Committee at its meeting on 25 July 2023, where its determination was deferred to allow the Committee to undertake a site visit; the site visit was undertaken on 17 August 2023.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown photographs of the site that had been displayed at its previous meeting. The Principal Planner also displayed a photograph demonstrating a view from inside 11 Lodge Road through window 5, towards the application site.

The Committee was shown drawings that demonstrated the proposed dwelling would be approximately 1.7 metres from the shared boundary with 11 Lodge Road, and that window 5 was approximately 2.6 metres from the boundary.

The proposed elevations, floor plans and sections were displayed. The Principal Planner noted that the eaves height of the proposed dwelling would be 2.4 metres and the ridge height would be 4.5 metres.

The potential impact on daylight to 11 Lodge Road was outlined, with the Committee being reminded of the two windows on 11 Lodge Road (known as window 5 and window 7) that would be most impacted. The Principal Planner outlined the assessments received from light consultants instructed by both the applicant and objector, details of which had been included in the update sheet published on 21 August 2023.

The Committee was advised that it needed to consider if the impact on daylight impacted the residential amenity of 11 Lodge Road and the Principal Planner highlighted that "right to light" was a civil matter and not a material planning consideration.

Officers concluded that, on balance, given the separation, proposed eaves height and the design of the roof sloping away from 11 Lodge Road, there would not be sufficient impact to residential amenity to warrant refusal of the application.

The main considerations and key issues were summarised as the principle of development, highways, the design and appearance of the proposed dwelling, and the impact on the neighbour's residential amenity particularly in regards to light. The recommendation to approve the application, as set out in the report, was outlined to the Committee.

The Chair invited questions to the officers. Councillor Hedgley asked for an approximate distance between 11 Lodge Road and its existing neighbouring property; the Principal Planner estimated it was approximately one metre.

The Chair invited Mrs Leigh, who objected to the application, to address the Committee. Mrs Leigh, who lived at 11 Lodge Road, highlighted the back and forth between the consultants instructed by herself and the applicant and considered that it was now for the Committee to decide on if the loss of light was acceptable. Mrs Leigh was of the view that the "gymnastics" required by the applicant's consultant to arrive at their conclusion demonstrated that the development was unreasonable.

Mrs Leigh said she failed to understand how building a wall so close to her property would not have a negative impact and that the proposal had been designed to minimise loss of light to the host dwelling at her home's expense. Mrs Leigh queried the applicant's consultant's assertion that it was unreasonable to consider the open space currently enjoyed to be maintained, and considered this development would contribute to a wider concern about the loss of open space in Ufford.

Mrs Leigh urged the Committee to not be distracted into thinking that the loss of light was the only issue with the development, highlighting the local objections to poor use of space and design. Mrs Leigh strongly believed the application should be refused, and thanked the Committee for taking the time to visit the site.

The Chair invited questions to Mrs Leigh. When asked if there were any other aspects of the development that would impact her residential amenity, Mrs Leigh considered the loss of light to her reading room to be the principal issue.

The Chair invited Councillor Smith, representing Ufford Parish Council, to address the Committee. Councillor Smith advised that the Parish Council had observed, during the site visit, conversation regarding the closeness of the proposed dwelling to 11 Lodge Road and what would be in line with windows 5 and 7. Councillor Smith highlighted that the application site was in a natural depression and said it was unclear how the development's height would relate to 11 Lodge Road should the depression be built up.

Councillor Smith said that it was disappointing that the applicant's consultant considered the right to light should not be expected to be maintained and considered that the Committee would have observed that the room served by window 5 was already very gloomy during daylight hours. Councillor Smith said the Parish Council was of the view that the proposed development would impact on the enjoyment of that room and other rooms in the property that currently enjoyed access to sunlight.

Councillor Smith pointed out that there would be overlooking between the two dwellings which would impact residential amenity and suggested that the applicant had not considered the amenity of anyone occupying the proposed dwelling. Councillor Smith highlighted the remnants of historical farm buildings on the land and sought their protection should the application be approved. Councillor Smith concluded that a more equitable solution would be for the application to be refused and a similar application submitted with the proposed dwelling better separated from 11 Lodge Road.

The Chair invited questions to Councillor Smith. In response to Councillor Smithson, Councillor Smith said that moving the proposed dwelling further away from 11 Lodge Road would improve privacy and mitigate the impact on loss of daylight.

NOTE: the meeting was adjourned from 2.27pm to 2.30pm to allow Democratic Services to resolve a technical issue relating to the audio setup in the room.

The Chair invited Mr Jones, the applicant's agent, to address the Committee. Mr Jones, who was the applicant's right to light consultant, stated that all the relevant BRE light tests had been met and demonstrated that the development had passed the 25-degree "rule of thumb" test, which would normally be an end to the matter.

Mr Jones explained that the mirror image test had been applied to the development and discounted the allegations that this test should only be applied to historic city centres or urban high-rise areas, considering it to be applicable wherever a window close to a boundary received more than its fair share of light.

Mr Jones acknowledged that queries relating to the mirror image test and displayed the modelling used to administer the test. Mr Jones confirmed that window 5 just failed the conventional BRE test but passed the mirror test, and said there was evidence that window was taking more than its fair share of light. Mr Jones summarised that the development was fully compliant with BRE guidance, which the planning officers concurred with, and urged the Committee to approve the application.

There being no questions to Mr Jones, the Chair invited the Committee to debate the application that was before it. Councillor Hedgley opened the debate and noted the two different expert opinions received, considering there to be "room for

manoeuvre". Councillor Hedgley was not against development of the site but was concerned by the positioning of the dwelling within the site, querying why it had not been located further away from 11 Lodge Road.

Councillors Smithson and Deacon concurred with Councillor Hedgley's comments; Councillor Deacon said he had been undecided on the application prior to the site visit but having seen the site was shocked by the proposed close proximity. Councillor Deacon noted the darkness in the room serviced by window 5 and considered that lessening light to that window would negatively impact the residential amenity enjoyed by the property.

Councillor Daly acknowledged that residential amenity, unlike right to light, was a material planning consideration; he added that in addition to loss of light, loss of privacy would also negatively impact residential amenity and the close proximity of the two dwellings would reduce privacy for both households.

