



## 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, 23 April 2024 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at [https://youtube.com/live/hT-1NN3\\_nI8?feature=share](https://youtube.com/live/hT-1NN3_nI8?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.

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>1</b>	<b>Apologies for Absence and Substitutions</b>	
<b>2</b>	<b>Declarations of Interest</b> 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.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the minutes of the meeting held on 26 March 2024.	<b>1 - 29</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/1928</b> Report of the Interim Joint Head of Planning.	<b>30 - 46</b>
<b>6</b>	<b>DC/23/4469/VOC - 32 Thoroughfare, Woodbridge, IP12 1AQ ES/1929</b> Report of the Interim Joint Head of Planning.	<b>47 - 59</b>
<b>7</b>	<b>DC/24/0456/FUL - Stones Throw Cottage, 19 Station Road, Woodbridge, IP12 4AU ES/1930</b> Report of the Interim Joint Head of Planning.	<b>60 - 66</b>

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>8</b>	<b>DC/24/0457/LBC - Stones Throw Cottage, 19 Station Road, Woodbridge, IP12 4AU ES/1931</b> Report of the Interim Joint Head of Planning.	<b>67 - 72</b>
<b>9</b>	<b>DC/24/0773/VOC - Former Deben High School, Garrison Lane, Felixstowe ES/1932</b> Report of the Interim Joint Head of Planning.	<b>73 - 89</b>

**Part Two – Exempt/Confidential** **Pages**

**There are no Exempt or Confidential items for this Agenda.**

**Close**

A handwritten signature in black ink, appearing to read 'Chris Bally', written in a cursive style.

Chris Bally, Chief Executive

**If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)**

## Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

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

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

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

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

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 26 March 2024** at **2.00pm**.

**Members of the Committee present:**

Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Mike Ninnmey, Councillor Mark Packard, Councillor Rosie Smithson

**Other Members present:**

Councillor Deborah Dean, Councillor Lee Reeves

**Officers present:**

Matt Makin (Democratic Services Officer (Regulatory)), Danielle Miller (Principal Planner (Major Sites)), Agnes Ogundiran (Conservative Political Group Support Officer), Lucille Reed (Assistant Enforcement Officer), Rachel Smith (Principal Planner (Development Management, Central Area Lead)), Natalie Webb (Senior Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure)), Karolien Yperman (Design and Heritage Officer)

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**Announcement**

When opening the meeting, the Chair announced that he had reordered the agenda and that item 8 would now be the last item of business considered.

**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Debbie McCallum. Councillor Deborah Dean attended as Councillor McCallum's substitute.

**2 Declarations of Interest**

Councillor Colin Hedgley declared a Non-Registerable Interest in the planning application at item 7 of the agenda, as the application site was located within his ward.

Councillor Mike Ninnmey declared a Non-Registerable Interest in the planning application at item 8 of the agenda, as the application site was located within his ward.

### **3 Declarations of Lobbying and Responses to Lobbying**

Councillors Tom Daly, Mike Deacon, John Fisher, Katie Graham, Colin Hedgley, and Mark Packard all declared that they had been lobbied in writing on the planning application at item 8 of the agenda. Councillor Packard advised that he had responded only to acknowledge the correspondence, and all other Members advised that they had not responded.

Councillor Mark Packard declared that he had been lobbied in writing by another member of the Council on the planning application at item 11 of the agenda and had not responded.

#### **4a Minutes - February 2024**

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 27 February 2024 be agreed as a correct record and signed by the Chair.

#### **4b Minutes - March 2024**

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

##### **RESOLVED**

That the minutes of the extraordinary meeting held on 6 March 2024 be agreed as a correct record and signed by the Chair.

### **5 Quality of Place Awards 2023**

The Committee received a presentation by the Design and Heritage Officer on the 2023 Quality of Place Awards.

The Design and Heritage Officer summarised the awards event that took place on 29 November 2023 and provided an overview of the winning and highly commended schemes for each category, including images of these submissions.

The Committee was advised that nominations for the 2024 awards would open on 2 April 2024 and the Design and Heritage Officer summarised the categories that would be used for this year's awards.

The Chair thanked the Design and Heritage Officer for her presentation.

## **6 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/1896** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 27 February 2024. At that time there were 16 such cases.

The Assistant Enforcement Officer introduced the report and provided updates on the following cases:

- A.1 (141 Kirton Road, Trimley St Martin) - a further site visit had confirmed that compliance had been achieved on the site and the case had been closed; this would be reflected on the next report to the Committee.
- A.3 (Part OS 1028, Highgate Lane, Dallinghoo) - an extension of time had been granted as the ground conditions had made compliance difficult to achieve.

There being no questions to the officers, it was on the proposition of Councillor Deacon, seconded by Councillor Smithson, by a unanimous vote

### **RESOLVED**

That the outstanding enforcement matters up to 27 February 2024 be noted.

## **7 DC/22/4714/FUL - Three Horseshoes Inn, The Street, Charsfield, IP13 7PY**

The Committee received report **ES/1897** of the Head of Planning and Coastal Management, which related to planning application DC/22/4714/FUL. The application sought full planning permission for the refurbishment of and extensions to the Three Horseshoes Public House (the public house) in Charsfield, incorporating improved access, car park and outside facilities together with the construction of three two-bedroomed cottages to the western frontage of the site. The dwellings were proposed to fund the works required to reinstate and improve the public house.

The application had been referred to the Committee for determination by the Head of Planning and Coastal Management, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, due to the level of public interest in the proposal.

The application was previously presented to the Committee at its extraordinary meeting on 6 March 2024, where its determination was deferred to enable a site visit to take place. This site visit was undertaken on 21 March 2024.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The Senior Planner referred to the update sheet, published on 25 March 2024, which included comments from a local publican in support of the application.

The site's location within the settlement boundary was identified and the Committee was advised that the principle of development was considered to accord with policies SCLP5.2 and SCLP5.7 of the Suffolk Coastal Local Plan (the Local Plan).

The Senior Planner set out the context of the site and noted the permitted development to the north of the site, which was on a site allocated for development by policy SCLP12.46 of the Local Plan. The Committee was advised that the public house and nearby buildings were not listed, and the Senior Planner outlined the site's proximity to flood zone 2.

The Committee was advised that four trees on the site's frontage were subject to Tree Preservation Orders (TPOs) and the Council's Design and Heritage team had not objected to their removal. The Senior Planner added that following consultation, the Flood Authority had not objected to the application.

The Committee was shown a map which demonstrated the site's proximity to public right of way 23, which was to the west, and the footpath link with St Peters Close was noted.

The Senior Planner explained that the site had been listed as an Asset of Community Value (ACV) on 28 November 2018; this listing expired on 11 December 2023 however the site was relisted on 28 November 2023 for a further period of five years, to 28 November 2028.

The Senior Planner referred to policy SCLP8.1 of the Local Plan, which stated that proposals to change the use, or redevelop for non-community use, of an ACV would not be permitted. The Committee was advised that the proposal did not result in the loss of an ACV and therefore accorded with this policy.

The Committee was shown aerial images of the site demonstrating the wider setting and a close-up view of the site, along with the site location plan and the proposed block plan. The Senior Planner highlighted the proximity between the proposed dwellings and the existing public house.

The Senior Planner displayed photographs demonstrating views of the following:

- Looking east on The Street.
- The existing public house.
- The existing access point and informal parking area.
- Looking west on The Street.
- Looking towards the dwellings on St Peters Close.
- The former car park area.
- Looking back towards The Street.
- The area proposed for residential dwellings.
- Looking towards St Peters Close.
- Looking north-west from within the site.
- Looking north from within the site, towards new housing on St Peters Close.
- Looking east from within the site, towards the amenity space of London Villa.
- Looking from within the site towards London Villa and the area of public house extension.

- The western side of the existing public house.
- The existing outbuilding.

The Committee was also shown photographs of the interior of the public house taken during the site visit, demonstrating views of the kitchen and bar areas.

The Committee received the existing and proposed elevations and floor plans for both the public house and the proposed dwellings. The Committee was also shown a cross-section demonstrating the changes in ground level between the proposed dwellings and 2 St Peters Close, the existing public house plus proposed extension, and the boundary with London Villa. The proposed street scene was also displayed.

The Senior Planner displayed historical aerial images of the site from 2000 and 2007, showing the change in use of the outdoor area of the public house. The Committee was also shown examples of other public house outdoor spaces within the district.

The material planning considerations and key issues were summarised as the principle of development, design and layout, the ACV, affordable housing, landscape and visual impact, biodiversity and ecology, residential amenity (including noise), highways and public right of way, flood risk and surface water drainage, land contamination, archaeology, and legal obligations (including a Section 106 agreement).

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

The Chair invited questions to the officers. When asked about the retention of trees in the proposed beer garden area, the Senior Planner said that the applicant's agent would be best placed to advise on this issue. The Senior Planner confirmed to another member of the Committee that the change in location for parking was to accommodate the proposed dwellings.

A member of the Committee asked if the proposed new parking area had been cultivated, as it appeared to be the case in one of the images displayed. The Senior Planner outlined where the access to the new parking area would be located and noted it would remove an existing raised area, which appeared to be either a flowerbed or sandbox.

It was clarified to the Committee that the comments contained within the update sheet were not from the applicant but from a local publican who had been asked to give advice on what would make a successful rural public house. In response to a member of the Committee, the Senior Planner clarified that some of the examples of other public house open space did not contain parking.

The Chair invited Mr David Wolfe, representing objectors to the application, to address the Committee; during this address the Senior Planner displayed slides submitted by Mr Wolfe prior to the meeting.

Mr Wolfe surmised that his main concern was the enormous reduction in the size of the beer garden servicing the public house, and said that the proposals only provided a



very small outdoor space for the premises. Mr Wolfe highlighted policy SCLP8.1 of the Local Plan and was of the view that insufficient weight had been given to it in the officer's report, and that the proposals would result in a change of use of an ACV and redevelopment for a non-community use.

Mr Wolfe said it was clear there would be no better or equivalent provision provided and the development would simply cause a reduction of the ACV, and said that policy SCLP8.1 was clear that the application should be refused, urging the Committee to do so.

The Chair invited questions to Mr Wolfe. A member of the Committee sought Mr Wolfe's views on the chances of the public house being operated as a viable community venture if the application was refused. Mr Wolfe responded that the applicant had not marketed the site at a sensible price and was confident that if they did so, the pub could be run as a viable community venture.

The Chair invited Councillor Fran Moor, representing Charsfield Parish Council, to address the Committee; during this address the Senior Planner displayed slides submitted by Councillor Moor prior to the meeting.

Councillor Moor reiterated her comments from the previous meeting, that the Parish Council wanted to see the public house reopened but considered the proposed scheme to be fundamentally flawed. Councillor Moor referred to the recent site visit and said it must be clear to the Committee how the applicant had allowed the premises to deteriorate, and contended that the proposals were designed to increase the value of the site to sell it for development.

Councillor Moor was of the view that the officer's report did not make it clear whether the site would be sold after development or operated by the applicant. Councillor Moor categorically denied the claims of the applicant's agent at the previous meeting that the village hall had taken away trade from the public house and stated that since the village hall received a premises licence, there had not been a single occasion where it had been in direct competition with the public house.

Councillor Moor highlighted several images of the site's use of the outdoor area since 2000 for public house and community events and noted that some of that land had already been lost to development. Councillor Moor provided images of a marquee being used and linked to one of the public house's entrances and said that if the beer garden was reduced, an important community facility would be lost. Councillor Moor cited that Charsfield was a unique community with strong bonds between residents.

Councillor Moor acknowledged the need for a catering option to make the public house viable but said that turning the premises into a "destination pub" could be a route to disaster, citing the recent closure of the Turk's Head in Woodbridge.

The Chair invited questions to Councillor Moor. In response to a query from a member of the Committee, Councillor Moor said she was confident that the community would come forward to fund running the public house if the application was refused; she said this was not "plan A" but considered that a community public house tended to thrive as those involved were invested in the venture.

Another member of the Committee asked if Councillor Moor agreed there was no guarantee anyone would invest in the public house. Councillor Moor reiterated the Parish Council's view that the public house was more likely to be a viable venture if the application was refused.

The Chair invited Mr David Houchell, the applicant's agent, to address the Committee. Mr Houchell was clear that the applicant would not be maintaining, extending or developing the site and the purpose of the application was to make the site viable. Mr Houchell referred to the comments received from a local publican in support of the proposals.

Mr Houchell noted the link to the village green and recreation ground which could be used for activities and described the public house as a 12-month business. Mr Houchell acknowledged the friction between the applicant and residents and confirmed the applicant would be renovating the public house prior to its sale, and had discussed the proposed dwellings with a housing association to make them affordable housing units.

Mr Houchell said the beer garden in its current state was not practical for food serving and that the application proposed an outdoor space that was near to the public house building. Mr Houchell confirmed that the proposed parking provision complied with highways standards and he considered the application was policy compliant. Mr Houchell addressed the example of the Turks Head in Woodbridge, noting that it had become unviable as a community venture and had been sold to a commercial operator.

The Chair invited questions to Mr Houchell. In response to a query from a member of the Committee, Mr Houchell confirmed that the renovation of the public house was reliant on the development of the three proposed dwellings. Following further questions from the Member, Mr Houchell advised that a Section 106 Agreement would ensure that the applicant was using the funds raised by the sale of the dwellings to renovate the public house to ensure its viability, and that the dwellings could not be occupied until the renovation was complete and the public house was open again.

Another member of the Committee asked if the applicant had any potential buyers in place. Mr Houchell said this was not the case but that the applicant had been advised by Christie's Auction House there would be significant interest in the site. Mr Houchell confirmed that the site would be marketed as soon as possible should the application be approved, and would be sold as a package including the development opportunity afforded by the planning permission.

The Chair noted Mr Wolfe's comments regarding the application of policy SCLP8.1 in the officer's report and sought clarity on this from the Planning Manager (Development Management, Major Sites and Infrastructure).

The Planning Manager advised that the report did make reference to the change of use aspect of the policy, at paragraph 7.41, and said that the report acknowledged that the ACV was not being lost and was, in officers' opinion, being enhanced to enable the reopening of the public house. The Planning Manager noted the loss of garden space was a compromise but was well balanced against the reinvestment it would bring into the public house.

The Planning Manager considered the report to be well written and outlined that a Section 106 Agreement would be sought to secure the funding for the renovation of the public house and that no dwelling will be occupied until the public house was renovated and opened, considering this added strength to the proposals.

The Chair invited the Committee to debate the application that was before it. A member of the Committee, whose ward the application site was located in, concurred with the comments from a local publican in the update sheet and did not consider the proposed development would provide enough parking or outside space to become a "destination pub". When asked by the Chair if he considered the public house could be run as a community pub, the Member said he would not recommend that option.

Several other members of the Committee spoke on the community aspect of the public house and how such facilities were important hubs in rural areas. Members of the Committee suggested that the proposals did not present the best option to make the site viable and were of the view that the community running the pub should be considered, noting that the pub needed to be viable but also serve the community first.

Another member of the Committee concurred with the points raised about the community aspects, but was unsure if a community venture could run the premises successfully considering the significant costs to do so. The Member was of the view that the public house needed to attract custom from outside Charsfield to make it viable and hoped it could become a success, and said he would be supporting the application.

The Member acknowledged his reservations at the previous meeting and considered the site visit had demonstrated that the proposed dwellings were needed to enable the renovation of the public house to a commercially viable standard. A different member of the Committee echoed these views and could not see how the premises could be made viable without the proposed development.

A member of the Committee, who had been unable to attend the site visit, said he would be abstaining from voting on the application.

There being no further debate, the Chair sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management for approval, as set out in the report. The recommendation was proposed by Councillor Deacon and seconded by Councillor Smithson, and by a majority vote **FAILED**.

The Chair sought an alternative recommendation to determine the application. Councillor Graham proposed that the application be refused on the grounds that it was contrary to policy SCLP8.1 of the Suffolk Coastal Local Plan, as the development would represent a change of use of an Asset of Community Value due to the loss of existing open outdoor space for the public house; this was seconded by Councillor Daly and on being put to the vote it was by a majority

**RESOLVED**

That the application be **REFUSED** on the grounds that it is contrary to policy SCLP8.1 of the Suffolk Coastal Local Plan, as the development would represent a change of use of an Asset of Community Value due to the loss of existing open outdoor space for the public house.

