



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, 22 August 2023 at 2.00pm**

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

Members:

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

An Agenda is set out below.

Part One – Open to the Public		Pages
1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the minutes of the meeting held on 25 July 2023.	1 - 14
5	East Suffolk Enforcement Action - Case Update ES/1626 Report of the Head of Planning and Coastal Management.	15 - 32
6	DC/22/4985/FUL - Hungarian Lodge, High Street, Ufford, IP13 6EL ES/1627 Report of the Head of Planning and Coastal Management.	33 - 51

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 25 July 2023 at 2.00pm.**

Members of the Committee present:

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

Other Members present:

Councillor Sally Noble

Officers present:

Nick Clow (Assistant Planner), Matt Makin (Democratic Services Officer (Regulatory)), Agnes Ogundiran (Conservative Political Group Support Officer), Philip Ridley (Head of Planning and Coastal Management), Rachel Smith (Principal Planner), Alli Stone (Democratic Services Officer (Governance)), Dominic Starkey (Assistant Enforcement Officer (Development Management)).

1 Apologies for Absence and Substitutions

No apologies for absence were received.

2 Declarations of Interest

Councillor Mike Deacon declared an Other Registerable Interest in item 7 of the agenda, as a member of Felixstowe Town Council.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

4 Minutes

Councillor Fisher noted a typographical error in the second paragraph of the minutes and noted that Councillor Hedgley had declared an interest in item 6 of the agenda and not item 8 of the agenda as recorded.

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

RESOLVED

That the minutes of the meeting held on 27 June 2023 be agreed as a correct record and signed by the Chair, subject to the following amendment:

Item 2, paragraph 2 "Councillor Colin Hedgley declared a Non-Registerable Interest in item 6 of the agenda, as the application site was located within his ward."

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1612** of the Head of Planning and Coastal Management, which provided 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 26 June 2023. At that time there were 17 such cases.

The report was taken as read and the Chair invited the Assistant Enforcement Officer (Development Management) to comment on it. The Assistant Enforcement Officer highlighted that for cases B1 (Land at Wangford Road/Reydon Lane, Reydon) and B3 (26 Highland Drive, Worlingham) appeal dates for site visits in August 2023 had been confirmed. The Committee was advised that in case F2 (Land adjacent to Oak Spring, The Street, Darsham) the appeal against enforcement action had been dismissed and a compliance date of 24 July 2023 had been set.

The Chair invited questions and comments to the officers. Councillor Hedgley commended the team for its work, noting the length of time taken on several cases.

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

RESOLVED

That the outstanding enforcement matters up to 26 June 2023 be noted.

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

The Committee received report **ES/1613** of the Head of Planning and Coastal Management, which related to planning application DC/22/4985/FUL.

The application sought full planning permission for the erection of one dwelling on land at Hungarian Lodge, High Street, Ufford. As the case officer's minded-to recommendation of approval was contrary to the recommendation of refusal received from Ufford Parish Council the application was considered by the Planning Referral Panel on 4 July 2023, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution. The Planning Referral Panel was of the view that the significant planning considerations and public interest were such that the application should be determined by the Committee.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The Principal Planner summarised the evolution of the application, noting that originally a two-storey dwelling had been proposed; the scheme had been amended in response to comments received to form the proposal that was before the Committee.

The site's location was outlined and the Committee was shown photographs demonstrating the following views:

- looking into the application site
- towards the application site from the south
- towards the application site from the north
- towards the host dwelling from Lodge Road
- looking into the site from the access point
- properties in Lodge Road with gardens bordering High Street
- towards 11 Lodge Road from within the application site
- from the access point into the site, showing the relationship with 11 Lodge Road
- looking east to west across the application site

When displaying the photographs, the Principal Planner outlined the fenestration arrangements of 11 Lodge Road facing the proposed development and highlighted that the window that would be most affected served the property's dining room.

The Committee was shown the proposed layout, elevations and floor plans. The Principal Planner displayed the proposed sections and demonstrated the development's relationship to 11 Lodge Road.

The material planning considerations and key issues were summarised as the principle of development, design and appearance, and the impact on neighbours' residential amenity, particularly in regard to light.