At the invitation of the Chair, the Planning Manager (Development Management, Major Sites and Infrastructure) advised the Committee that should it resolve to refuse the application on the grounds of residential amenity, it would need to give robust reasons for refusal against the relevant planning policies.

The Chair considered there was little light to window 5 at present and there was a need to consider the impact the proposed dwelling would have on the residential amenity of 11 Lodge Road.

Cllr Ninnmey concurred with points previously made during debate and considered the site visit to have been very useful; he was minded to vote to refuse the application on the grounds of the loss of residential amenity to 11 Lodge Road that would be caused.

Councillor McCallum echoed the Chair's comments and was uncertain if there would be a significant impact on light to the room serviced by window 5. Councillor McCallum was concerned that there was not a strong enough case to refuse the application and was minded to support its approval.

Councillor Fisher highlighted how beneficial the site had been and added that he had passed the site again the previous weekend whilst seated on the top deck of a double-decker bus. Councillor Fisher said that the site had not been seen in mid-winter, when a shadow would be cast on 11 Lodge Road by the proposed dwelling, and was of the view this could affect solar gain to 11 Lodge Road. Councillor Fisher pointed out that the 25-degree test did not factor the lay of the land in Ufford, where the sun only rose to a maximum of 14 degrees above the horizon, and considered that any shadow cast above the height of the boundary would be unacceptable. Councillor Fisher opined that the loss of amenity to 11 Lodge Road through lack of light would be substantial, particular in winter.

There being no further debate, the Chair sought a proposer and seconder for the recommendation to approve the application set out in the report; the recommendation was proposed by Councillor Packard and seconded by Councillor McCallum. The proposal was put to the vote and was **NOT CARRIED**.

The Chair sought an alternative recommendation for the determination of the planning application. Officers provided advice on policy SCLP11.2 of the Suffolk Coastal Local Plan, which related to residential amenity.

Following further debate, Councillor Hedgley proposed that the application be refused on the grounds it was contrary to policy SCLP11.2 of the Suffolk Coastal Local Plan as it would adversely impact the residential amenity of both 11 Lodge Road, Ufford and the proposed dwelling, and both the outlook and access to daylight/sunlight of 11 Lodge Road, Ufford. The proposal was seconded by Councillor Deacon.

The proposal was put to the vote and it was by a majority

RESOLVED

That the application be **REFUSED** on the grounds it is contrary to parts (a), (b), and (c) of policy SCLP11.2 of the Suffolk Coastal Local Plan as it would adversely impact the residential amenity of both 11 Lodge Road, Ufford and the proposed dwelling, and both the outlook and access to daylight/sunlight of 11 Lodge Road, Ufford.

The meeting concluded at 2.58pm.

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Chair



Planning Committee South

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

24 October 2023

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 21 September 2023. At present there are 22 such cases.

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

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

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *7 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *7 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *1 current case*

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *2 current cases*

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *1 current case*

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *3 current cases*

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

RECOMMENDATION

That the outstanding enforcement matters up to 21st September 2023 be noted.

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

A.1

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.2

LPA Enforcement Case Reference	ENF/21/0510/DEV
Location / Address	Part Land East Of Chapel Barn Farm, Leiston Road, Aldeburgh
North or South Area	North
Date of Report of Breach	19.11.2021
<u>Nature of Breach:</u> Caravan sited for residential use with new hardstanding and associated works	
<u>Summary timeline of actions on case</u> 16/02/2023 – Operational and material change of use Enforcement Notices served. Both come into effect on the 20/03/2023 28/07/2023 - Site visited, work has been completed in accordance with the notices. Case will be closed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/07/2023

A.3

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North
Date of Report of Breach	22.04.2022
<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given. 05/07/2023 - appeal against refusal of planning application refused.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

A.4

LPA Enforcement Case Reference	ENF/21/0460/DEV
Location / Address	21 Mill View Close, Woodbridge
North or South Area	South
Date of Report of Breach	13.10.2021

Nature of Breach: Erection of large fence	
Summary timeline of actions on case 06/07/2023 –Enforcement Notices served. Comes into effect on the 06/08/2023	
Current Status/Position In compliance period.	
Date by which Compliance expected (or prosecution date)	06/11/2023

A.5

LPA Enforcement Case Reference	ENF/21/0006/DEV
Location / Address	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
North or South Area	South
Date of Report of Breach	06.01.2021
Nature of Breach: Erection of large fence	
Summary timeline of actions on case 08/08/2023 –Enforcement Notice served. Comes into effect on the 08/09/2023	
Current Status/Position In compliance period.	
Date by which Compliance expected (or prosecution date)	08/11/2023

A.6

LPA Enforcement Case Reference	ENF/2018/0476/USE
Location / Address	Part Os 1028 Highgate Lane Dallinghoo
North or South Area	South
Date of Report of Breach	15.11.2018
Nature of Breach: Siting of a converted vehicle for residential use	
Summary timeline of actions on case 11/09/2023 –Enforcement Notice served. Comes into effect on the 11/10/2023	
Current Status/Position In compliance period.	
Date by which Compliance expected (or prosecution date)	11.04.2024

A.7

LPA Enforcement Case Reference	ENF/22/0247/USE
Location / Address	Part Land East Of Mariawood, Hulver Street, Henstead
North or South Area	North
Date of Report of Breach	15.11.2018
Nature of Breach: Siting of mobile home	
Summary timeline of actions on case 21/09/2023 –Enforcement Notice served. Comes into effect on the 21/10/2023	
Current Status/Position In compliance period.	
Date by which Compliance expected (or prosecution date)	21.01.2024

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

B.1

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
Summary timeline of actions on case 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 - final comments date for comments on Appeal 28/06/2023 – Site visit for appeal 3 rd August 2023	
Current Status/Position Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

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

B.3

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
Nature of Breach: High fence adjacent to highway.	
Summary timeline of actions on case 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case. 28/06/2023 – Site visit for appeal 3 rd August 2023 06/09/2023 - Appeal upheld, planning inspector granted planning permission. Notice quashed.	
Current Status/Position Case close, appeal upheld.	
Date by which Compliance expected (or prosecution date)	n/a

B.4

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

B.5

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

B.6

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022

Nature of Breach: Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
Summary timeline of actions on case 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance 09/01/2023 – Pre-start letter from Planning Inspectorate 31/01/2023 –Start letter received from Planning Inspectorate, statements required by 14 th March 2023.	
Current Status/Position Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/23/0073/DEV
Location / Address	15 Worell Drive, Worlingham
North or South Area	North
Date of Report of Breach	06.03.2013
Nature of Breach: Erection of a fence over 1m adjacent to a highway	
Summary timeline of actions on case 06/07/2023 –Enforcement Notices served. Comes into effect on the 06/08/2023 01/08/2023 - Appeal submitted, awaiting start date.	
Current Status/Position In appeal period.	
Date by which Compliance expected (or prosecution date)	Dependent on appeal outcome.