## **9 DC/23/4590/FUL - 51 The Street, Brandeston, IP13 7AA**

The Committee received report **ES/1899** of the Head of Planning and Coastal Management, which related to planning application DC/23/4590/FUL. The application sought planning permission to construct a new two-bedroom, one-and-a-half storey dwelling on land adjacent to 51 The Street, Brandeston.

As the case officer's minded-to recommendation of approval was contrary to Brandeston Parish Council's recommendation of refusal, the application was presented to the Planning Referral Panel at its meeting of 12 March 2024, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution; the Panel considered there were material planning considerations that warranted consideration by Members and referred the application to the Committee for determination.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location was outlined and the Committee was advised that the proposals were in accordance with policy SCLP5.2 of the Suffolk Coastal Local Plan (the Local Plan) as the development represented infill development within the defined settlement boundary of a small village.

The Committee was shown photographs of the site demonstrating views from the highway, looking into the site, and the outbuilding to be replaced. The Senior Planner referred to comments received regarding the proposed loss of frontage hedgerow to accommodate the visibility splays and confirmed that mitigation, in the form of replacement planting elsewhere on the site, would be secured by condition.

The Committee was shown the existing and proposed block plans, the proposed visibility splays, the proposed floor plans, and the existing and proposed street scene. The Senior Planner also displayed proposed visualisations of the site sections to demonstrate how the proposed dwelling would be incorporated into the existing street scene. The Senior Planner provided examples of other houses in the area, noting the mix of different designs within The Street.

The recommendation to approve the application, detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. The Senior Planner, in response to a query from a member of the Committee, confirmed that the scale of the development fell under the threshold for biodiversity net gain.

Another member of the Committee sought clarity on Brandeston Parish Council's comments regarding the height of the proposed dwelling in relation to the host dwelling. The Senior Planner advised that the proposed dwelling would have a height of 6.95 metres at its highest point and would therefore be 800 millimetres above that of the host dwelling, and not 1.5 metres as claimed by the Parish Council.

The Senior Planner reiterated to the Committee that some of the frontage hedgerow would be removed to create the required visibility splays for the site access and the mitigation replacement planting would take place elsewhere on the site, with the details secured by condition.

The Chair invited Mr Phil Cobbold, the applicant's agent, to address the Committee. Mr Cobbold noted that the Committee had been informed that the scheme represented acceptable infill development and was therefore in accordance with policy SCLP5.2 of the Local Plan. Mr Cobbold said that the proposed dwelling had been designed sensitively and in line with other dwellings in the conservation area, and would not cause any material harm.

Mr Cobbold referred to the comments regarding the height of the proposed dwelling; he acknowledged it would be higher than the host dwelling but countered that this had been built at a time where the average height of the population was much lower. Mr Cobbold considered the proposed dwelling would be more sympathetic to the area than a bungalow.

Mr Cobbold addressed comments made regarding views and reminded the Committee that there was no right to a view in the planning process. Mr Cobbold hoped that the Committee would endorse the recommendation to approve the application.

There being no questions to Mr Cobbold, the Chair invited the Committee to debate the application that was before it. A member of the Committee said he was not keen on the design of the proposed dwelling but acknowledged that this was a subjective matter.

Another member of the Committee stated she had no issue with the application but held a slight concern regarding the provision for surface water drainage, and sought assurance that this would not be an issue on the site. The Senior Planner explained that the site was outside of flood zones 2 and 3 and that surface water flooding was a low risk, however there was a condition proposed requiring the applicant to provide details on how surface water runoff to the highway would be avoided.

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

## **RESOLVED**

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

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's LDA-367-03A, LDA-367-02B, LDA-367-01 received 28 November 2023, LDA-367-06 received 20 December 2023 and LDA-367-07 received 31 January 2024.

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

3. No development shall commence above slab level until details of the roof, wall materials and finishes to be used have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Within three months of the commencement of development, details of all proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved means of boundary treatment shall be implemented prior to the first occupation of the dwelling and retained thereafter.

Reason: In the interests of visual and residential amenity.

5. 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.

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting the said Order, no development of any kind specified in Part 1, Classes B and C of Schedule 2 of the said Order shall be carried out unless planning permission has been granted for such.

Reason: In order that the Local Planning Authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment.

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the submitted Preliminary Ecological Appraisal (JP Ecology, December 2023, Rev 1).

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

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. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. LDA-367-07 with an X dimension of 2.4 metres and a Y dimension of 43 metres (tangential to the nearside edge of the carriageway) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order with or without modification, no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action, and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action if necessary.

10. No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance

with Suffolk County Council drawing no. DM01; with an entrance width of 3 metres. Thereafter, it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

11. Prior to the development hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

12. The use shall not commence until the area within the site shown on drawing LDA-367-07 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

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

13. Before the development is commenced details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2023.

14. Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2023.

15. Before the development is commenced, details of the areas to be provided for the storage and presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.



Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway

16. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

17. Within 3 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity, particularly given the loss of frontage hedgerow and garden fruit trees.

18. The approved tree/shrub planting scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

Informatives:

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

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk).

3. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests

immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

## **10 DC/23/4805/FUL - The Promenade, Sea Road, Felixstowe**

The Committee received report **ES/1900** of the Head of Planning and Coastal Management, which related to planning application DC/23/4805/FUL. The application sought planning permission to use land at The Promenade, Sea Road, Felixstowe, to site an observation wheel attraction between the months of February to October on a permanent basis.

The application was before the Committee for determination as the Council was the landowner, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The site's location was outlined and it was noted that the Committee had previously granted temporary permission for the siting of an observation wheel on the site at its meeting in June 2023; this permission expired in December 2023.

The Committee was shown images of the site from before the temporary consent was granted, along with street views of the site and the surrounding area. The Principal Planner also displayed images of the site following its temporary use in 2023, noting that the materials used to restore the site had been agreed with the Council's Assets team. The Committee's attention was drawn to the two areas of wall between the promenade and the site which had been removed to facilitate ingress and egress and where grass had been removed to allow for a level surface for the observation wheel.

The Principal Planner displayed the existing block plan, which would also be the out of season block plan, along with the proposed block plan with the observation wheel in situ. The Committee also received the proposed elevations for the observation wheel and the existing/out of season elevations.

The Committee was shown the landscape scheme and the Principal Planner noticed some constraints on the site; officers were keen to see a central walkway retained during the off season and in the absence of grass, which was not feasible to be replanted in the off season, permeable paving was sought. The Principal Planner said that the landscape scheme would be secured via condition.

The Principal Planner displayed images taken of the observation wheel during the temporary consent period in 2023 which demonstrated views from both ground level and from the observation wheel at its apex.

The material planning considerations and key issues were summarised as visual impact, tourism, the impact on residential amenity, highways/parking, and flood risk.

The recommendation to approve the application, detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. A member of the Committee referred to the comments of Felixstowe Town Council regarding queueing for the observation wheel and asked if this would be addressed in any permanent consent. The Principal Planner advised that the queueing area was outside of the "red line" denoting the application site and could not be controlled through the planning process. The Committee was informed that there was enough space on the promenade for orderly queueing and hoped that the operator would look to address this should planning permission be granted.

Another member of the Committee sought confirmation the same observation wheel would be used and asked when the operator hoped to return. The Principal Planner said that it would be the same observation wheel and that the operator was looking to implement the scheme as soon as possible should permission be granted.

The Vice-Chair noted that the landward lights on the observation wheel would be turned off in the evenings, in line with a proposed condition, and asked what benefit this would achieve. The Principal Planner explained that third party comments had referenced disturbance from flashing lights during the temporary consent period and it was therefore recommended that landward lights on the wheel be turned off during evening hours to minimise the impact on residential amenity and confirmed that the seaward side lights would remain on.

There being no public speaking, the Chair invited the Committee to debate the application that was before it. Several members of the Committee spoke enthusiastically in support of the application, citing the success of the attraction during the temporary consent period and its contribution towards Felixstowe's tourism offer.

A member of the Committee noted that the observation wheel had quickly become iconic during that time and was a real asset to the community, and another member of the Committee was pleased to see that the space would be available for communal use during the off season.

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

## **RESOLVED**

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

1. The development hereby permitted shall be begun 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 carried out in all respects strictly in accordance with the following plans and documents:

6088 01 Location Plan  
6088 02 Wheel in Season Summer 23  
6088 03 Site Out of Season Winter 23  
6088 04 Prop in Season 24 And Ongoing  
6088 06 In Season Summer 23 Eles  
6088 07 Site Winter 23 Eles  
6088 08 Wheel in Season Summer 24 Eles  
6088 09 Site Winter 24 Eles  
6088 10 Landscape Site Plan  
Flood risk report  
Wheel technical documentation  
Ra observation wheel 16619  
Planning statement 1.

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. If the observation wheel hereby permitted is not operational for a period in excess of 24 hours, the gaps created within the promenade facing boundary wall for access and egress shall be infilled as indicated on drawing 6088 07.

Reason: To minimise the impact of sand and/or shingle entering the grassed areas and to ensure some visual continuity of the existing promenade wall when the wheel is not operational and prior to its reinstatement.

4. Prior to operation of the observation wheel hereby permitted, the site owner/manager shall subscribe to the Flood Warning Service area. Upon receipt of a Flood Warning or extreme weather warning, the site should be closed and evacuated, and remain so until the Flood Warning is lifted.

Reason: In the interest of minimising risk to users and staff of the site.

5. All noisy construction and deconstruction activities (i.e. those audible beyond the site boundary) shall be restricted to the following hours:

Monday - Friday: 7.30-18.00  
Saturday: 8.00 - 18.00  
Sundays/Bank Holidays: No noisy working.

Construction and de-construction of the wheel and wheel operation shall be carried out entirely in accordance with the Flood risk report; Wheel technical documentation; Ra observation wheel 16619; Planning statement 1. submitted with the application.

The observation wheel shall only operate during the following times:

Monday – Thursday 10.00 - 21.00

Friday – Sunday (including Bank Holidays) 10.00 - 22.00

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

6. There shall be no floodlighting lighting on the site at any time. During the hours of darkness the landward side lights will be switch off. When the wheel is not operational, there shall be no external lighting except for low level security lighting that shall not be positioned above one metre above the proposed platform.

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

7. Within three months of the installation of the wheel a landscape and drainage scheme shall be submitted to and approved by the council.

Reason: To ensure that adequate consideration has been given to the drainage of the site and a suitable surface finish is provided.

8. The landscaping and drainage scheme approved shall be implemented during the first “Out of Season” period (October 2024 – February 2025) during the time that the wheel is removed and retained as such unless otherwise agreed with the Local Authority.

Reason: In the interest of visual amenity of the surrounding area.

Informatives:

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

2. The applicant's attention is drawn to the comments from the Environment Agency regarding the need for a Flood Risk Activity Permit.

3. The applicant is advised that this planning permission does not 'trump' any lease or license granted by the Council as landowner (or vice versa) and that all necessary permissions must be in place and complied with in full for the operation to be lawful.

## **11 DC/23/3477/RG3 - Land adjacent The Ferry Boat Inn, The Ferry, Felixstowe**

The Committee received report **ES/1901** of the Head of Planning and Coastal Management, which related to planning application DC/23/3477/RG3. The application sought planning permission for the resurfacing and extension of an existing car park on land adjacent The Ferry Boat Inn, The Ferry, Felixstowe.

The application was before the Committee for determination as the Council was both the applicant and part landowner, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Principal Planner (Development Management, Central Area Lead), on behalf of the case officer. The Committee was advised that Felixstowe Town Council had recommended approval and that no objections had been made by any of the other statutory consultees.

The site's location was outlined and the Committee was shown aerial images of the site. The Committee also received photographs demonstrating views of the application site from various vantage points.

The Committee received the proposed block plan and the Principal Planner noted the provision of parking that would be provided. The Committee was also shown the proposed landscaping scheme for the application.

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

The Chair invited questions to the officers. A member of the Committee noted that the existing car park was used by patrons of The Ferry Boat Inn and queried if the new car park would require a parking charge. The Principal Planner confirmed this would be the case and said that the charges would be set by the Council's Assets team and would be outside of planning control.

Another member of the Committee sought clarification on how the resident parking spaces would be managed. The Principal Planner said the Assets team would manage this via permit and confirmed that the resident spaces would not be subject to pay and display charges.

A member of the Committee noted that buses no longer serviced The Ferry as there was not sufficient turning space for passenger carrying vehicles and asked if this had been taken into consideration when designing the scheme. The Principal Planner was not aware if this had been taken into account.

There being no public speaking, the Chair invited the Committee to debate the application that was before it. A member of the Committee said it was positive that as much green space as possible was being retained and that it was important to retain the rural character of the area. Another member concurred with the last point and expressed some slight concern with the development's impact on resident parking.

A different member of the Committee cited that an adjacent area of parking near the Ferry Cafe was now operated as a private car park and this development was extending the amount of parking at The Ferry was chargeable. The Member queried how the resident parking would be allocated and, at the Chair's invitation, the Principal Planner said this would be managed by the Assets team and highlighted that the allocated resident parking would be adjacent to the car park and not within the site.

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

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management following the expiry of the 21-day period following the notice that has been served on the other landowner as required by Certificate B of the application process, and the following conditions:

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

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

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

- 65206953-SWE-ZZ-00-D-S-0100 Rev. P11 (Proposed car park);
- 15-12-60 10 Rev. A (Block Plan Site Location Plan);
- WL 85/01 Rev. B (Felixstowe Ferry, Landscape Plan for Car Park).

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

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

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

4. 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 (see National Planning Policy Framework) and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the review and confirmation in writing by the Local Planning Authority that likely risks have been identified and will be investigated accordingly.

Where remediation is necessary a detailed Remediation Strategy (RS) must be prepared, and is subject to the review and confirmation in writing by the Local Planning

Authority as likely to address the risks identified. The RS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The RS 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 remediation strategy a validation report that demonstrates the effectiveness of the remediation must be submitted to, reviewed by and confirmed in writing by the LPA as likely to have addressed the risks identified.

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

5. The use shall not commence until the area within the site shown on drawing no. '65206953-SWE-ZZ-00-D-S-0100 Rev. P11' for the purposes of manoeuvring and parking vehicles has been provided and thereafter that area shall be retained and used for no other purpose.

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

6. The use shall not commence until the area within the site shown on drawing no. '65206953-SWE-ZZ-00-D-S-0100 Rev. P11' for the purposes of cycle parking has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2023 to promote sustainable travel.

7. Before any construction materials are brought to site details shall be submitted to and approved by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. Any installed soakaway must maintain 5m clearance from the carriageway and any building. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

8. The approved landscaping and planting works shall be implemented prior to first use of the development (or within such extended period as the Local Planning Authority may allow) and shall thereafter be retained and maintained. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the next available planting season and shall thereafter be retained and maintained.



Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

9. No external lighting shall be installed at the site without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels) submitted to the Local Planning Authority. Thereafter only the approved lighting scheme shall be installed and maintained in that form unless otherwise agreed by the Local Planning Authority.

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

Informative:

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.

**NOTE:** Following the conclusion of this item, the Chair adjourned the meeting for a short break. The meeting was adjourned at 3.50pm and was reconvened at 4.02pm.

## **8 DC/23/3237/ARM - Land adjacent to Reeve Lodge, High Road, Trimley St Martin**

The Committee received report **ES/1898** of the Head of Planning and Coastal Management, which related to planning application DC/23/3237/ARM. The application sought permission for the reserved matters detail (defined as appearance, landscaping, layout and scale) in relation to the outline planning permission granted under application DC/20/5279/OUT.

In accordance with the scheme of delegation set out in the East Suffolk Council Constitution, the Head of Planning Coastal Management had requested that the application be determined by the Committee due to the scale of development, its significance as an allocation for housing and education infrastructure, and comments from the two parish councils covering the site.

The Committee received a presentation from the Planning Manager (Development Management, Major Sites and Infrastructure), who was the case officer for the application. The Committee were advised that the site straddled the boundary between the parishes of Trimley St Martin and Trimley St Mary.