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

C.1

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due. 11/09/2023 - Appeal dismissed. 4 months for compliance.	
<u>Current Status/Position</u> In compliance period following appeal.	
Date by which Compliance expected (or prosecution date)	12/01/2024

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

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023 27/03/2023 - Defendant did not attend, warrant issued, awaiting decision from court. 31/07/2023 - Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.	
<u>Current Status/Position</u> Considering legal options following court appearance	
Date by which Compliance expected (or prosecution date)	Depending on legal advice

D.2

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 26/06/2023 –Site visited, notice not complied with, case will be passed to the legal team for further action.	
<u>Current Status/Position</u> With Legal Team.	
Date by which Compliance expected (or prosecution date)	Depending on legal process.

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

E.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
Nature of Breach: Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	
<p>Summary timeline of actions on case</p> <p>02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019</p> <p>24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019</p> <p>25/05/2019 - Stop Notice Served comes into effect 28/05/2019.</p> <p>08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</p> <p>02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</p> <p>18/05/2021 - Appeal dismissed and partial costs to the Council</p> <p>18/08/2021 - Compliance with Notice required</p> <p>31/10/2021 - Extension of time granted for compliance until 31/10/21.</p> <p>15/11/2021 - Further extension of time granted for compliance until 15/11/2021.</p> <p>18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered.</p> <p>20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP)</p> <p>12/04/2022 - Certificate of Lawful Use (proposed) refused.</p> <p>25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754</p> <p>08/07/2022 – Appeal statement submitted</p> <p>29/07/2022 – Final date for comments on statements</p> <p>11/01/2023 – Council applied to the High Court for an Injunction.</p> <p>30/01/2023 – Case adjourned for legal reasons, awaiting new court date</p> <p>03/02/2023 – High Court date for an Injunction hearing 18th & 19th May 2023</p> <p>22/02/2023 – Hearing on appeal for refused certificate of lawful development set for 12th July 2023.</p> <p>18/05/2023 – Injunction sought from High Court in relation to non-compliance with EN, Injunction granted – 90 days to undertake the works.</p>	

08/08/2023- Notice complied with except a small amount of grass re-seeding required.

12/09/2023- Appeal for refused certificate of lawful development dismissed.

Current Status/Position

Case Closed

Date by which Compliance expected (or prosecution date)	Before 18 th August 2023- Completed.
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F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

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

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

F.2

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<p><u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted.</p>	

<p>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p>13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p>16/06/2020 – Submission of Appeal Statement</p> <p>11/08/2020 - Appeal dismissed with some amendments.</p> <p>11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p>25/03/2021 - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p>2022 - Application for an Injunction has been made to the High Court.</p> <p>06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p>08/03/2023 - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p>30/03/2023 - appeal submitted to High Court against Injunction – awaiting decision from Court.</p> <p>10/07/2023 -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24th July.</p> <p>25/07/2023-Site Visit conducted; injunction not complied with. Information sent to legal team.</p>	
<p><u>Current Status/Position</u> With Legal Team</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>24th July 2023</p>

F.3

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
<u>Nature of Breach:</u> Untidy site	
<u>Summary timeline of actions on case</u>	
<p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p>	

21/11/2022– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24th February 2023 to comply with notice.

10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action.

Current Status/Position

In compliance period

Date by which Compliance expected (or prosecution date)	Depending on legal action
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G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

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

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

Planning Committee South - 24 October 2023

Application no DC/23/3039/FUL

Location

Office
Wardens House
View Point Road
Felixstowe
Suffolk
IP11 3TW

Expiry date 11 October 2023

Application type Full Application

Applicant Harwich Haven Authority

Parish Felixstowe

Proposal Installation of 14No. Solar Panels to the Southeast and Southwest roof pitches of Landguard Bungalow.

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

1. Summary

- 1.1. This application seeks the installation of 14 solar panels to the southeast and southwest roof pitches of Landguard Bungalow, View Point Road, Felixstowe, IP11 3TW.
- 1.2. This application is presented to the planning committee as it is considered that East Suffolk Council have 'an interest' in the site. East Suffolk Council is not the owner of the site nor applicant, however we lease the building for accommodation for our Landguard Ranger.
- 1.3. The application is considered to accord with Local and National Policies and is therefore recommended for approval.

2. Site Description

- 2.1. The site is located at the end of a long private driveway adjacent to Landguard Fort, a grade I listed building. The original part of the bungalow was considered to be of some historic interest in earlier applications. The site is not within a conservation area and lies some distance to the south of the AONB, which commences in-line with Shotley Gate. The site is located within Flood Zone 3.
- 2.2. The application site is on the edge of a Site of Special Scientific Interest (SSSI) which forms Landguard Common. It also falls within the Landguard Fort and Associated Field Works Scheduled Monument but is excluded from the scheduling (list entry 1018969). The Bungalow was built in 1895 by Harwich Haven Authority (then known as the Harwich Harbour Conservancy Board) as accommodation for its staff.
- 2.3. The Bungalow was continuously used until the retirement of HHA's final inspector in July 1994, apart from a few years during World War II, when all of Landguard Point was taken over by the Military. It was during WWII that the office annex was constructed. The office extension in situ is therefore not original to the bungalow, and of a more utilitarian design regarding the detailing and materials. The surrounding landscape is relatively open, with the reserve accessible and open to the public, as such there are wider views of the property and designated assets on the peninsular.
- 2.4. Various issues were found with the office annex, including damp penetration due to poor gutter detail, cracking to the floor slab in the kitchenette and the poor condition of the asbestos cement sheet roof covering, which came to the Authority's attention following receipt of a Planned Maintenance Report. Subsequent planning application DC/22/2466/FUL for the demolition and reconstruction of an office annex was approved by the Planning Committee on 28 March 2023.