The Planning Manager referred to the update sheet, published on 25 March 2024, which included comments received from the Highways Authority following the publication of the report; the Committee was advised that as a result the recommendation set out in the report had been amended and the new wording was included in the update sheet.

The Planning Manager summarised the outline planning permission granted under application DC/20/5279/OUT; the application was approved by the Committee at its meeting of 19 April 2022 and planning permission had been issued on 28 July 2022. The Committee was also informed of the details of the Section 106 Agreement that had been secured, including the heads of terms.

The Committee was advised that the most recent comments of Trimley St Martin Parish Council had been erroneously omitted from the report and that copies of these comments were issued to Members during the recent adjournment. The Planning Manager summarised these comments and noted the most recent comments of Trimley St Mary Parish Council, which raised similar concerns regarding management and maintenance. The Planning Manager also made reference to a third party representation received suggesting the inclusion of swift boxes on the site.

The site's location was outlined and the Planning Manager outlined the details that were to be considered under a reserved matters application and what matters had already been decided under the outline planning permission.

The Planning Manager provided images showing the context of the site's location within the surrounding area, noting it was adjacent to the Trimley St Mary allotments site and agricultural land to the west. The Committee was advised that the residential element of the development would be within the Trimley St Martin parish, with the open space and community orchard falling within the Trimley St Mary parish. The Planning Manager noted the byway at Gun Lane transected the site and highlighted the site's relationship with footpaths 4 and 31.

The Planning Manager confirmed that the site was allocated for development by policy SCLP12.65 of the Suffolk Coastal Local Plan (the Local Plan) and highlighted to the Committee the proximity of the adjacent site allocated for development of 340 dwellings by policy SCLP12.64 of the Local Plan, as well as the housing sites brought forward in the wider area.

The Committee was informed that the outline planning permission allowed for the development of up to 139 dwellings and the Planning Manager noted the application before the Committee sought permission for 132 dwellings, with the remaining plots being dealt with by way of a separate application to provide a self-build area of the site.

The Committee received the following documents, plans and drawings:

- The approved parameter plan.
- The proposed reserved matters layout plan.
- The proposed primary school/early years provision.
- The proposed housing provision on the site, including details of the split between open market and affordable dwellings, and the proportion of dwellings to be built to M4(2) accessibility standards.
- The density of housing parcels.
- Tables detailing the proposed housing mix on the site.
- The location of affordable housing units on the site.
- The access and connectivity plan.

- The approved site access, secured via a Section 278 agreement.
- The roads to be adopted and surfacing.
- The location of proposed cyclepaths and the access to the primary school/early years site.
- A comparison of the parameter and layout plans.
- The sustainable urban drainage system (SUDS) basin plan.
- Details of the Locally Equipped Area for Play (LEAP), including examples of the equipment to be installed.
- The public open space and community orchard plans, including details of wildlife mitigation and wildflower planting.
- The proposed building heights across the site.
- Solar panel locations.
- The ecological enhancement strategy.
- The proposed elevations.
- The character areas plan, detailing design, appearance, and materials to be used.
- The street scene drawings.
- An artist imagining of the completed site.

The Planning Manager noted that the school/early years site had been secured via the Section 106 agreement, which would both secure funds and require the developer to transfer the land to Suffolk County Council as the Local Education Authority (LEA) prior to the occupation of fifty dwellings. The Committee was advised that there was a larger proportion of one and two bedroom properties due to demand in the area. It was confirmed that all dwellings would be served by electric vehicle (EV) charging points, either on-site or via on-street bollards.

The Committee received photographs of the site displaying the following views:

- Looking north-west from High Road.
- Looking south-east from High Road.
- Looking north-west from within the site.
- Looking north-east towards Reeve Lodge.
- Looking south-east towards the allotments.
- Looking north-west from within the site.
- Looking west from Gun Lane.
- Looking north-east from Gun Lane (highlighting the location of Reeve Lodge).

The amended recommendation to approve the application, detailed in the update sheet, was outlined to the Committee.

The Chair invited questions to the officers. In response to a query regarding the diversion of the footpath, the Planning Manager confirmed the issue had been discussed with the Rights of Way team at Suffolk County Council, who had determined that diverting it to the south would provide better connectivity. The Committee was informed that there would be a formal arrangement at the north of the site.

When queried by a member of the Committee, the Planning Manager confirmed that some preparatory work had been completed on the site, including archaeological surveys and the removal of vegetation as permitted by the outline planning consent. The Committee was informed that a standalone show home had been

permitted on the site and some preparatory work had also been completed to accommodate this development.

In reply to a further query from the Member, the Planning Manager noted that the designation of the green space to the south of Gun Lane had been to ensure an open space adjacent to that walking route and would use Gun Lane as a clear delineation between the residential and recreational areas of the development.

Another member of the Committee highlighted the concerns raised by both parish councils in respect of the management company and the potential for high charges and asked if this was likely to be the case. The Planning Manager said this was a common issue, particularly on strategic sites, and said there was an expectation that management companies be resident-led rather than private concerns. The Planning Manager said that in some cases, residents became directors of management companies and advised that the applicant's agent would be able to provide further clarity in this instance.

The Planning Manager confirmed that the development was not required to meet biodiversity net gain as the outline planning permission had been approved before its introduction. In response to a member of the Committee's question about what could be done to encourage other forms of habitat, the Planning Manager noted that the landscaping of the drainage basin would be required to be kept in a natural state and that the amenity space at the south of the site would be a natural space rather than a playing field type surface. The Committee was reassured that these matters had been reviewed by the Council's ecologists and landscape officers.

A member of the Committee asked about the density of the site in comparison to neighbouring developments and what mitigation was in place to minimise traffic issues at the adjacent A14 junction. The Planning Manager confirmed that regarding traffic, the principle of development had been established by the outline planning consent; he advised that there was a consistency in the density of the sites in the area and that it was important to ensure the dwellings were integrated in a layout that meets the requirements of the highways and landscaping conditions.

Another member of the Committee asked what influence Members had to encourage developers to reconsider heating arrangements and encourage best practice. The Planning Manager advised that the proposals were in accordance with current building regulations however the development would be subject to whatever regulations were in place at the commencement of development. The Committee was informed that there was no specific planning policy in relation to heating sources and therefore it would not be reasonable to attempt to impose any conditions restricting what type of source could be used.

A member of the Committee referred to the Rights of Way team's concerns about access to Gun Lane, and the comments from the Council's Environmental Protection team on noise, and sought confirmation these issues had been addressed. The Planning Manager highlighted that there would be two residential connection points from the site to Gun Lane and these would need to be secured by condition. The Committee was advised there was ongoing interaction with the Environmental Protection Team and that it would need to consider if noise from the site would have

an adverse impact on residential amenity; officers considered that the layout arrangements and proposed mitigation would ensure no greater noise impact.

The Member also queried the concerns raised by the Suffolk Coastal Disability Forum on footpath width and how the community orchard would be operated. The Committee was advised that all footpaths on the site would be two metres wide, which was accepted by the Highways Authority as the standard width, and that shared cycle path areas would be three metres wide. The Planning Manager said the community orchard would be maintained by the management company.

In response to a question regarding air pollution, with a member of the Committee noting that the site lay between a highway and a busy railway line, the Planning Manager said this had been addressed at the outline consent stage and noted that air quality issues to be considered related to the impact of the new development rather than existing issues. The Committee was informed that the site was not located in an Air Quality Management Area.

A member of the Committee asked what impact flood zones in the area would have on insurance and affordable housing on the site. The Planning Manager confirmed that the site was outside of flood zone 1 and that the mitigation afforded by the proposed SUDS would ensure appropriate drainage for surface water on the site, noting there had been no objections from the Environment Agency or the Lead Local Flood Authority.

The Chair invited Ms Diana Thomson, the applicant's agent, to address the Committee. Ms Thomson was accompanied by Ms Catherine Williams, representing Bellway Homes (the applicant), who was present to answer any questions from the Committee.

Ms Thomson said the proposals had been formulated following engagement with both officers and the community and referred to the outlined planning permission granted in 2022, on a site allocated for development of up to 150 dwellings. Ms Thomson said the application sought to deliver homes on the site, including affordable units, and would allow for the provision of education facilities on the site; she noted that the applicant had liaised with the LEA on the latter issue.

Ms Thomson was of the view that the proposed dwellings reflected other developments in the area and said that the proposed layout was a product of extensive conversations with officers prior to submission, and was in line with the approved parameter plan. Ms Thomson advised that parking provision was in line with expected standards and a policy compliant housing mix was proposed.

Ms Thomson advised that the development would benefit from significant public open space and that the proposed LEAP equipment would be accessible for all. Ms Thomson confirmed the applicant was looking to increase the biodiversity net gain on the site and was committed to delivering high quality new homes for current and future residents to enjoy.

Ms Thomson highlighted that no objections had been received from residents and that officers had recommended the scheme for approval; she believed that the application

would deliver a high quality development and encouraged the Committee to approve the application.

The Chair invited questions to Ms Thomson and Ms Williams. A member of the Committee sought clarity on how the site's management company would be established and operated. Ms Williams said that the applicant looked to establish resident-led management companies, establishing them prior to occupation and once the site was fully occupied giving residents the opportunity to vote on who from within their number become the directors of the company. The management company would then be led by residents would engage a managing agent to take responsibility for the maintenance of the open space and any unadopted roads, who would have a fee attached.

Ms Williams explained that before any property sales a service charge would be established, so all buyers would be aware of this amount at the point of sale. Any increase in the service charge would have to be approved by the resident-led management company; if this was not agreed then the service charge would have to remain the same or a new managing agent be appointed. Ms Williams said that service charges usually rose annually with inflation but would otherwise be in the control of residents.

Another member of the Committee asked what the applicant's plan for heating sources was. Ms Williams noted that the government was still consulting on the Future Homes Standard 2025, which included changing to gas-free heating sources, and said as a national housebuilder it was difficult for the applicant to predict what was needed on this site.

Ms Williams explained that removing the gas supply from the site without changing the fabric could be difficult, and that air source heating pumps could be more costly for residents if they were not efficient. Ms Williams said that the government was proposing transitional arrangements which may not be committed to until June 2026, by which point the applicant hoped to have the foundations in place on site.

Ms Williams confirmed that all roads and pavements, minus two private drives, would be adopted by the Highways Authority and that the management company would be responsible for maintaining the LEAP, landscaping, and the SUDS basin. Ms Williams said it was the intention that the fruit from the community orchard would be for the residents of the site and that community participation would be encouraged.

The Chair invited Councillor Lee Reeves, ward member for the application, to address the Committee. Councillor Reeves expressed concerns about the internal road structure, particularly in relation to access to any future education provision and said it was essential that access and parking arrangements for this aspect were agreed now rather than when the LEA proposes its scheme on the site.

Councillor Reeves highlighted that the new primary school was to replace the existing Trimley St Martin Primary School, currently located on the other side of the A14 on the Kirton Road, which attracted students from Kirton, Falkenham and other nearby villages, and said it was vital that access to that area of the site be considered.

Councillor Reeves said that he could only identify two turning areas of refuse vehicles on the site and was concerned about potential parking issues already identified in one area of the residential development. Councillor Reeves said that the mix of homes provided three-bedroom dwellings for 45% of the development which was over and above the need of the area; he acknowledged the housing mix of affordable units was better but said that given the number of three-bedroom dwellings on the site more parking was needed than was being provided.

Councillor Reeves acknowledged that the internal roads would be adopted by the Highways Authority but remained concerned about a potentially high service charge for residents, citing other local developments where this was the case. Councillor Reeves said he was not convinced any management company would be truly run by the residents.

Councillor Reeves was of the view that the community orchard was a token gesture as it provided 13 trees with four different fruits, which could be taken by any passer-by. Councillor Reeves said full consideration needed to be given to wheelchair access to the LEAP and raised concern about the proximity of the SUDS drainage basin to the play area. Councillor Reeves also noted that the school building on the site could be up to three storeys high and said this may cause overlooking issues for adjacent homes.

At the Chair's invitation, the Planning Manager advised the Committee that the SUDS drainage basin would be designed to be as shallow as possible with level sections, to minimise risk.

The Chair invited questions to Councillor Reeves. In response to a query from a member of the Committee, Councillor Reeves concurred that Trimley St Mary Parish Council had not been involved in consultations at an early stage despite part of the site falling within its boundary. The Planning Manager, at the Chair's invitation, noted that the open space would be for the benefit of both parishes and acknowledged that Trimley St Mary Parish Council would not benefit from any Community Infrastructure Levy or precept from the area of the site within its boundary.

There being no debate on the application, the Chair sought a proposer and seconder for the recommendation to approve the application, as set out in the update sheet. On the proposition of Councillor Hedgley, seconded by Councillor Daly, it was by a majority vote

## **RESOLVED**

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

1. The development hereby permitted shall be completed in all respects strictly in accordance with the listed plans and documents, 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: to be listed when concluded.

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

2. Prior to the construction of any dwelling above slab level, a scheme shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council, for formalisation and construction of paths and surfacing over the site boundary with Byway 3 (Gun Lane).

Reason: To ensure that the Section 106 funded surface improvement works (to be delivered by the County Council) are suitably coordinated with the construction of the development to enable pedestrian and cycle connections in a timely manner.

3. Prior to the construction of any dwelling above slab level, details of a boundary fence to be provided on the eastern edge of the public open space with the village allotments shall be submitted and agreed in writing. The fence shall be installed prior to the first use of the associated Public Open Space.

Reason: To provide enclosure to the open space and avoid trespass into the adjacent allotment area.

The meeting concluded at 5.40pm.

.....  
Chair





**Planning Committee South**

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

23 April 2024

**Report Author and Tel No**

Mia Glass  
01502 523081

Is the report Open or Exempt?	Open
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**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 20 March 2024. At present there are 17 such cases.

Information on all cases has been updated at the time of preparing the report such that the last 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. *4 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 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. *0 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. *0 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. *5 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 20 March 2024 be noted.