3. Proposal

- 3.1. This proposal seeks the installation of 14 solar panels to the southeast and southwest roof pitches.
- 3.2. The Bungalow is occupied by a Site Ranger from East Suffolk Council, who manages the surrounding nature reserve. The office is used by the warden and Landguard Project staff. The Bungalow is let to East Suffolk Council and owned by the Harwich Haven Authority. As a domestic provide rented property, the Bungalow must have a minimum Energy Efficiency Rating of C by 2028. To exceed this target Harwich Haven Authority plan to install 14No. 6KW Sunpower Maxeon 430W solar panels to the southwest and southeast roof pitches. The installation of these solar panels will ensure an Energy Efficiency Rating of B and reduce the energy cost for the Site Ranger.

4. Consultees

Third Party Representations

- 4.1. No representations were received from neighbouring properties, due to the degree of separation of the site to immediate neighbours.

- 4.2. Comments were received from The Felixstowe Society raising no objections to the proposal.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	21 August 2023	6 September 2023
Summary of comments: Committee recommended APPROVAL.		

Statutory consultees

Consultee	Date consulted	Date reply received
Natural England	21 August 2023	5 September 2023
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Historic England	21 August 2023	5 September 2023
Summary of comments: Due to relatively small scale of the proposals and location of the bungalow in relation to other historic elements of the site it is unlikely that proposed development would result in adverse impact to the significance of the monument through changes to its setting. Historic England have taken into consideration the status of the site as a Scheduled Monument and we can confirm that in our view any resulting harm to the significance of the asset would be negligible. Historic England does not object to the application on heritage grounds and consider that the application would meet the requirements of the NPPF.		

Consultee	Date consulted	Date reply received
SCC Highways Department	21 August 2023	24 August 2023
Summary of comments: Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	29 August 2023

Summary of comments:
Informative information about access to water and fire fighting facilities, including advisory note on the installation of sprinkler systems.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	21 August 2023	11 September 2023

Summary of comments:
Based on the available information the proposed development appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species (under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	21 August 2023	8 September 2023

Summary of comments:
We have no comments to make regarding this application.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	21 August 2023	24 August 2023

Summary of comments:
No objection.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	21 August 2023	No response

Summary of comments:
No response received.

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	21 August 2023	22 August 2023

Summary of comments:
Support this proposal.

Publicity

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

Category	Published	Expiry	Publication
Ancient Monument	24 August 2023	15 September 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Scheduled Ancient Monument Date posted: 27 August 2023 Expiry date: 18 September 2023
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5. Planning policy

- National Planning Policy Framework 2023
- SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.6 - Non-Designated Heritage Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

6. Planning Considerations

- 6.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the district (former Suffolk Coastal area) consists of "The East Suffolk Council - Suffolk Coastal Local Plan (adopted 23 September 2020)".

Principle of Development and Heritage Impact

- 6.2. Paragraph 9.7 of the Local Plan states "Solar panel developments can range in scale from installations on individual buildings to solar farms, and can range in type, from in-built solar panels to mounted solar panels. Solar panel schemes will generally be supported, particularly in new development. Careful consideration will be given to the visual impact in sensitive locations including through design, siting and, where possible, natural screening."
- 6.3. The submitted Heritage Statement provides an important assessment of the significance of the Warden's Cottage, which appears from map regression to be late Victorian in origin and, by virtue of its position, provided staff accommodation for the Harwich Harbour Conservancy Board. The building, therefore, has some local importance for its maritime contribution to the understanding of how Harwich Haven was managed in the late 19th century and throughout the 20th century until 1994. It also forms part of the military history of Landguard as it was requisitioned by the military in WWII when its annexe was constructed. For these reasons, although a modest building, the bungalow is essential to retain and to maintain in use. The Council's Principal Design and Conservation Officer has confirmed that for the reasons set out above, the bungalow is important to retain and maintain in use such that support is awarded to this application.
- 6.4. The building is not a listed building and there is no requirement, therefore, for PV panels to avoid being mounted on the principal building (there is no other building, in this case). The addition of the panels will represent a partial and modest change to the appearance of the building but will not harm its integrity, detract from its character or reduce any ability to appreciate its significance.
- 6.5. The panels are proposed for two roof slopes and do not cover the entirety of the roof pitches. The submitted elevations and roof plan clearly illustrate the arrangement and impacts arising. There is a strong justification for historic buildings to benefit from the supply of renewable energy and where that can be accommodated without detriment, such as in this instance, to a building of local importance (only), it is considered that we can be supportive of the principle and design. Conservation of energy need not be at the expense of conservation of character and significance. No harm has been identified, therefore the test at paragraph 203 of the NPPF is not engaged.
- 6.6. For the reasons given above the proposal is considered to accord with SCLP11.1 and SCLP11.3.

Landscape / Visual Amenity

- 6.7. The Council's Principal Landscape and Arboricultural Officer has reviewed the proposed development in regards to the impacts of the installation of solar panels of the roof of the Landguard bungalow. It is not considered that the proposal will have any meaningful adverse landscape or visual impacts and nor will it affect the recorded special qualities of the AONB landscape which is located further to the north, but partly visible within its setting; although it should be noted that there is a good distance of approximately two miles as the crow flies. On that basis, the proposal is considered to accord with SCLP10.4.

Residential Amenity

- 6.8. Due to the site's location, away from any other residential properties, the proposed development will not adversely impact residential amenity. The proposed development is therefore considered to accord with SCLP11.2.

Ecology

- 6.9. The application site is located immediately adjacent to Landguard Common Site of Special Scientific Interest (SSSI) and Landguard Common Local Nature Reserve (LNR) and therefore any potential impacts on the designated sites must be avoided. Based on the available information the proposed development appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species (under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). An informative has been recommended by the Council's Ecologist in the event that permission is granted, this is in relation to encountering protected species whilst works are being undertaken. Natural England were also consulted on this application and have not raised any objection to the proposed development. The proposal therefore accords with SCLP10.1.