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

A.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0290/USE
<b>Location / Address</b>	141 Kirton Road, Trimley St Martin
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	17.06.2021
<b><u>Nature of Breach:</u></b> Change of use of cartlodge to a shop.	
<b><u>Summary timeline of actions on case</u></b> <b>19/01/2023</b> –Enforcement Notice served. Comes into effect on the 20/02/2023 <b>20/02/2023</b> – Extension of time agreed to 20/10/2023 <b>21/11/2023</b> -Site visited, partially complied, further visit to be undertaken. <b>05/12/2023</b> -Site visited, unable to see inside cartlodge. Further visit to be arranged. <b>23/03/2024</b> -Site visited, Notice has been complied with and the case closed.	
<b><u>Current Status/Position</u></b> Case Closed	
<b>Date by which Compliance expected (or prosecution date)</b>	20/10/2023

A.2

<b>LPA Enforcement Case Reference</b>	ENF/22/0133/USE
<b>Location / Address</b>	Patience Acre, Chenerys Loke, Weston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22.04.2022
<b><u>Nature of Breach:</u></b> Residential occupation of holiday let	
<b><u>Summary timeline of actions on case</u></b> <b>28/03/2023</b> –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. <b>05/07/2023</b> - appeal against refusal of planning application refused.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	27/04/2024

## A.3

<b>LPA Enforcement Case Reference</b>	ENF/2018/0476/USE
<b>Location / Address</b>	Part Os 1028 Highgate Lane Dallinghoo
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	15.11.2018
<b><u>Nature of Breach:</u></b> Siting of a converted vehicle for residential use	
<b><u>Summary timeline of actions on case</u></b> 11/09/2023 - Enforcement Notice served. Comes into effect on the 11/10/2023 19/03/2024 – Extension of time given until May, due to ground conditions.	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	24.05.2024

## A.4

<b>LPA Enforcement Case Reference</b>	ENF/23/0129/USE
<b>Location / Address</b>	88 Bridge Road, Lowestoft
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	28.04.2023
<b><u>Nature of Breach:</u></b> Residential property split into two flats and used for holiday use	
<b><u>Summary timeline of actions on case</u></b> 19/03/2024 - Enforcement Notice served. Comes into effect on the 19/04/2023	
<b><u>Current Status/Position</u></b> In compliance period.	
<b>Date by which Compliance expected (or prosecution date)</b>	19.08.2024

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

B.1

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

B.2

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

## B.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0201/DEV
<b>Location / Address</b>	39 Foxglove End, Leiston
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	26.04.2021
<b>Nature of Breach:</b> Artificial hedge, support structure and fencing which is over 2m in height	
<b>Summary timeline of actions on case</b> <b>28/11/2022</b> – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance <b>09/01/2023</b> - Pre-start letter from Planning Inspectorate <b>09/01/2024</b> - Start letter received from Planning Inspectorate, statements required by 20 <sup>th</sup> February 2024.	
<b>Current Status/Position</b> Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.4

<b>LPA Enforcement Case Reference</b>	ENF/22/0158/DEV
<b>Location / Address</b>	11 Wharton Street, Bungay
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.05.2022
<b>Nature of Breach:</b> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<b>Summary timeline of actions on case</b> <b>28/11/2022</b> – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance <b>09/01/2023</b> – Pre-start letter from Planning Inspectorate <b>31/01/2023</b> –Start letter received from Planning Inspectorate, statements required by 14 <sup>th</sup> March 2023.	
<b>Current Status/Position</b> Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.5

<b>LPA Enforcement Case Reference</b>	ENF/21/0006/DEV
<b>Location / Address</b>	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
<b>North or South Area</b>	South
<b>Date of Report of Breach</b>	06.01.2021
<b><u>Nature of Breach:</u></b> Erection of large fence	
<b><u>Summary timeline of actions on case</u></b> <b>08/08/2023</b> –Enforcement Notice served. Comes into effect on the 08/09/2023 <b>18/10/2023</b> - Appeal submitted, statements due 29 <sup>th</sup> November 2023.	
<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

## B.6

<b>LPA Enforcement Case Reference</b>	ENF/22/0247/USE
<b>Location / Address</b>	Part Land East Of Mariawood, Hulver Street, Henstead
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	15.11.2018
<b><u>Nature of Breach:</u></b> Siting of mobile home	
<b><u>Summary timeline of actions on case</u></b> <b>21/09/2023</b> –Enforcement Notice served. Comes into effect on the 21/10/2023 <b>23/10/2023</b> - Appeal submitted, awaiting start letter. <b>05/01/2024</b> - Start letter received from Planning Inspectorate, statements required by 15 <sup>th</sup> February 2024.	
<b><u>Current Status/Position</u></b> Awaiting Planning Inspectorate Decision.	
<b>Date by which Compliance expected (or prosecution date)</b>	Dependent upon date and outcome of Appeal Decision

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

C.1

<b>LPA Enforcement Case Reference</b>	ENF/21/0411/COND
<b>Location / Address</b>	Paddock 2, The Street, Lound
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	17.09.2021
<b><u>Nature of Breach:</u></b> Change of use of land for residential use and stationing of mobile home	
<b><u>Summary timeline of actions on case</u></b> <b>16/06/2022</b> – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance <b>26/08/2022</b> – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 <b>07/10/2022</b> – Appeal statement submitted. <b>28/10/2022</b> – any final comments on appeal due. <b>11/09/2023</b> - Appeal dismissed. 4 months for compliance. <b>15/01/2024</b> - Site visit, partial compliance, use ceased and mobile home removed. 3 month extension given to remove remaining development.	
<b><u>Current Status/Position</u></b> In compliance period following appeal.	
<b>Date by which Compliance expected (or prosecution date)</b>	17/04/2024



**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.**

**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**

**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

<b>LPA Enforcement Case Reference</b>	EN08/0264 & ENF/2013/0191
<b>Location / Address</b>	Pine Lodge Caravan Park, Hazels Lane, Hinton
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	20.10.2008
<b><u>Nature of Breach:</u></b> 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><b>15/10/2010</b> – Enforcement Notice served  <b>08/02/2010</b> - Appeal received  <b>10/11/2010</b> - Appeal dismissed  <b>25/06/2013</b> - Three Planning applications received  <b>06/11/2013</b> – The three applications refused at Planning Committee.  <b>13/12/2013</b> - Appeal Lodged  <b>21/03/2014</b> – Enforcement Notices served and became effective on 24/04/2014  <b>04/07/2014</b> - Appeal Start date - Appeal to be dealt with by Hearing  <b>31/01/2015</b> – New planning appeal received for refusal of Application DC/13/3708  <b>03/02/2015</b> – 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.  <b>10/11/2015</b> – Informal hearing held  <b>01/03/2016</b> – Planning Appeal dismissed  <b>04/08/2016</b> – Site re-visited three of four Notices have not been complied with.  <b>21/04/2017</b> - 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.  <b>19/06/2017</b> – Site re-visited, no compliance with the Enforcement Notice.  <b>14/11/2017</b> – Full Injunction granted for the removal of the mobile home and steps.  <b>21/11/2017</b> – 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.  <b>27/06/2018</b> – Compliance visit conducted to check on whether the 2010.  <b>06/07/2018</b> – Legal advice sought.  <b>10/09/2018</b> – Site revisited to check for compliance with Notices.  <b>11/09/2018</b> – Case referred back to Legal Department for further action to be considered.  <b>11/10/2018</b> – 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><b>01/11/2018</b> – 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><b>13/12/2018</b> – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p><b>04/02/2019</b> – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p><b>26/02/2019</b> – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p><b>27/03/2019</b> - High Court hearing, the case was adjourned until the 03/04/2019</p> <p><b>03/04/2019</b> - 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><b>11/04/2019</b> – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p><b>07/05/2019</b> – 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><b>05/09/2019</b> – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p><b>28/11/2019</b> - 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><b>Current Status/Position</b>  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><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Dependent upon potential Legal Process</p>

F.2

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

**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

**16/06/2020** – Submission of Appeal Statement

**11/08/2020** - Appeal dismissed with some amendments.

**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.

**25/03/2021** - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.

**2022** - Application for an Injunction has been made to the High Court.

**06/10/2022** - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.

**08/03/2023** - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.

**30/03/2023** - appeal submitted to High Court against Injunction – awaiting decision from Court.

**10/07/2023** -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24<sup>th</sup> July.

**25/07/2023**-Site Visit conducted; injunction not complied with. Information sent to legal team.

**22/02/2024** -Site visit conducted, required by the Legal Team.

**Current Status/Position**

With Legal Team to take further action under the TCPA 1990.

<b>Date by which Compliance expected (or prosecution date)</b>	24 <sup>th</sup> July 2023
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## F.3

<b>LPA Enforcement Case Reference</b>	ENF/21/0051/USE
<b>Location / Address</b>	Land West Of Guildhall Lane, Wrentham
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	10.02.2021
<b><u>Nature of Breach:</u></b> 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)	
<b><u>Summary timeline of actions on case</u></b> <b>10/03/2022</b> - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. <b>25/08/2022</b> - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. <b>19/12/2022</b> – Court date set following non compliance at Ipswich magistrates for 30 <sup>th</sup> January 2023. <b>30/01/2023</b> - Court over listed and therefore case relisted for 27 <sup>th</sup> March 2023 <b>27/03/2023</b> - Defendant did not attend, warrant issued, awaiting decision from court. <b>31/07/2023</b> - Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.	
<b><u>Current Status/Position</u></b> Considering legal options under the TCPA 1990, following court appearance	
<b>Date by which Compliance expected (or prosecution date)</b>	Depending on legal advice

## F.4

<b>LPA Enforcement Case Reference</b>	ENF/21/0441/SEC215
<b>Location / Address</b>	28 Brick Kiln Avenue, Beccles
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	29.09.2021
<b><u>Nature of Breach:</u></b> Untidy site	
<b><u>Summary timeline of actions on case</u></b> <b>07/02/2022</b> - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 <b>17/06/2022</b> - 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. <b>21/11/2022</b> – Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 <sup>th</sup> February 2023 to comply with notice. <b>10/03/2023</b> - Site visit conducted, notice not complied with. Matter passed to Legal for further action.	

<p><b>23/10/2023</b>- Courts decided to adjourn the case for 3 months, to allow further time for compliance. Therefore, a further court date set for 15<sup>th</sup> January 2024.</p> <p><b>15/01/2024</b>- Court appearance for prosecution for a second time for failing to comply with a Section 215 Notice. The defendant pleaded guilty and was fined a total of £1,100. The defendant has improved the condition of the site but not fully complied the notice.</p>	
<p><b><u>Current Status/Position</u></b> Considering further options.</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>Dependent on further discussions.</p>

F.5

<p><b>LPA Enforcement Case Reference</b></p>	<p>ENF/20/0404/USE</p>
<p><b>Location / Address</b></p>	<p>200 Bridge Road, Lowestoft</p>
<p><b>North or South Area</b></p>	<p>North</p>
<p><b>Date of Report of Breach</b></p>	<p>24.09.2020</p>
<p><b><u>Nature of Breach:</u></b> Change of use of land for the storage of building materials</p>	
<p><b><u>Summary timeline of actions on case</u></b>  <b>19/01/2023</b> –Enforcement Notice served. Comes into effect on the 20/02/2023  <b>26/06/2023</b> –Site visited, notice not complied with, case will be passed to the legal team for further action.  <b>23/10/2023</b>- Court found defendant guilty and fined a total of £4400.  <b>11/11/2023</b>- Further compliance date set for 11<sup>th</sup> January 2024.  <b>15/01/2024</b>- Site visited, notice not complied with, case has been passed to the legal team to make a decision on what further action should be taken under the TCPA 1990.</p>	
<p><b><u>Current Status/Position</u></b> With Legal Team</p>	
<p><b>Date by which Compliance expected (or prosecution date)</b></p>	<p>11<sup>th</sup> January 2024.</p>

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

G.1

<b>LPA Enforcement Case Reference</b>	ENF/2015/0279/DEV
<b>Location / Address</b>	Land at Dam Lane Kessingland
<b>North or South Area</b>	North
<b>Date of Report of Breach</b>	22/09/2015
<p><b><u>Nature of Breach:</u></b> 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><b><u>Summary timeline of actions on case</u></b>  <b>22/09/2015</b> - Initial complaint logged by parish.  <b>08/12/2016</b> - Case was reopened following further information  <b>01/03/2017</b> - 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.  <b>05/09/2018</b> - Notice served by recorded delivery.  <b>18/06/2019</b> - Appeal started. PINS Reference APP/T3535/C/18/3211982  <b>24/07/2019</b> – Appeal Statement Submitted  <b>05/02/2020</b> - Appeal dismissed. Compliance with both Notices by 05/08/2020  <b>03/03/2021</b> - 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.  <b>30/04/2021</b> - 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.  <b>04/05/2021</b> - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.  <b>05/07/2021</b> – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs  <b>12/07/2021</b> – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed  <b>13/08/2021</b> - Site visited and all structures had removed from the site, but lake remains</p>	
<p><b><u>Current Status/Position</u></b> 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>	



<b>Date by which Compliance expected (or prosecution date)</b>	31/12/2024
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## Committee Report

Planning Committee South – 23 April 2024

Application no DC/23/4469/VOC

**Location**

32 Thoroughfare  
Woodbridge  
Suffolk  
IP12 1AQ

**Expiry date** 16 January 2024

**Application type** Variation of Conditions

**Applicant** Mr & Mrs Groen Groen

**Parish** Woodbridge

**Proposal** Variation of Condition No. 2; 8 and 12 of DC/20/2417/FUL - Demolition of existing dwelling and associated garage structure. Erection of replacement dwelling - To substitute amended plans to respond to elevational changes; remove leisure restriction on roof terrace and amend timeframe for implementation of landscaping.

**Case Officer** Danielle Miller  
07799 071744  
[danielle.miller@eastsoffolk.gov.uk](mailto:danielle.miller@eastsoffolk.gov.uk)

### 1. Summary

- 1.1. This application was heard at Planning Committee South on 27 February 2024, where Members deferred the application to carry out a site visit to view the situation as built. This site visit will take place on 23 April 2024 at 10.30 and the application will be presented to Planning Committee South following that visit on 23 April.
- 1.2. The site is located at 32 Thoroughfare, Woodbridge and currently comprises a newly built two-storey detached dwelling approved under DC/20/2417/FUL.
- 1.3. This is a retrospective application seeking to retain the dwelling as constructed and rectify the breaches of conditions 2, 8 and 12 where the approved building has not been built in accordance with the approved plans. The changes shown are minor and relate to changes to fenestration and other minor design alterations such as the change in a side wall profile. The proposals also seek to retain a glazed balustrade around the flat roof section and use

this space as a leisure terrace area, effectively seeking the removal of condition 8 of the host application which currently prohibits this. Other changes include the change in time frame for the implementation of the landscaping scheme as set out in the existing condition 12.

- 1.4. In accordance with the scheme of delegation, the application is to be determined at Planning Committee South having been referred by the Referral Panel. The application was heard at the Referral Panel on 23<sup>rd</sup> January 2024, as Woodbridge Town Council raised the following objection:

*WTC were satisfied with the conditions imposed on the original planning application (DC/20/2417/FUL), and therefore recommend refusal of this VOC application.*

- 1.5. No other statutory consultees have raised any concerns. Officers note the objection from the neighbouring property with regards to loss of amenity, and the previous refusals on this site, however having visited the site and seen the situation as built it is confirmed that there is minimal overlooking into the neighbour's garden.
- 1.6. Officers consider that the proposals accord with local and national policies in the relation to design and amenity.
- 1.7. The application is recommended for approval subject to conditions.

## **2. Site Description**

- 2.1. The site is located at 32 Thoroughfare in Woodbridge and currently comprises a newly built two-storey detached dwelling (approved under DC/20/2417/FUL). Located within the Settlement Boundary of Woodbridge, the site has an overall area of approximately 340 square metres. It is situated within the Woodbridge Conservation Area on the boundary between Character Area 9 (Thoroughfare) and Character Area 6 (Quay Side).
- 2.2. There are further residential properties due west, accessed via Doric Place, and south in Brook Street. To the east is the Jacob Way car park and service yard access to the retail units on The Thoroughfare.
- 2.3. Recent and relevant planning history on the site includes the following:
- DC/19/1676/FUL: Demolition of existing dwelling & associated garage structure - construction of replacement dwelling – Refused.
  - DC/20/0952/FUL: Demolition of existing dwelling and associated garage structure. Construction of replacement dwelling – Refused.
  - APP/X3540/W/20/3256680: Dismissed.
  - DC/20/2417/FUL: Demolition of existing dwelling and associated garage structure. Erection of replacement dwelling. Permitted.
  - DC/23/0763/AME: Non-material amendment of DC/20/2417/FUL (Demolition of existing dwelling & associated garage structure. Erection of replacement dwelling) - Doors on south east elevation to be four sections instead of two with solid triangle above instead of glass; raise sedum roof beyond openings and glass barrier; non opening window on southwest elevation to be in two sections instead of one; and south west elevation rear garden wall to be straight instead of slight step. Refused.

### **3. Proposal**

3.1. This is a retrospective application seeking to retain the dwelling as constructed and rectify the breaches of condition where the approved building has not been built in accordance with the approved plans. The supporting statement notes the amendments as follows:

- External northern wall is flush whereas the approved plans show it as stepping up;
- The window elevation of the first floor on the rear (southern) elevation has a solid element rather than all glazed;
- Inclusion of glass balustrade surrounding the sedum roof;
- Inclusion of supporting pole to the sedum roof;
- Minor alterations on the front (northern) windows; and
- Ground floor and first floor courtyard (southern) windows are slightly different.

3.2. The application also seeks the removal of condition 8 on DC/20/2417/FUL, which states:

"Notwithstanding the provisions of Article 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting the said Order), the sedum/green roofs of the hereby approved development, shall not be used as a recreational area, unless otherwise agreed in writing with the local planning authority.

Reason: To enable the local planning authority to retain control, in the interest of preserving a reasonable level of amenity and prevent possible loss of privacy to the neighbouring properties."

3.3. In addition to the above, the approved landscaping under DC/20/2417/FUL has not currently been carried out; as such this application also seeks to vary condition 12 to extend the time period in which this is required to be undertaken in. Condition 12 states:

"The approved landscaping scheme under Condition 11 shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity."

### **4. Consultations/comments**

#### **Third Party Representations**

4.1. Four letters of objection have been received, all from the 6 Doric Place Woodbridge, and letters of support have been received from 1 Grundisburgh Road, Woodbridge and Cowlshaw Cottage, Melton. Following the re-consultation five further letters of objection were received from 6 Doric Place. One rebuttal letter has also been received from the applicants.

4.2. The letter of objection notes that there are several breaches of condition relating to the host consent (DC/20/2417/FUL); these include the building not being built in accordance

with the approved plans, the use of the flat roof as a leisure balcony area, and the lack of boundary planting in accordance with conditions 11 and 12.

- 4.3. The objector comments that their amenity is affected by the breaches; the flat roof is noted as being 7 metres away from 6 Doric Place’s first floor bathroom window; and with the bifold doors open there is an unacceptable level of noise from the living arrangements of the host dwelling. The flat roof terrace is noted to overlook the neighbour’s garden space if used an amenity area. The representation states that:
- This flat roof terrace intimately overlooks from the height of the first floor into almost the whole of 6 Doric Place’s garden and sitting area.
  - The use of the terrace is considered to cause a loss of property value to the neighbouring property.
  - Improper handling of application by submission of a Non Material Amendment.
  - Confirmation that the rear windows on 6 Doric Place are not blocked up. Loss of light into these windows has occurred as a result of the development.
  - Photograph of garden is out of date.
  - The objection notes that the use of the terrace was refused by appeal DC/20/0952/FUL.
- 4.4. One additional letter of objection has been received from 6 Doric Place; this letter outlines disputes between the objector and applicant and accuracy of comments. The letter raises concern regarding noise transmission from the first-floor flat roof and notes that the distance between the flat roof and their bathroom window is 4.2m and creates overlooking into the bathroom and garden. The letter reiterates the appeal decision and the Town Council’s comments.
- 4.5. The letters of support do not give any additional comments or reason.
- 4.6. The rebuttal letter notes historic conflict with a neighbouring property much of which falls outside the planning system.

**Parish/Town Council**

Consultee	Date consulted	Date reply received
Woodbridge Town Council	30 November 2023	8 December 2023
Summary of comments: WTC were satisfied with the conditions imposed on the original planning application (DC/20/2417/FUL), and therefore recommend refusal of this VOC application.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Highways Department	30 November 2023	12 December 2023
Summary of comments: Condition 2 of Planning Ref. DC/20/2417/FUL - We do not wish to restrict the variation of		

this condition.

**Non statutory consultees**

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	30 November 2023	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	30 November 2023	5 December 2023
Summary of comments: Comments included within officer report. No objection.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	30 November 2023	13 December 2023
Summary of comments: The VOC has no relevance to the EP department; therefore I have no comments to make.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	30 November 2023	6 December 2023
Summary of comments: On behalf of the Suffolk Fire and Rescue Service I can confirm that I have read condition 2 and find that I have no comment to make on the application		

**Reconsultation consultees**

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	4 January 2024	10 January 2024
Summary of comments: The change in application description does not affect my previously submitted comments on this application.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	4 January 2024	No response
Summary of comments: No additional comments received.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	4 January 2024	9 January 2024
Summary of comments: On behalf of the Suffolk Fire and Rescue Service I can confirm that I have read conditions and find that I have no additional comment to make on the application.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	4 January 2024	No response
Summary of comments: No additional comments		

Consultee	Date consulted	Date reply received
SCC Highways Department	4 January 2024	8 January 2024
Summary of comments: I see the other conditions do not relate to Highways; therefore, I do not have any further comments to make on this application.		

Consultee	Date consulted	Date reply received
Woodbridge Town Council	4 January 2024	12 January 2024
Summary of comments: WTC were satisfied with the conditions imposed on the original planning application (DC/20/2417/FUL), and therefore recommend refusal of this VOC application.		

## Publicity

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

Category	Published	Expiry	Publication
Conservation Area	7 December 2023	2 January 2024	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 5 December 2023

Expiry date: 28 December 2023

### 5. Planning policy

- 5.1. The National Planning Policy Framework (2023) (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant.
- 5.2. Development plan policies are material to an application for planning permission, and a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, the development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan [adopted 23 September 2020] (“local plan”). Relevant policies from the local plan are listed in the section below and will be considered in the assessment to follow:
- 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)
  - SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

### 6. Planning Considerations

- 6.1. The main considerations in relation to the amendments proposed in this VOC are that of design and amenity.

#### Design and Conservation

- 6.2. No.32 Throughfare falls within the Woodbridge Conservation Area. The application seeks retrospective consent for changes to the approved design that have already been carried out as part of the completed build.
- 6.3. The changes made to the design as built and as illustrated in the submission document and drawing are minor in their impact and have no adverse effect on the positive contribution that the completed design makes to the character and appearance of the Woodbridge Conservation Area. The changes remain within the nature of the consented scheme and make no fundamental alteration to the design concept or approach; they are a matter of detail only. The subdivision of the gable glazing at first floor level has been judged by officers to be an improvement over that consented.
- 6.4. The changes proposed will preserve and enhance the character and appearance of the Woodbridge Conservation Area in accordance with local policies SCLP11.1 Design and SCLP11.5 Conservation Areas.



## Residential Amenity

- 6.5. Policy SCLP11.2 sets out the material considerations relating to residential amenity as: privacy/overlooking, outlook, access to daylight and sunlight, noise and disturbance, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, and safety and security.
- 6.6. The previous concern regarding this development has been in terms of amenity, where there was a perceived impact of overlooking and loss of privacy to 6 Doric Place. The objector comments that this is now actual overlooking, particularly when considering the view into their first floor bathroom and rear garden. Furthermore, there is a concern over excess noise from this area if used as private amenity space.
- 6.7. The window noted by the objector does not serve a habitable room; the changes proposed to the fenestration and the use of the terrace does not present any additional overlooking to that already accepted by the approved consent to key rooms of the neighbouring property. The issues with noise are not considered detrimental, the property lies adjacent a public realm, with a car part to the east and pedestrian route through to the Thoroughfare. This is a private dwelling within a town centre location.
- 6.8. Concern has been raised over the openable use of the windows on the rear elevation. It is acknowledged that the style of these windows have been changed, however, there was not a requirement on the original consent to have these rear windows fixed shut. Any opening to this window would allow for some transmission of sound between properties. This is also true for the adjoining car park and public footpath which runs along the length of this dwelling. It is not considered that the use of this terrace will create an unacceptable increase in noise; the Environmental Protection team have not objected on this basis, and this was not mentioned within the original reason for refusal or appeal decision.
- 6.9. The main concern with regards to the balustrade and use of the roof terrace remains that of potential overlooking of the rear garden space of 6 Doric Place. Officers have stood at the corner of that area at first floor level and confirm that views into this rear garden are limited and do not severely impact the private enjoyment of the neighbouring garden. This will be further minimised once the planting scheme has been implemented.
- 6.10. Consideration has been taken of the appeal decision which notes under paragraphs 5, 6 and 7:

*“The proposed dwelling would have a first floor terrace which would be opposite the rear elevation of 6 Doric Place. The rear elevation of no 6 has a number of windows facing onto the appeal site, the ground floor windows are either obscure glazed or high level and this would mitigate any potential overlooking from the first floor terrace.*

*At first floor there is a bathroom window which provides views directly over the appeal site, and despite serving a bathroom the window is not obscure glazed. As a result of the proximity of the first floor terrace to the bathroom window I consider that there would be a degree of overlooking from the terrace into the bathroom window. However, given the use of this room any effect of the proposed development on this window would not materially harm the living conditions of the occupiers, as it is not a habitable room.*

*There would also be a degree of overlooking from the first floor terrace into the modest courtyard garden of 6 Doric Place. I have had regard to the plan submitted which shows the proposed sight lines from the dwelling and terrace. The plans indicate that the area directly outside the conservatory would not be overlooked, and that this is the main seating area. But as part of my visit, I observed that the occupiers also have a further small seating area to the rear of the site. Given its modest size it is reasonable that the occupiers of no 6 would wish to utilise all of the available space within their garden and any degree of overlooking would be both obtrusive and harmful to the amenity of the occupiers.”*

- 6.11. At the time of the appeal the dwelling was not built and as such it would not have been possible to view this area of garden from the terrace. Now that the dwelling has been constructed, it is possible to appreciate the situation on the ground. Currently there is planting within the garden space of 6 Doric Place which, along with the garden boundary treatment, restricts the views into the rear seating area. The approved landscaping scheme does include mature ligustrum japonicum in planters along the rear boundary of the application site; these can grow between 2 – 5metres in height and have an evergreen shrub. This is considered, once planted, to further mitigate any viewpoints into this area. However, the actual view is limited into this space from the terrace area. Officers do not consider that allowing the use of this terrace as private leisure space would intrude detrimentally on the amenity of 6 Doric Place.
- 6.12. A landscaping scheme has been submitted and approved under DC/20/4119/DRC. Whilst condition 12 required the landscaping to take place within the first planting season, the development was not completed at that time. It is recommended that condition 12 is extended to allow for an appropriate timeframe for the landscaping to be actioned within.

#### Other Matters

- 6.13. The third-party objector notes that there have been previous concerns over this site with regards to advice provided. A non-material amendment application (DC/23/0763/AME) was submitted for similar changes to those proposed under this variation of condition application, however, that application was refused for the following reason:
- “The proposal seeks to make a number of non-material amendments to DC/20/2417/FUL, which permitted the demolition of the existing dwelling and erection of a replacement dwelling at 32 Thoroughfare, Woodbridge, Suffolk, IP12 1AQ. Overall, the cumulative changes to numerous design details not only dilutes the design quality of the scheme but results in alterations that cannot be considered as 'minor'. More specifically, the relationship between the area of glazing and sedum roof, including the installation of a glazed barrier around its perimeter, will open up the area for use as an outside amenity space contrary to that of Condition 8, which was clear in restricting such use. Consequently, any use of roof space for amenity purposes will result in an unacceptable harm to the living conditions of 6 Doric Place with regard to privacy and would fail to accord with policy SCLP11.2 of the local plan that seeks to safeguard the amenity of adjoining residents.”*
- 6.14. This current application was the correct procedure for the changes proposed and this application is considered to have been adequately consulted upon.

## **7. Conclusion**

- 7.1. The changes proposed are considered to be appropriate in terms of design and the impact on the conservation area as agreed with the Design and Heritage Officer.
- 7.2. Matters relating to amenity issues have been considered and reviewed. Officers saw no significant overlooking when stood on the balcony; whilst previous decisions have found that the terrace's use as private amenity space would have a negative impact on amenity, this was considered prior to the construction of the property. Officers now have the ability to see the actual impact and have found no reason for refusal on amenity grounds.
- 7.3. Officers consider that the application meets both local and national policy as such recommend approval subject to controlling conditions.

## **8. Recommendation**

- 8.1. Approve subject to the conditions below.

### **Conditions:**

1. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:

- Location plan (Drawing number: 01-382) - received 21.11.2023
- Proposed elevations (Drawing number: 15-REV S) - received 21.11.2023
- Project Proposal - received 21.11.2023

Drawings previously approved under DC/20/2417/FUL:

- Proposed roof block plan (Drawing number: 16-382 Rev. F) - received 01 July 2020
- Proposed site plan (Drawing number: 17 Rev. I) - received 01 July 2020
- Proposed plans (Drawing number: 13-382 Rev. O) - received 01 July 2020
- Proposed plans detailed (Drawing number: 14-382 Rev. J) - received 01 July 2020

Drawings previously approved DC/20/4119/DRC:

- Cycle storage 1 and 2 received 15.10.2020
- Landscape works received 15.10.2020

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

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

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

3. The area(s) within the site shown on drawing number 17-382 Rev I for the purposes of manoeuvring and parking of vehicles shall be retained and used for no other purposes.

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

4. In the event that contamination which has not already been identified to the local planning authority 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 local planning authority 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 must be prepared, and is subject to the approval in writing of the local planning authority. The remediation method statement must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved remediation method statement 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 local planning authority.

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

5. The details permitted under DC/20/4119/DRC shall be retained thereafter and used for no other purpose.

Reason: To promote the use of sustainable travelling alternatives.

6. The approved landscaping scheme under DC/20/4119/DRC shall be implemented not later than the third planting season following Occupation of the approved dwelling and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity

7. The details of measures to enhance the biodiversity value of the site, as detailed in the submitted Design and Access Statement, and approved under application DC/20/3336/DRC shall be carried out in their entirety within one year of the date of this consent.

Reason: To safeguard biodiversity and protected species in accordance with Policy SP14 and Policy DM27 of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2019).

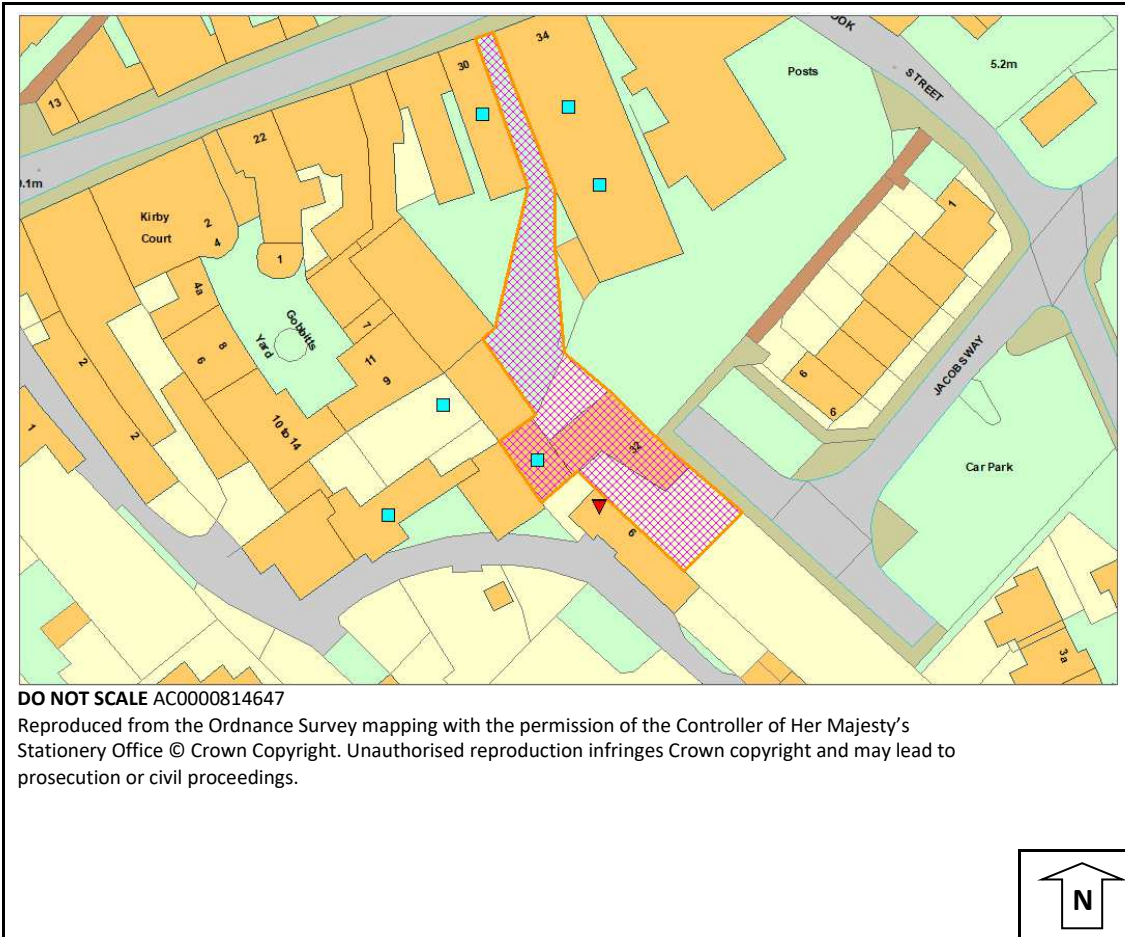
**Informatives:**

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





**Background information**

See application reference DC/23/4469/VOC on [Public Access](#)

# Map



## Key

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

## Committee Report

### Planning Committee South – 23 April 2024

Application no DC/24/0456/FUL

**Location**

Stones Throw Cottage  
19 Station Road  
Woodbridge  
Suffolk  
IP12 4AU

<b>Expiry date</b>	2 April 2024
<b>Application type</b>	Full Application
<b>Applicant</b>	Mrs K Yule
<b>Parish</b>	Woodbridge
<b>Proposal</b>	Single storey rear extension.
<b>Case Officer</b>	Isabella Taylor 07825 606884 <a href="mailto:isabella.taylor@eastsoffolk.gov.uk">isabella.taylor@eastsoffolk.gov.uk</a>

#### 1. Summary

- 1.1. Planning permission is sought for the construction of a single storey extension at Stones Throw Cottage. This application has been submitted in tandem with an application for Listed Building Consent (DC/24/0457/LBC) as the property is a grade II listed building.
- 1.2. The application is presented to the Planning Committee (South) as the applicant is an elected member of the Council.
- 1.3. The proposed development accords with the Development Plan and National Planning Policy Framework and, therefore, is recommended for approval.