Flood Risk

- 6.10. The site is located within flood zone 3, however due to the nature of the proposals it is not considered that the sequential or exemption tests are applicable. The proposed development would not result in any increased risk of flooding. The development is therefore considered to accord with SCLP9.5 and Chapter 14 of the NPPF.

Highways Considerations

- 6.11. Suffolk County Council as Local Highways Authority were consulted in respect of the application and have not raised any objection to the proposed development. The site is served from an existing access and the proposed development will not result in an intensification of the use; thus, does not require any additional parking provision. Any additional vehicle movements in regards to transporting and installing the solar panels would have limited impact to the existing movements from the Fort/Viewpoint area, which are not considered to have a significant impact on the highway network.

7. Conclusion

- 7.1. For the reasons given above the proposal is considered to accord with SCLP10.1, SCLP10.4, SCLP11.1, SCLP11.2 and SCLP11.3 and is therefore recommended for approval.

8. Recommendation

- 8.1. Grant planning permission subject to the conditions listed below.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos. 03313-01 Rev D4, 03313-02, 03313-03, 03313-04 Rev D4 and 03313-05 Rev D2, all received on 2 August 2023.

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

3. Within six months of the cessation of the use of the solar panels, the PV panels and any associated equipment and cabling shall be removed from the site and the site made good.

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

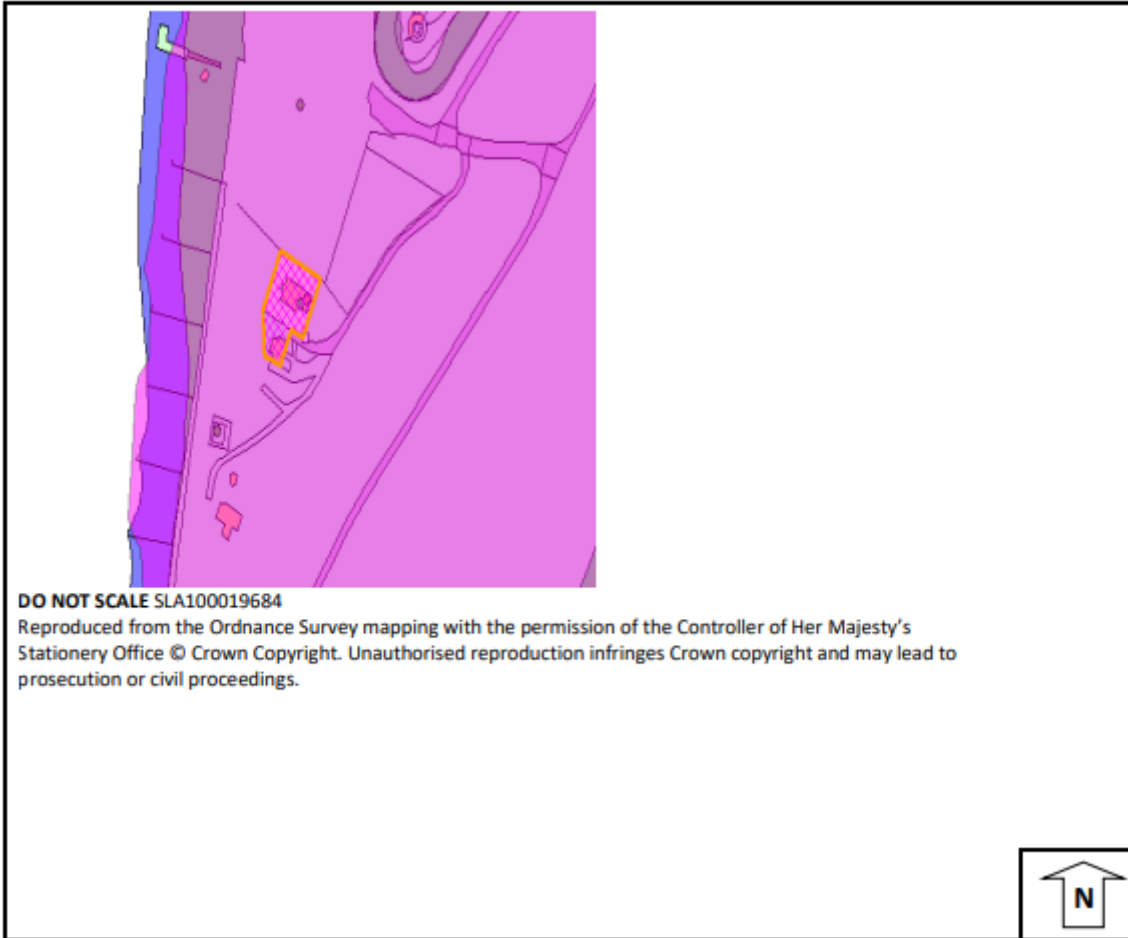
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. Certain species, including bats and nesting birds, receive legal protection, primarily under the Conservation of Habitats and Species Regulations (2017) (as amended) and the Wildlife and Countryside Act (1981) (as amended). Should a protected species be encountered during development work must stop immediately and advice on how to proceed be sought from a suitably qualified ecologist.





Background information

See application reference DC/23/3039/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 24 October 2023

Application no DC/23/2979/FUL

Location

Stones Throw Cottage
19 Station Road
Woodbridge
Suffolk
IP12 4AU

Expiry date 4 October 2023

Application type Full Application

Applicant Mrs Kay Yule

Parish Woodbridge

Proposal Single Storey Rear Extension.

Case Officer Jamie Behling
07919 303788
jamie.behling@eastsoffolk.gov.uk

1. Summary

- 1.1. The proposal is to erect two small flat roofed extensions onto the rear and side of Stones Throw Cottage. This application is made alongside an application for Listed Building Consent (DC/23/2980/LBC).
- 1.2. The application is presented to the Planning Committee due to the applicant being an elected member of the Council.
- 1.3. The application accords with planning policy and is therefore recommended for approval. In terms of consultation responses received, the Town Council does not object, there have been no comments received from ward members and there have been no objections from consultees.