## Consultees

Consultee	Date consulted	Date reply received
Woodbridge Town Council	19 February 2024	8 March 2024
Summary of comments: WTC have no objection.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	19 February 2024	19 February 2024
Summary of comments: No objections as there will be no significant impact on known archaeological sites or areas with archaeological potential.		

## Publicity

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

Publication	Published date	Expiry date	Reason
East Anglian Daily Times	29 February 2024	21 March 2024	Conservation Area Listed Building

## Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	21 February 2024	13 March 2024	Conservation Area Listed Building

## Planning policy

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)



## **2. Site Description**

- 2.1. Stones Throw Cottage (No.19) is an end terrace, two-storey, 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.
- 2.3 Planning permission and listed building consent for a single storey extension was recently granted and these permissions/consents remain extant, see references DC/23/2979/FUL and DC/23/2980/LBC. These new applications under consideration propose a different design.

## **3. Proposal**

- 3.1. The proposed development is for the construction of a single storey rear extension. The extension would accommodate a lobby, toilet and extra space in the open plan dining sitting area. The proposal would require the demolition of an existing outbuilding.

## **4. Third Party Representations**

- 4.1. No third party comments received.

## **5. Planning Considerations**

### Design and Heritage

- 5.1 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.

- 5.2 The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. Paragraphs 207 and 208 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.
- 5.3 The Council's Principal Design and Heritage Officer has reviewed and commented on the proposals, and his advice is incorporated into the officer assessment.
- 5.4 The regularisation of the plan form of the extension maximises the space available and the opportunity of a narrow plot to provide additional floor space – and this is a reasonable approach to take to the design intent. When compared to the existing historic footprint, the quantum of proposed new accommodation is not disproportionate. Further, the elongated plot is well able to accommodate this addition without appearing cramped or leaving too little amenity space. The building line of the addition maintains that established by the existing consent which is in line with the neighbouring rear extension. This is respectful and appropriate.
- 5.5 The design of the addition is straightforward. It is flat roofed which ensures that the scale is as reduced as possible with a low-key and minor effect, only. The glazed doors will be multi-paned to reflect the fenestration on the house and the use of cream render will tie the appearance back to the existing rear of the building. A flat roof lantern will provide light into the dining/sitting area and its flat profile will mitigate its visual impact. On these bases, therefore, there will be no adverse impacts arising, with a neutral effect, only, on the significance of the listed building and the Woodbridge Conservation Area.
- 5.6 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

- 5.7 Policy SCLP11.2 states that proposed development should not result in adverse impacts in regard to: a) Privacy/overlooking; b) Outlook; c) Access to daylight and sunlight; d) Noise and disturbance; e) The resulting physical relationship with other properties; f) Light spillage; g) Air quality and other forms of pollution; and h) Safety and security.
- 5.8 The proposed extension will be located on the side and rear of the dwelling. The extension will result in a depth similar to that of the attached neighbour to the west (No. 21) and therefore would have little impact on that property.
- 5.9 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.
- 5.10 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 plot relative to the tracking

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.

- 5.11 The proposed side extension would bring the massing of the host dwelling closer to the east boundary and No.17a; despite this, a narrow alley way provides access to the rear garden, and the adjacent area is not useable garden space and a reasonable gap between the dwelling and the east boundary would still be retained. Whilst the side addition will be closer to this neighbouring property than the existing built form, it would be within the scope of what would be reasonable adjacent a narrow pathway along the side of the dwelling.
- 5.12 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.
- 5.13 The proposed development is considered to comply with policy SCLP11.2.

## **6. Conclusion**

- 6.1 The scheme complies with the NPPF and Development Plan. Therefore, the application is recommended for approval subject to the recommended conditions.

## **7. Recommendation**

- 7.1 Approve.

## **8. 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 works hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents:

- The proposed plans and location plan- 631-03- received 06.02.24

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.

(vi) Details of the exact size and specification of the roof light

Development must then be undertaken in accordance with the approved details.

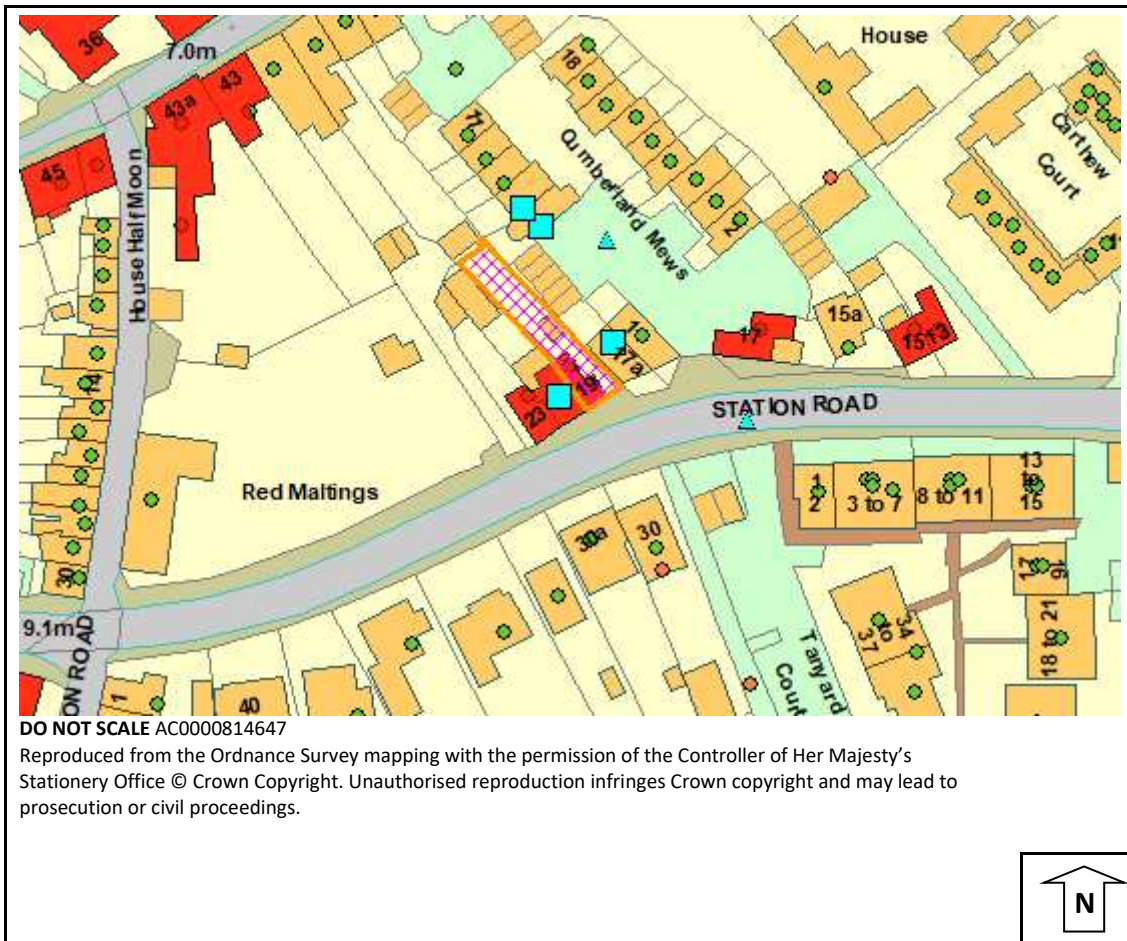
Reason: In order to safeguard the special architectural or historic interest of the building.

## **9. Background information**





See application reference DC/24/0456/FUL on [Public Access](#)

## Map

**\*Officer Note: the properties shaded red are listed buildings. There have been no neighbour comments on this application.**



## Key

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

## **Committee Report**

### **Planning Committee South – 23 April 2024**

**Application no** DC/24/0457/LBC

**Location**

Stones Throw Cottage  
19 Station Road  
Woodbridge  
Suffolk  
IP12 4AU

**Expiry date** 2 April 2024

**Application type** Listed Building Consent

**Applicant** Mrs K Yule

**Parish** Woodbridge

**Proposal** Listed Building Consent - Single storey rear extension

**Case Officer** Isabella Taylor  
07825 606884

[isabella.taylor@eastsoffolk.gov.uk](mailto:isabella.taylor@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1 Listed building consent is sought for the construction of a single storey extension at Stones Throw Cottage. This application has been made in conjunction with an application for Planning Permission (DC/24/0456/FUL) .
- 1.2 The application is presented to the Planning Committee (South) as the applicant is an elected member of the Council.
- 1.3 The proposed development accords with the Development Plan and National Planning Policy Framework and, therefore, is recommended for approval.

## Consultees

Consultee	Date consulted	Date reply received
Woodbridge Town Council	19 February 2024	8 March 2024
Summary of comments: WTC have no objection.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Heritage	19 February 2024	23 February 2024
Summary of comments: Support the application subject to the requested condition.		

## Publicity

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

Publication	Published date	Expiry date	Reason
East Anglian Daily Times	29 February 2024	21 March 2024	Conservation Area Listed Building

## Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	21 February 2024	13 March 2024	Conservation Area Listed Building

## Planning policy

National Planning Policy Framework 2023 (NPPF)

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

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)

## **2. Site Description**

- 2.1 Stones Throw Cottage (No.19) is an end terrace, two-storey, 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.
- 2.3 Planning permission and listed building consent for a single storey extension was recently granted and these permissions/consents remain extant, see references DC/23/2979/FUL and DC/23/2980/LBC. These new applications under consideration propose a different design.

## **3. Proposal**

- 3.1 The proposed development is for the construction of a single storey rear extension. The extension would accommodate a lobby, toilet and extra space in the open plan dining sitting area.

## **4. Third Party Representations**

- 4.1 No third party comments received.

## **5. Planning Considerations**

- 5.1 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 listed 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. The NPPF at paragraphs 207 to 208 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.
- 5.2 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 - policies SCLP11.3 (Historic Environment) and SCLP11.4 (Listed Buildings) - and the Historic Environment SPD (June 2021). Policy SCLP11.4. states that proposals to alter, extend or change the use of a listed building (including curtilage listed structures) or development affecting its setting will be supported where they:
  - a) Demonstrate a clear understanding of the significance of the building and its setting alongside an assessment of the potential impact of the proposal on that significance;



- b) Do not harm the character of the building or any architectural, artistic, historic, or archaeological features that contribute towards its special interest;
- c) Are of an appropriate design, scale, form, height, massing, and position which complement the existing building;
- d) Use high quality materials and methods of construction which complement the character of the building;
- e) Retain the historic internal layout of the building; and
- f) Remove existing features that detract from the building to enhance or better reveal its significance.

- 5.3 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.
- 5.4 The regularisation of the plan form of the extension maximises the space available and the opportunity of a narrow plot to provide additional floor space – and this is a reasonable approach to take to the design intent. When compared to the existing historic footprint, the quantum of proposed new accommodation is not disproportionate. Further, the elongated plot is well able to accommodate this addition without appearing cramped or leaving too little amenity space. The building line of the addition maintains that established by the existing consent which is in line with the neighbouring rear extension. This is respectful and appropriate.
- 5.5 The design of the addition is straightforward. It is flat roofed which ensures that the scale is as reduced as possible with a low-key and minor effect, only. The glazed doors will be multi-paned to reflect the fenestration on the house and the use of cream render will tie the appearance back to the existing rear of the building. A flat roof lantern will provide light into the dining/sitting area and its flat profile will mitigate its visual impact. On these bases, therefore, there will be no adverse impacts arising, with a neutral effect, only, on the significance of the listed building.
- 5.6 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.

## **6. Conclusion**

- 6.1 On this basis, it is considered that the proposed development complies with the historic environment objectives of the Development Plan and the NPPF.

## **7. Recommendation**

- 7.1 Grant Listed Building Consent.

## 8. 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 hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents:

- The proposed plans and location plan- 631-03- received 06.02.24

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.

(vi) Details of the exact size and specification of the roof light

Development must then be undertaken in accordance with the approved details.

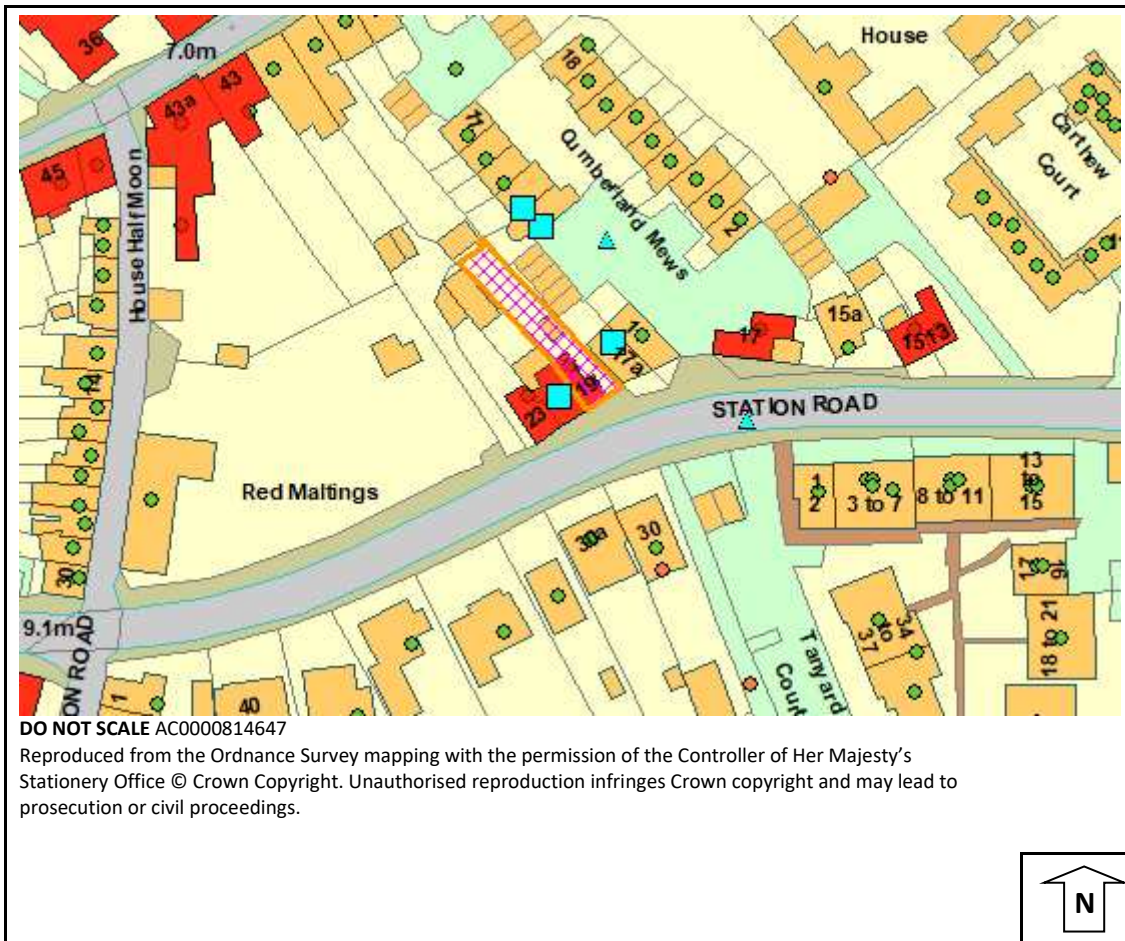
Reason: In order to safeguard the special architectural or historic interest of the building.