2. Site Description

- 2.1 Stone Throws Cottage (No.19) is an end terrace, two-storey, residential dwelling located within the settlement boundary of Woodbridge. It lies on the north side of the road on a long, narrow plot, backing onto the properties which front Cumberland Street.
- 2.2 The dwelling is a Grade II Listed Building located within the Cumberland Street Character Area of the Woodbridge Conservation Area. It is listed alongside nos. 21 and 23 which form the terrace. The listing description identifies the structure as early-eighteenth century, which contributes to its historic value and its significance. The building represents the type of modest timber-framed dwellings found in this period, especially if it was originally weatherboarded. Its modest vernacular character also contributes to its aesthetic value, and the steep pitch of the roof indicates it may have been originally thatched.

3 Proposal

- 3.1 The proposal seeks to erect a rear extension forming a new dining/sitting area which would link the main house with the existing outbuilding. A second small side extension containing a lobby and WC is also proposed. The extensions will have flat roofs and be finished in matching cream render.

4 Consultees

Third Party Representations

- 4.1 One representation of Objection has been received raising the following material planning considerations:
- The proposed height of the extension and its proximity to the boundary would lead to a loss of light to the neighbouring property at No.17A.
 - The new massing would be oppressive and create a boxed in and overlooked environment.
 - The proposal is considered over development of the site.
 - The proposal does not preserve or enhance the Conservation Area.

Parish/Town Council

Consultee	Date consulted	Date reply received
Woodbridge Town Council	17 August 2023	30 August 2023
Summary of comments: "WTC recommend approval."		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	17 August 2023	17 August 2023
Summary of comments: No objection.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	17 August 2023	1 September 2023
Summary of comments: No objection; comments included within officers considerations.		

Publicity

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

Category	Published	Expiry	Publication
Listed Building Conservation Area	24 August 2023	15 September 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Listed Building; Conservation Area Date posted: 17 August 2023 Expiry date: 8 September 2023
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5 Planning policy

National Planning Policy Framework 2023

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

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

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

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

6 Planning Considerations

Design and Heritage Considerations

- 6.1 Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty, in considering whether to grant planning permission, to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of The Act imposes a general duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
- 6.2 The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. Paragraphs 199 and 200 of the NPPF require planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. The statutory duties of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan and the Historic Environment SPD.
- 6.3 The application is accompanied by a heritage statement which includes all relevant information in regard to the site and satisfies the requirements of paragraph 194 of the NPPF.
- 6.4 The proposed side extension will not be visible from the street, mitigating any visual impact, and will also be a modest structure. In light of the cumulative impact upon the building's significance arising from the existing extension, the proposed lobby and WC will have a neutral impact on the listed building's significance. Further details will be required prior to commencement in terms of proposed services, proposed render and the proposed glazing, timber doors and window.
- 6.5 The proposed rear extension will connect to the existing garden room within the rear garden area. While the extension is judged to result in a low level of less than substantial harm to the building's significance due to its modern flat-roofed appearance, the existing flat-roofed extension as well as that at the neighbouring property provide adequate justification. The extension will not be visible from the street, mitigating its visual impact. Some of the garden room will be removed to permit a link with the extension, but this is a modern structure of little heritage value, and this is therefore acceptable. Additional details will also be required in terms of the windows, doors and render, which can be secured by condition.

- 6.6 The proposed alterations are considered to result in a justifiable low level of less than substantial harm to the significance of the building. It is judged that there is no harm arising to the significance of the conservation area.
- 6.7 The application is therefore judged to meet the requirement under sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the relevant provisions of the NPPF and the local plan policies listed above in terms of design and heritage considerations.

Residential Amenity

- 6.8 The proposed extensions will be located on the side and rear of the dwelling. The rear extension will result in a new depth similar to that of the attached neighbour to the west (No. 21) and therefore would have little impact on them.
- 6.9 The neighbour to the east (No. 17a) has a narrow passageway along the side of their house which contains the main entrance into the dwelling. This neighbour also has a small garden area to the rear of their house enclosed by a garage block to the north. The neighbour's garden also rises to the north with a raised patio area. Concerns were raised by this neighbour that the new extensions would bring the built form of the dwelling closer to the boundary, resulting in an overly oppressive and overbearing structure, blocking light and increasing the sense of overlooking from the existing roof terrace.
- 6.10 When viewed from inside No. 17a's garden, the extension would appear against the backdrop of the existing dwelling. Due to the orientation of the sun, it would be difficult to argue that the proposal would significantly reduce the amount of direct sunlight to the property. There is a window serving the kitchen which could be impacted by the development; however, this window already faces the wall which separates the two properties.
- 6.11 The proposed side extension will bring the massing of the dwelling closer toward No. 17a, however, the narrow alley adjacent is not a usable garden space, and a gap will still be left between the extension and the boundary. Whilst the side addition will be closer to this neighbouring property than the existing extension, it would be within the scope of what would be reasonable along a narrow pathway along the side of the dwelling. The rear extension would step out, set slightly back from the side extension but due to the angle of the boundary would still be approximately 0.85 metres from the boundary.
- 6.12 The proposal does not extend the size of the existing roof terrace and therefore the proposal would not lead to any greater overlooking or loss of privacy than what is already in existence at the property.
- 6.13 Overall, the proposal would have some impact on the neighbour however it is not considered to be so harmful that the application should be refused on these grounds. The extensions will be towards the boundary with No. 17a, however, this would not have a substantial impact on how the neighbour could enjoy their property.
- 6.14 Having regard to the above considerations, the proposals would comply with Policy SCLP11.2 in terms of residential amenity.

7 Conclusion

- 7.1 As the proposals are acceptable in terms of their design and their impact on designated heritage assets and residential amenity, the development is considered to comply with the policies listed above.

8 Recommendation

- 8.1 Approve subject to the conditions below.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 631-01 Rev B received 28/07/2023, 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 commencement of any works, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) Details of the external materials to be used for the extensions.

(ii) Details of all new windows to include: appearance; position within opening; method of opening; materials and finish; heads and cills; type of glazing; glazing bar profiles; and ironmongery.

(iii) Details of all new external and internal doors to include: appearance; materials and finish; frame and architrave; type of glazing; panel profiles; and ironmongery.

The work shall be carried out in accordance with the approved details.

Reason: In order to safeguard the special architectural or historic interest of the building.