## 9. Background information





See application reference DC/24/0457/LBC on [Public Access](#)

# Map

**\*Officer Note: the properties shaded red are listed buildings. There have been no neighbour comments on this application.**



## Key

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

**Committee Report**

**Planning Committee South – 23 April 2024**

**Application no DC/24/0773/VOC**

**Location**

Former Deben High School  
Garrison Lane  
Felixstowe

**Expiry date** 18 June 2024

**Application type** Variation of Conditions

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Variation of Condition Nos. 4 (materials) and 9a (approved plans for residential development) of DC/23/0539/VOC (Variation of Condition No. 11 of DC/21/0541/FUL [Hybrid Application - Full Application for the construction of 45 apartments and maisonettes and 16 houses in buildings ranging in height from 2 to 3 storeys, conversion of retained assembly hall to provide 250m2 community space, 16 residential car parking spaces, 1 car park space for community hall, 137 cycle parking spaces, highways and public realm works, hard and soft landscaping, access and associated works and Outline application (with all matters reserved except for access, use and scale) for redevelopment and extension of retained sports hall to provide indoor bowls facility and cricket pitch with pavillion, 32 car parking spaces, 24 cycle spaces, landscaping and associated works. All matters reserved except for access, use and building heights] - alter the number of affordable homes.) Changes to materials for residential units and amendments to approved plans including changes to elevations and revisions to site layout and parking.

**Case Officer** Marianna Hall  
07880 019354  
[marianna.hall@eastsoffolk.gov.uk](mailto:marianna.hall@eastsoffolk.gov.uk)

## **1. Summary**

- 1.1. This application seeks a range of design changes to the residential development at the former Deben High School site on Garrison Lane in Felixstowe. This is through the variation of Conditions 4 and 9a of permission DC/23/0539/VOC, granted on 10 August 2023.
- 1.2. Condition 4 requires the dwellings to be constructed in accordance with the materials approved (under application DC/23/1590/DRC) and Condition 9a requires the development to be carried out in accordance with the approved plans.
- 1.3. The application seeks to change some of the materials for the dwellings and amend the approved plans to reflect changes to the elevations of the apartment buildings and houses and revisions to the site layout and parking.
- 1.4. The application has come before members as the applicant and landowner is East Suffolk Council. Felixstowe Town Council recommend approval and one objection has been received from a neighbouring dwelling at the time of writing the report.
- 1.5. The changes to the previously approved scheme are considered to be acceptable and the development would remain in accordance with the development plan and the relevant provisions of the National Planning Policy Framework (NPPF). Importantly the development will continue to deliver 20 affordable homes secured by the planning permission and a further 22 affordable homes which the applicant is voluntarily proposing to deliver. The application is therefore recommended for approval.

## **2. Site Description**

- 2.1 The application site comprises the site of the former Deben High School in Garrison Lane, Felixstowe. The majority of the former school buildings have been demolished, with the exception of the assembly hall which is to be converted to a community space and the sports hall which will be redeveloped to provide an indoor bowls facility. The site includes the former school playing field which is to be re-purposed as a cricket pitch.
- 2.2 Development has commenced on site in respect of the residential units.
- 2.3 The site is located within the settlement boundary of Felixstowe and there are residential properties surrounding the site.

## **3. Background**

- 3.1 Planning permission was granted in 2021 for the redevelopment of the former Deben High School site, ref. DC/21/0541/FUL. This was a hybrid permission, which granted the following:
  - Full planning permission for a residential development of 45 apartments and maisonettes and 16 houses and conversion of the former assembly hall for community use.
  - Outline planning permission for the redevelopment of the former sports hall to provide an indoor bowls facility, and provision of a cricket pitch with pavilion.

- 3.2 The residential development comprises 61 dwellings in total; 45 apartments and maisonettes accommodated within four three-storey blocks (Blocks A, B, C and D) and 16 houses arranged as 8 pairs of semi-detached two-storey houses.
- 3.3 In 2023 planning permission was granted to vary condition 11 of the above permission, reference DC/23/0539/VOC. Condition 11 required a scheme for the provision of affordable housing to be submitted and approved and required no less than 42 of the 61 residential units approved to be affordable housing. Permission DC/23/0539/VOC amended the wording of condition 11 to require no less than 20 units of affordable housing; this was to enable the East Suffolk Housing Development Team to seek funding from Homes England for the additional 22 affordable units that are being provided on a voluntary basis.
- 3.4 This current application seeks to make design changes to the scheme approved under permission DC/23/0539/VOC.

#### **4. Proposal**

- 4.1 This application seeks to make a range of design changes to the approved residential development at the former Deben High School site on Garrison Lane in Felixstowe by varying Conditions 4 and 9a of permission DC/23/0539/VOC.
- 4.2 Condition 4 requires the dwellings to be constructed in accordance with the materials approved (under application DC/23/1590/DRC) and Condition 9a requires the development to be carried out in accordance with the approved plans.
- 4.3 The application seeks to change some of the materials for the dwellings and amend the approved plans to reflect changes to the elevations of the apartment buildings and houses and revisions to the site layout and parking. The submitted Planning Statement explains that the amendments are proposed to ensure that the development is viable and deliverable whilst still achieving high standards of energy efficiency, with the overall scheme having been designed to Passivhaus Standards.
- 4.4 The proposed changes, and reasons for these (where set out in the submitted Planning Statement) are summarised as follows:
- Reduced window sizes to address clashes with internal layout and reduce overheating. Contrasting black brick recessed panels are proposed below windows, for windows above ground floor level. At ground floor level the brick banding feature is proposed to be adjusted to meet the bottom of the windows.
  - Repositioning of windows to address clashes with internal layout.
  - Provision of external rainwater goods.
  - Provision of external letterboxes and meter boxes.
  - Changes to the main entrances of Blocks A and D to no longer be recessed, and material changed from metal cladding to brickwork. Black contrasting bricks to be used in these areas to highlight the main entrances.
  - Free-standing balconies are proposed to all apartment blocks in lieu of cantilevered balconies to overcome structural issues and reduce the risk of thermal bridges.
  - Brick slips to be used on some areas of the apartment blocks, in lieu of full brick, to reduce weight on the timber frame structures.

- Recessed shadow gaps are proposed to be replaced with projecting brickwork feature bands.
- Amendments to balcony depths and heights.
- Removal of GRC (glass reinforce concrete) window heads and sills. Brick soldier courses proposed above windows.
- Removal of brick enclosure features at entrances to the apartment blocks.
- Amendments to House Type 01 including revised siting and removal of garages with terraces above. These houses have been repositioned to avoid the root protection area (RPA) of an Oak tree within a neighbouring property’s garden.
- Revisions to the parking layout as a result of the approved car parking spaces (2.4m by 4.8m) not meeting the size standards set out within the Suffolk Guidance for Parking Technical Guidance (2.5m by 5m). This has resulted in a reduction of soft landscaping, however, ensures that the same level of car parking is provided when compared to the approved scheme.
- Changes to siting of substation, ball court, cycle storage and bin storage.
- Increase in height of buildings, as set out in the following table:

<b>Building</b>	<b>Finished floor level to parapet as approved (metres)</b>	<b>Finished floor level to parapet as proposed (metres)</b>	<b>Difference (centimetres)</b>
Block A	10.445m	10.550m	+10.5cm
Block B	10.445m	10.550m	+10.5cm
Block C	10.445m	10.550m	+10.5cm
Block D	10.445m	10.550m	+10.5cm
House Type 01	7.300m	7.410m	+10.5cm
House Type 02	7.375m	7.410m	+3.5cm
House Type 03 – main roof	6.745m	7.410m	+66.5cm
House Type 03 – projection	7.360m	7.915m	+55.5cm
House Type 04	7.300m	7.410m	+11cm

## 5. Consultees

- 5.1 The final consultation period for the application expires on 18 April 2024.
- 5.2 Local residents were consulted on 20 March for a 21-day period, which expired on 10 April.
- 5.3 The third party representations and consultee responses received by the time of completion of this report (16 April) are set out below; any subsequent responses received will be set out in the Committee Update Sheet. A full list of Consultees can be found on Public Access.

### Third Party Representations

- 5.4 One objection has been received making the following summarised comments:
- Block D is situated 4m from our boundary, having a significant impact on our house and view.
  - Concern regarding increase in height of building and balconies.
  - Request that the end of the balconies that overlook our garden are made a solid wall for privacy and to block sound.

Consultee	Date consulted	Date reply received
Felixstowe Town Council	20 March 2024	4 April 2024
Summary of comments: Recommend approval.		

Consultee	Date consulted	Date reply received
SCC Highways Department	20 March 2024	10 April 2024
Summary of comments: 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.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 March 2024	10 April 2024
Summary of comments: The LLFA does not believe the proposed variations to have a material impact on the approved scheme drainage strategy and therefore do not wish to restrict approval.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Heritage	20 March 2024	20 March 2024
Summary of comments: No comments to make.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	20 March 2024	4 April 2024
Summary of comments: Comments included in assessment below.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	20 March 2024	8 April 2024
Summary of comments: Comments included in assessment below.		



Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	20 March 2024	28 March 2024

Summary of comments:

The application results in some amendments to the soft and hard landscaping of the site. It would appear from the planning statement and plans that this results in a slight reduction of soft landscaping and a slight increase in hard landscaping to accommodate changes to some parking elements and therefore should be an issue. That said, given the importance of the landscaping design in addressing potential residual risk from contamination, clarification is sought that the changes in the design have been considered in this context and that the remediation strategy remains appropriate and adequate.

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	20 March 2024	10 April 2024

Summary of comments:

As the number of dwellings has not changed, please refer to our comments on the previous application.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	20 March 2024	21 March 2024

Summary of comments:

There are two unilateral undertakings sealed by Deed as dated 7 March 2023 and 27 July 2023 which must remain binding on any new planning permission granted approval. Otherwise, I have no comments to make on this application.

## Publicity

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

Publication	Published date	Expiry date	Reason
East Anglian Daily Times	28 March 2024	18 April 2024	Major Application

## Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	21 March 2024	11 April 2024	Major Application

## 6. Planning policy

East Suffolk Council Suffolk Coastal Local Plan 2020:

- SCLP3.1: Strategy for Growth
- SCLP3.2: Settlement Hierarchy
- SCLP3.3: Settlement Boundaries
- SCLP3.5: Infrastructure Provision
- SCLP5.8: Housing Mix
- SCLP5.10: Affordable Housing on Residential Developments
- SCLP7.1: Sustainable Transport
- SCLP7.2: Parking Proposals and Standards
- SCLP8.1: Community Facilities and Assets
- SCLP8.2: Open Space
- SCLP9.2: Sustainable Construction
- SCLP9.6: Sustainable Drainage Systems
- SCLP9.7: Holistic Water Management
- SCLP10.1: Biodiversity and Geodiversity
- SCLP10.3: Environmental Quality
- SCLP11.1: Design Quality
- SCLP11.2: Residential Amenity
- SCLP11.3: Historic Environment
- SCLP11.6: Non-Designated Heritage Assets
- SCLP11.7: Archaeology

Supplementary Planning Documents (SPDs) and other guidance:

- East Suffolk Council Affordable Housing SPD (2022)
- East Suffolk Council Sustainable Construction SPD (2022)
- East Suffolk Council Historic Environment SPD (2021)
- East Suffolk Council Recreational Disturbance Avoidance and Mitigation Strategy SPD (2021)
- Suffolk County Council Guidance for Parking Technical Guidance (2023)

National Planning Policy Framework (NPPF) 2023

## 7. Planning Considerations

- 7.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to vary Conditions 4 and 9a of planning permission DC/23/0539/VOC in order to make design changes to the approved scheme in respect of the residential development granted full planning permission.
- 7.2 Section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

- 7.3 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
- 7.4 The national guidance regarding section 73 applications such as this states that local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
- 7.5 Whilst this development has commenced and is at quite an advanced stage of construction, the works undertaken are limited to the foundations and timber framing of buildings. The buildings are not yet externally finished and have not had windows and doors fitted or roofing finishes added. The footprint and dimensions of the blocks constructed do not exceed the implemented planning consent and the positions of the constructed buildings remains unchanged. As it stands the buildings have not materially exceeded their approved heights, though as they come to be completed they are proposed to be subject to some very minor increases in height (10.5cm in most cases). Four of the dwellings (House Type 03) would be up to 66.5cm higher, however, construction of the timber frames of these houses has not commenced. It is concluded therefore that this is not a retrospective (section 73a) application and the determination of this minor material amendment application under section 73 is acceptable in principle.
- 7.6 Section 73(2) states: “On such an application, the local planning authority will consider only the question of the conditions subject to which planning permission should be granted.” As such, the sole consideration in this case is whether the proposed amendments to the extant planning permission are acceptable. The principle of the redevelopment of the site has been established by the grant of permissions DC/21/0541/FUL and DC/23/0539/VOC, as have the number and types of dwellings to be provided. The assessment below therefore considers the proposed changes to the previously approved scheme only.
- 7.7 Paragraph 140 of the NPPF states: “Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”. This is particularly relevant to section 73 applications such as this. Care must be taken in addressing the necessary practical reasons for post-planning design changes to ensure that the quality of design is not eroded, or eroded to an extent that the design becomes unacceptable. For this reason, the applicant has engaged with officers prior to the validation of the application to address the design changes required and to receive feedback from officers to reduce the aesthetic impacts of some of the changes required for construction purposes.

## Design Quality

- 7.8 Local Plan policy SCLP11.1 seeks to secure locally distinctive and high quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means.
- 7.9 The NPPF similarly places a high importance on good design as a key aspect of sustainable development (paragraph 131). Paragraph 135 states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area.
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 7.10 Paragraph 139 of the NPPF states that development that is not well designed should be refused. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.11 Of particular relevance to section 73 (variation of condition) applications such as this, paragraph 140 of the NPPF states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). The various changes proposed to the approved scheme are considered below.
- 7.12 Windows have been reduced in size across the residential development to address clashes with the internal layout and reduce overheating. This change reduces the overall quality of the development as it results in a greater proportion of brickwork as opposed to glazing. In order to rebalance the elevations, contrasting black brick recessed panels are proposed below windows (for windows above ground floor level). At ground floor level the brick banding feature is proposed to be adjusted to meet the bottom of the windows.
- 7.13 Windows have also been repositioned, and in some cases omitted, to also avoid internal layout clashes. The alignment of the windows within the approved scheme was based on a well-balanced series of elevations, and their realignment has therefore resulted in an unbalanced visual finish to the elevations of the buildings.

- 7.14 External rainwater goods are proposed on all residential units; these were not shown on the approved scheme and this was apparently an omission from the original architect's plans. These are in prominent locations, however, efforts have been made to balance their appearance. External letterboxes and meter boxes are also now proposed. In order to minimise their prominence on the buildings it is proposed to finish these in sympathetic colours, i.e. cream against buff brickwork, red-brown against red brickwork and bronze against the dark brickwork.
- 7.15 Building entrances to apartment Blocks A and D have been amended to no longer be recessed, with the material finish also changed from metal cladding to brickwork. The original design sought to signify the building entrances via alternative materials and detailing, including door sizes. Black contrasting bricks are however proposed to accent these key arrival spaces. Brick slips are to be used on some areas of the apartment blocks (facing the cricket pitch) in lieu of full brick, to reduce weight on the timber frame structures.
- 7.16 Free-standing balconies are proposed to all apartment blocks in lieu of cantilevered balconies to overcome structural issues and reduce the risk of thermal bridges. The balconies have also been amended in terms of their depths and heights relative to the buildings, albeit these dimensional changes are modest.
- 7.17 The approved scheme included recessed shadow gaps to break up the elevations of the buildings, and these are proposed to be replaced with projecting brickwork feature bands in some areas, and with the external rainwater goods in others.
- 7.18 The approved scheme included GRC window heads and sills, which have now been omitted. Brick soldier courses are however proposed above windows, with contrasting brickwork below the windows.
- 7.19 Four houses (House Type 01) towards the northern end of the residential development are proposed to be repositioned in order to avoid the root protection area (RPA) of an Oak tree within a neighbouring property's garden to the rear. These houses were approved as a row of four, linked via attached garages with terraces above the garages. It is proposed to split the houses into two pairs, moving one pair slightly north and the other pair further south, and to omit the garages and terraces. A continuous brick frontage is however proposed in order to mimic a mews character.
- 7.20 As noted in the table above, the heights of buildings across the residential development are also proposed to be increased. The apartment blocks (Blocks A, B, C and D) are all proposed to increase by approximately 10.5cm to the parapets. The applicant has advised that this is due to the roofs being designed as green roofs with PV panels, which will require ongoing maintenance, and that the increased parapet heights will provide protection during maintenance. The houses are also proposed to be increased in height to provide consistency throughout the development. The height increases are not considered to have a material impact on the design quality of the development, as features from the approved scheme such as the projecting balconies on the apartment blocks and the varied roof form of House Type 03 (the dwellings that face Garrison Lane) have been carried through to this proposed scheme.

- 7.21 A number of changes are proposed to the layout of the residential scheme in terms of parking, landscaping, cycle storage and bin storage. The substation and ball court are also proposed to be repositioned.
- 7.22 The approved scheme includes 61 car parking spaces for the residential units (i.e. 1:1), including 3 blue badge spaces, together with 1 blue badge space for the community hall. It should be noted that the reference to '16 residential car parking spaces' in the description on the extant permission is a typographical error, where this should have stated '61'. The car parking spaces did not meet the size standards set out within the Suffolk Guidance for Parking Technical Guidance – measuring 2.4m by 4.8m rather than 2.5m by 5m. The proposed scheme therefore seeks to address this.
- 7.23 The proposed scheme would provide 61 car parking spaces for residents, including 3 blue badge spaces, and would therefore continue to provide one space for each residential unit in line with the approved scheme. A blue badge space for the community hall would also be provided, as before. In addition, two drop-off spaces are proposed together with a contractor parking space and a blue badge visitor space. No objections have been raised by Suffolk County Council as local Highway Authority regarding the proposals, and the principle of a 1:1 ratio of car parking spaces to residential units was accepted under the previously approved scheme.
- 7.24 Minor changes are proposed to the siting of the substation, ball court, cycle stores and bin stores. Under the approved scheme, the substation was shown to the north of the access road into the site and directly adjacent to a neighbouring dwelling's boundary. This is proposed to be moved away from the boundary and closer to the access road. Although this is a prominent location, it is similar to the approved position for the substation and it is anticipated that some additional screening, such as hedging, can be secured as part of a detailed landscaping scheme (to be conditioned).
- 7.25 The ball court adjacent to the play street would be in a similar position to that previously approved but turned to be parallel to the street. The bin store and the cycle store to the south of Block A would be separated, with the cycle store sited next to the ball court and the bin store moved further east. The second cycle store, located in the landscaped area between Blocks C and D, is proposed to be relocated further east within this area. The bin store to the north of Block C has been enlarged, and the bin store to serve Block D would be moved closer to Block D.
- 7.26 As noted by the Council's Senior Landscape Officer, the proposed changes have resulted in a reduction in the amount of soft landscaping in the communal areas of the residential development, predominantly due to the increase in parking space sizes. It is also unfortunate that the parking bays cannot be broken up with some planting, as this was a positive of the approved scheme. Although this is unfortunate, officers have had to balance this against the need to provide a car parking space for each residential property. The Landscape Officer advises that opportunities should be explored for additional tree planting to be incorporated across the site, including around the SuDs basin and within the community growing area. A detailed landscaping scheme for the site will (as before) need to be secured by condition.

## Residential Amenity

- 7.27 Local Plan policy SCLP11.2 seeks to ensure that developments will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.
- 7.28 The proposed amendments to the approved scheme that require consideration in terms of residential amenity impacts are:
- Amendments to House Type 01 including revised siting and removal of garages with terraces above.
  - Increase in height of buildings.
- 7.29 Four houses (House Type 01) towards the northern end of the residential development are proposed to be repositioned in order to avoid the root protection area of an Oak tree within a neighbouring property's garden to the rear. These houses were approved as a row of four, linked via attached garages with terraces above the garages. It is proposed to split the houses into two pairs, moving one pair slightly north and the other further south with additional parking provided in between, and to omit the garages and terraces.
- 7.30 As a result of this amended siting, there would be a greater extent of built development (the southern-most house, plot H54) close to No. 107 Garrison Lane when compared to the approved scheme. However, as before, no first floor windows are proposed in the rear elevations of House Type 01 and as such the proposed changes would not result in any overlooking in this respect. In addition, the removal of the first floor terraces from this house type will reduce the impact of the development on neighbouring properties in Garrison Lane in terms of privacy. House Type 01 is proposed to be increased in height by approximately 10.5cm, however, this is a modest change that would not have a significant impact on neighbour amenity when compared to the approved scheme.
- 7.31 As noted in the table earlier in this report, the apartment blocks are proposed to increase in height by 10.5cm (to parapet). Of these, Block D is close to neighbouring properties to the south in Newry Avenue. Although Block D is approximately 4m from the boundary with neighbouring gardens, the proposed increase in height is modest in the context of the approved scheme. It is also noted that the original plans did not show level changes across the site and the actual site levels place this block lower than the 'flat' level shown on the approved plans. Concerns have been raised regarding potential overlooking from the balconies on Block D, however, there is a condition on the extant permission requiring obscured glazed privacy panels to be fitted on the southwest elevation of the southernmost balconies at both first and second floor level to a height of 1.7m from balcony floor. This condition would also be imposed on the permission for the proposed scheme if granted.
- 7.32 There are existing dwellings to the north and south of House Types 02 and 03, and to the south of House Type 04, and it is proposed to increase the heights of these buildings by between 3.5cm and 66.5cm (as set out in the above table). Given however the two-storey scale of the proposed houses and their relationships to surrounding development, it is not considered that the height increases would have a significant impact on residential amenity when compared to the approved scheme.

## Ecology

- 7.33 The site is within the Suffolk Coast RAMS Zone of Influence (Zone A - within 13km of the Stour and Orwell Estuaries Special Protection Area and Ramsar). As such, a financial contribution, or equivalent mitigation identified via a Habitats Regulations Assessment, is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. This was secured through a section 111 with an upfront payment made under application DC/21/0541/FUL. The applicant has confirmed that the RAMS fund paid should be transferred to this application.
- 7.34 The site is within 5km of seven statutory sites and within 2km of two country wildlife sites (CWS). The statutory sites were six sites of scientific interest, and one local nature reserve. The closest site is the Landguard Common SSSI, which is 2.4km south of the site. The closest CWS is the Egypt Wood CWS, which is 1.9 km north. Due to these distances, it is considered unlikely that the sites will be impacted by the development.
- 7.35 Biodiversity net gain (BNG) became mandatory from 12 February 2024, however, BNG does not apply to:
- retrospective planning permissions made under section 73A; and
  - section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.
- 7.36 As this is a section 73 application and the original application DC/23/0539/VOC was granted before 12 February 2024, mandatory BNG does not apply in this case.
- 7.37 The Council's Ecology Team note that the remaining habitat within the site boundary provides little suitable habitat for protected species. Bat boxes and swift boxes are proposed on the apartment blocks in line with the ecological enhancement measures recommended at the time the previous applications on the site were considered. A detailed landscaping plan will be secured by condition, which will also be expected to deliver biodiversity enhancement via planting.

## Land contamination

- 7.38 A number of conditions are attached to permission DC/23/0539/VOC to address land contamination. Of these conditions, the pre-commencement conditions requiring site investigation and a remediation method statement (RMS) for the residential development have been discharged, with the approved RMS being required to be completed in its entirety prior to any occupation of the dwellings.
- 7.39 The Council's Environmental Protection Team note that the proposals result in amendments to the soft and hard landscaping of the site, with a slight reduction in soft landscaping to accommodate changes to parking. They highlight that the landscape design is important in addressing potential residual risk from contamination, and therefore requested clarification that the changes have been considered in this context and that the approved remediation strategy remains appropriate and adequate.



- 7.40 The approved remediation strategy identified that the areas within the residential development of the site requiring remediation are limited to areas of soft landscaping, both in communal areas and private gardens. Remediation is not required beneath planned building footprints, although it was highlighted that this should be reviewed if the proposed layout changes. Remediation is also not required within the areas where hard landscaping is proposed (including parking areas). The approved strategy for all soft landscaped areas is the placement of a suitable, inert soil cover system suitable for use in a residential setting.
- 7.41 As the layout changes in this case result in a slight reduction in soft landscaping and an increase in hard landscaping within the communal areas of the residential development, it is anticipated that the agreed remediation approach remains appropriate. The approved remediation strategy will need to be updated to reflect the layout changes, and this can be secured by condition. In terms of the revised siting of House Type 01, this involves a rearrangement of building footprints and hard landscaping (parking) and is not therefore anticipated to raise any additional issues in terms of remediation.

### Contributions

- 7.42 The scheme as approved under DC/21/0541/FUL and DC/23/0539/VOC is subject to a Planning Obligation, via a Unilateral Undertaking, for the provision of contributions towards early years and primary years places to serve the development. The contributions are required to be paid to the County Council prior to occupation of the first dwelling, and the obligations secured by the Unilateral Undertaking also apply to any subsequent section 73 applications such as this current application.

## **8. Conclusion**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan in this case is the East Suffolk Council Suffolk Coastal Local Plan (adopted September 2020). The National Planning Policy Framework (NPPF) 2023 is a material consideration in planning decisions, and at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 8.2 The national guidance regarding Section 73 applications such as this states that local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. There have been no significant changes to the development plan, the NPPF or other material considerations since application DC/23/0539/VOC was determined.
- 8.3 Overall, officers consider that some of the above architectural changes have a 'downgrading' aesthetic effect on the architectural quality of the development. However, the original application was of a very high standard of architectural design. High quality design is an aspiration of major planning applications, and it should be celebrated when achieved. In hindsight the original designs were of a higher standard than would have been

required to achieve planning permission on this site. A well-designed scheme not only needs to be aesthetically pleasing but it also needs to function well and be capable of construction to the standards expected. In this case the design driver is to achieve Passivhaus status and it is apparent that the original design, whilst proposed as having that status, was incapable of it when it came to construction design.

- 8.4 The changes presented here, as a minor architectural downgrade, do not materially diminish the quality of the approved scheme to such an extent that the design is unacceptable. The proposals seek to bring forward the key positive features of the approved development, adapting the permitted scheme to ensure that it is functional, practical, and deliverable whilst maintaining a good standard of design.
- 8.5 This revised scheme is considered to accord with the relevant provisions of the development plan and the National Planning Policy Framework.

## **9. Recommendation**

9.1 Approve subject to conditions to address the following matters:

- Time limit for commencement of residential development (with full planning permission).
- Time limit for the commencement of development (with outline permission).
- Time limit for the submission of reserved matters (for development with outline permission).
- Dwellings to be constructed in accordance with approved materials.
- Removal of permitted development rights for extensions and alterations, roof alterations and outbuildings in respect of the residential development.
- Removal of permitted development rights for walls and fences.
- Removal of permitted development rights for additional windows above ground floor level.
- Requirement for windows above ground floor level serving bathrooms to be fitted with obscure glazing.
- Development to be carried out in accordance with the approved plans and documents.
- Provision of storage areas for bins.
- Development to be carried out in accordance with approved scheme for provision of affordable housing.
- Details of external lighting to be agreed.
- Construction hours to be limited to 7.30am to 6pm Mondays-Fridays, 8am to 1pm on Saturdays and no construction work to take place on Sundays and Bank Holidays.
- Protective fencing for existing trees to be implemented as approved.
- Noise assessment to be submitted.
- Requirement for a minimum of 5% of car parking spaces for staff/visitor use to be provided with EV charging points (development with outline permission).
- Requirement for all dwellings with off-street parking and a minimum of 10% of spaces in private communal parking areas to be provided with EV charging points.
- Site investigation in respect of land contamination to be carried out (development with outline permission).
- Remediation method statement (RMS) in respect of land contamination to be submitted.

- RMS to be completed prior to occupation of the development.
- Validation report in respect of land contamination to be submitted.
- Landscaping scheme to be submitted for approval.
- Management plan for maintenance of communal areas to be submitted for approval.
- Residential development to be carried out in accordance with the approved drainage strategy including construction surface water management plan.
- Strategy for disposal of surface water to be submitted for approval (development with outline permission).
- Details of implementation, maintenance and management of the strategy for the disposal of surface water to be submitted for approval (development with outline permission).
- Surface water drainage verification report to be submitted for approval.
- Construction Surface Water Management Plan detailing how surface water and storm water will be managed on the site during construction to be submitted for approval (development with outline permission).
- Southern-most balconies at first and second floor levels on apartment Block D to be fitted with an obscured glazed privacy panel on their southwest elevation to a height of 1.7m from balcony floor.

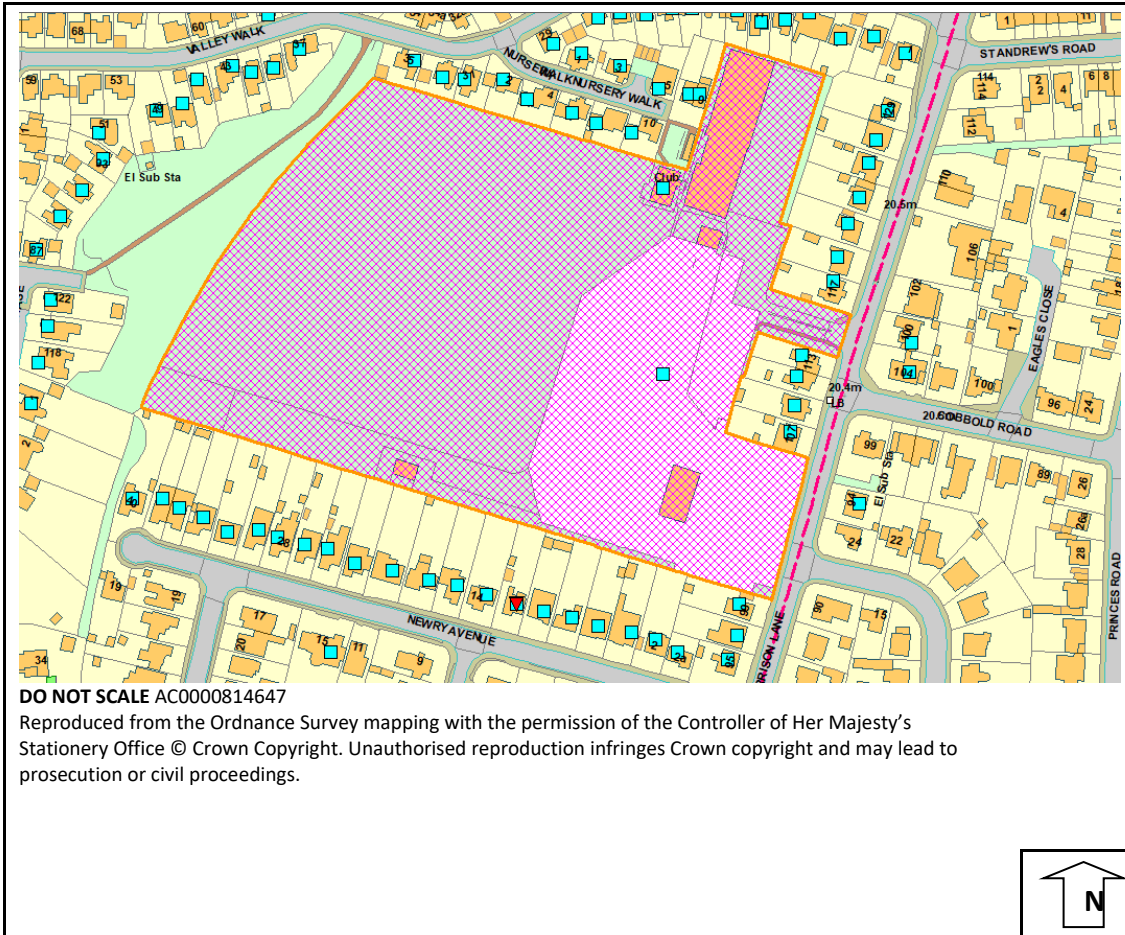
**Informatives:**

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/24/0773/VOC on [Public Access](#)

# Map



## Key



Notified, no comments received



Objection



Representation



Support