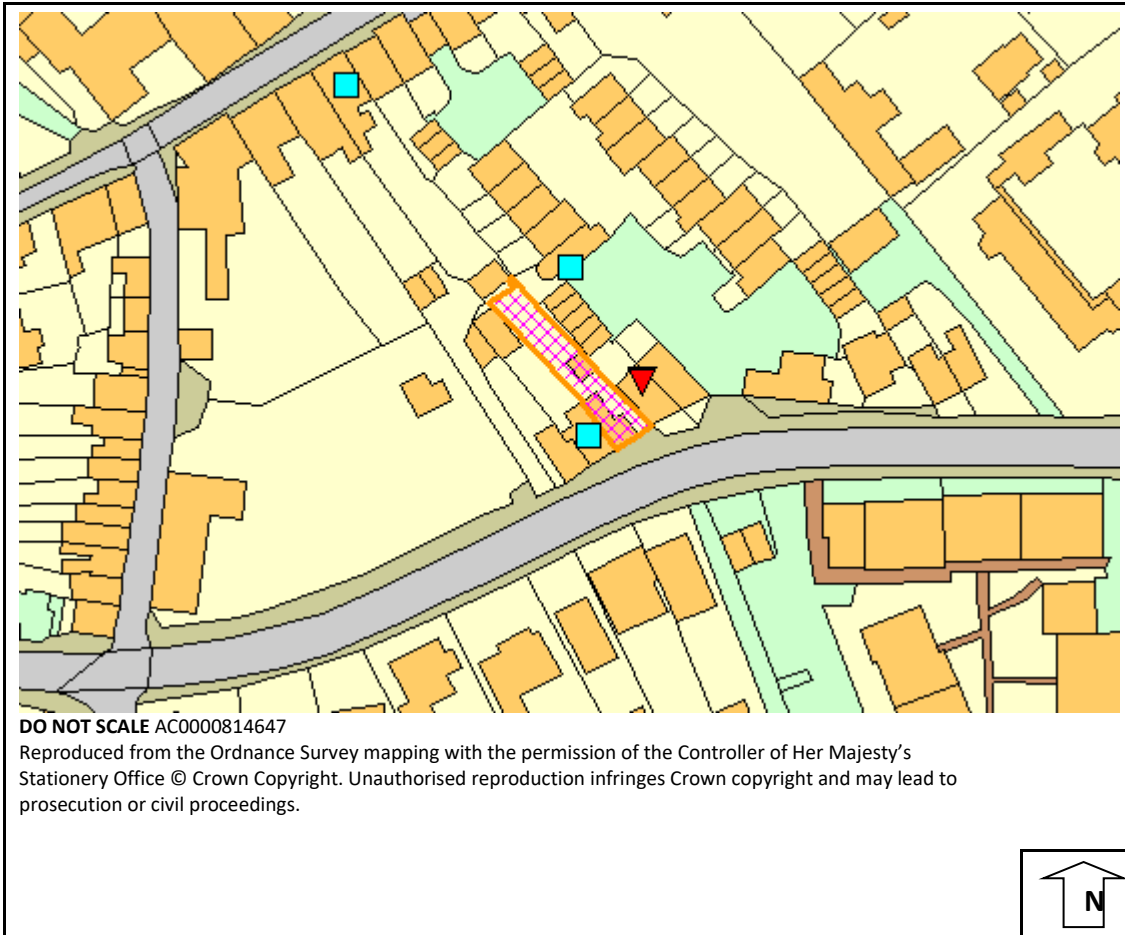
Informatives:

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





Background information

See application reference DC/23/2979/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 24 October 2023

Application no DC/23/2980/LBC

Location

Stones Throw Cottage
19 Station Road
Woodbridge
Suffolk
IP12 4AU

Expiry date 4 October 2023

Application type Listed Building Consent

Applicant Mrs Kay Yule

Parish Woodbridge

Proposal Listed Building Consent - Single Storey Rear Extension.

Case Officer Jamie Behling
07919 303788
jamie.behling@eastssuffolk.gov.uk

1. Summary

- 1.1 The proposal is to erect two small flat roofed extensions onto the rear and side of Stones Throw Cottage. This application is made alongside an application for Planning Permission (DC/23/2979/FUL).
- 1.2 The application is presented to the Planning Committee due to the applicant being an elected member of the Council.
- 1.3 The application accords with planning policy and is therefore recommended for approval. In terms of consultation responses received, the Town Council does not object, there have been no comments received from ward members and there have been no objections from consultees.

2. Site Description

- 2.1 Stone Throws Cottage (No.19) is an end terrace, two-storey, residential dwelling located within the settlement boundary of Woodbridge. It lies on the north side of the road on a long, narrow plot, backing onto the properties which front Cumberland Street.
- 2.2 The dwelling is a Grade II Listed Building located within the Cumberland Street Character Area of the Woodbridge Conservation Area. It is listed alongside nos. 21 and 23 which form the terrace. The listing description identifies the structure as early-eighteenth century, which contributes to its historic value and its significance. The building represents the type of modest timber-framed dwellings found in this period, especially if it was originally weatherboarded. Its modest vernacular character also contributes to its aesthetic value, and the steep pitch of the roof indicates it may have been originally thatched.

3. Proposal

- 3.1 The proposal seeks to erect a rear extension forming a new dining/sitting area which would link the main house with the existing outbuilding. A second small side extension containing a lobby and WC is also proposed. The extensions will have flat roofs and be finished in matching cream render.

4. Consultees

Third Party Representations

- 4.1 One representation of Objection has been received raising the following concerns, which have been addressed separately in the report for the associated Planning Application DC/23/2797/FUL:
- The proposed height of the extension and its proximity to the boundary would lead to a loss of light to the neighbouring property at No.17A.
 - The new massing would be oppressive and create a boxed in and overlooked environment.
 - The proposal is considered over development of the site.
 - The proposal does not preserve or enhance the Conservation Area.

Parish/Town Council

Consultee	Date consulted	Date reply received
Woodbridge Town Council	17 August 2023	30 August 2023
Summary of comments: "WTC recommend approval."		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	17 August 2023	1 September 2023
Summary of comments: No objection; comments included within officers considerations.		

Publicity

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

Category	Published	Expiry	Publication
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Site notices

General Site Notice	Reason for site notice: Listed Building; Conservation Area Date posted: 17 August 2023 Expiry date: 8 September 2023
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5. Planning policy

National Planning Policy Framework 2023

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

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

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

6. Planning Considerations

- 6.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to 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 in considering whether to grant listed building consent for works.

- 6.2 The NPPF at paragraphs 199 to 202 requires planning authorities to place great weight on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. Any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification.
- 6.3 The statutory duty of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan and the Historic Environment SPD.
- 6.4 The application is accompanied by a heritage statement which includes all relevant information in regard to the site and satisfies the requirements of paragraph 194 of the NPPF.
- 6.5 A new opening will be required for the proposed side extension to permit internal access but this will be into the existing modern extension, avoiding the removal of historic fabric. The lobby addition will not be visible from the street, mitigating any visual impact, and will also be a modest structure. In light of the cumulative impact upon the building's significance arising from the existing extension, the proposed lobby and WC will have a neutral impact on the listed building's significance. Further details will be required by condition prior to commencement in terms of proposed services, proposed render and the proposed glazing, timber doors and window.
- 6.6 The proposed rear extension will connect to the existing garden room within the rear garden area. While the extension is judged to result in a low level of less than substantial harm to the building's significance due to its modern flat-roofed appearance, the existing flat-roofed extension as well as that at the neighbouring property provide adequate justification. The extension will not be visible from the street, mitigating its visual impact. Some of the garden room will be removed to permit a link with the extension, but this is a modern structure of little heritage value, and this is therefore acceptable. Additional details will again be required in terms of the windows, doors and render, which can be secured by condition.
- 6.7 The proposed alterations are considered to result in a justifiable low level of less than substantial harm to the significance of the building. The application is therefore judged to meet the requirement under section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 for the determining authority to 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.

7. Conclusion

- 7.1 As the proposals are acceptable in terms of their design and impact on the listed building, they are therefore considered to comply with the policies listed above.

8. Recommendation

- 8.1 Approve subject to the conditions below.

Conditions:

1. The works to which this consent relates must be begun not later than three years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works to which this consent relates shall be carried out in complete accordance with 631-01 Rev B received 28/07/2023 for which consent 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 commencement of any works, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) Details of the external materials to be used for the extensions.

(ii) Details of roof/wall junctions of the extensions with the existing building to show method of attachment and flashings.

(iii) Details of all new windows to include: appearance; position within opening; method of opening; materials and finish; heads and cills; type of glazing; glazing bar profiles; and ironmongery.

(iv) Details of all new external and internal doors to include: appearance; materials and finish; frame and architrave; type of glazing; panel profiles; and ironmongery.

(v) Details of proposed services, including new openings.

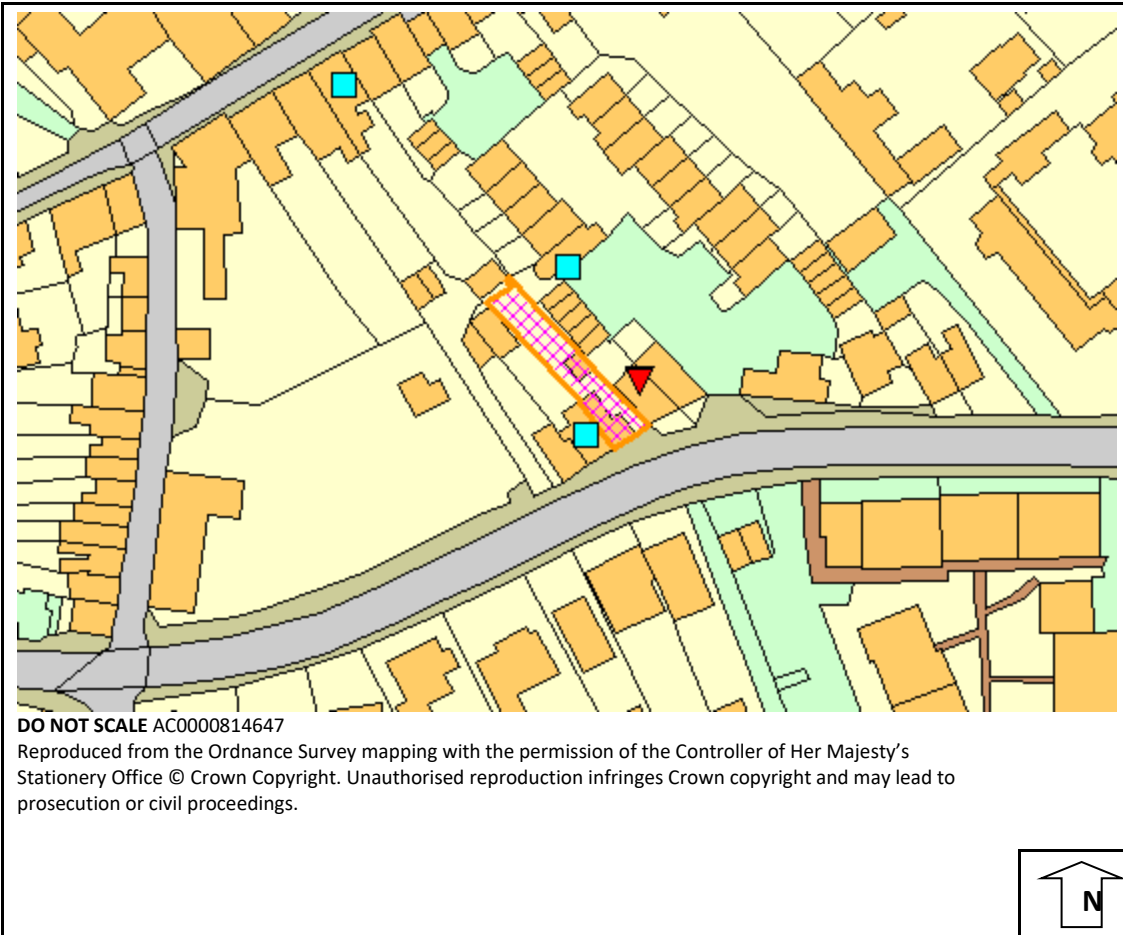
The work shall be carried out in accordance with the approved details.

Reason: In order to safeguard the special architectural or historic interest of the building.

Background information

See application reference DC/23/2980/LBC on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support