The Principal Planner provided an overview of the impact on light to 11 Lodge Road. The Committee was advised that all windows with a requirement for daylight had passed the Vertical Sky Component test with the exception of the dining room window.

The Principal Planner explained that where existing buildings sat close to the boundary, alternative targets can be applied by calculating the level of light that the window would achieve if obstructed by a hypothetical 'mirror image' of the existing building; the dining room window passed the Vertical Sky Component test using this target and the Principal Planner highlighted that similar applies to the daylight distribution target.

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

The Chair invited questions to the officers. The Principal Planner confirmed the Councillor Deacon that Ufford Parish Council had not objected to the original two-storey development proposal.

Councillor Hedgley queried the distance of the proposed dwelling from the site boundary. The Principal Planner said the bungalow would be located one metre from the shared boundary with 11 Lodge Road. Councillor Daly queried the distance from the windows of 11 Lodge Road; the Principal Planner explained that the windows affected at 11 Lodge Road were a further two metres away from the shared boundary.

Councillor Ninnmey asked what the increase in footprint had been as a result of the variations made to the application. The Principal Planner was not aware of the precise measurements but was able to display layout drawings demonstrating the change in footprint over the evolution of the application. The Principal Planner confirmed to Councillor Ninnmey that the chimney was for decorative purposes.

The Chair invited Mr Leigh, who objected to the application, to address the Committee. Mr Leigh said he was representing his mother, whose home neighboured the site and who also objected to the application. Mr Leigh said he strongly objected to the application on several grounds; he considered the design failed to respond to the local vernacular and was generic, and sat poorly in relation to neighbouring properties.

Mr Leigh was of the view that the proposed development did not enhance the special architectural character of the area, noting that several listed buildings neighboured the site, and the design was not sympathetic to these buildings. Mr Leigh said that a lack of unified treatment for the façade was a further indication that the development did not fit in to its surroundings.

Mr Leigh said that the development would also have an ecological impact and would remove important habitat. Mr Leigh also pointed out that the close proximity of the bungalow to the shared boundary with 11 Lodge Road was further evidence of the applicant's lack of consideration and would cause an unacceptable level of impact on the light enjoyed by that property.

Mr Leigh said the application was not BRE compliant and said the case officer's justification through alternative testing was erroneous; he said he taken expert advice that suggested such alternative testing was for urban high-rise areas and not applicable to low-rise rural development. Mr Leigh urged the Committee to consider the dangerous precedent accepting this testing would set and, for the reasons he had set out, to refuse the application.

The Chair invited questions to Mr Leigh. Mr Leigh confirmed that the existing habitat that would be lost was not public open space but would represent a further loss of green space in Ufford.

Mr Leigh was asked about the distances between the development, the shared boundary of 11 Lodge Road, and the windows of the existing property. Mr Leigh said he did not have the measurements to hand and referred to those provided by the Principal Planner in her presentation.

The Chair invited Councillor Smith, representing Ufford Parish Council, to address the Committee. Councillor Smith said that the Parish Council objected to the application for several reasons; he noted the applicant occupies a large plot and yet had placed the proposed dwelling very close to 11 Lodge Road in such a way that would cause overlooking, and noted the loss of light identified by the light assessment undertaken. Councillor Smith considered that it would be a more sensible use of the site to relocate the dwelling further from 11 Lodge Road and create more privacy for both properties.

Councillor Smith highlighted the case officer's assertion in the report that the impact on residential amenity was not significant enough to warrant refusal; he suggested otherwise and considered the impact the dwelling would have on 11 Lodge Road had been

underestimated. Councillor Smith noted that the application site was of a higher ground level than 11 Lodge Road.

Councillor Smith said the Parish Council supported the objections made by residents and noted that the site formed an open ecological corridor that would be lost. Councillor Smith was of the view that the applicant had not adhered to pre-application advice about making the design being in keeping with the streetscene and reiterated that several listed buildings neighboured the application site.

Councillor Smith submitted that that the proposed dwelling would have a significant impact on the streetscene and that the case officer should have insisted on a streetscene drawing being submitted. Councillor Smith noted that the Highways Authority had originally objected to the application before moving to recommending approval subject to conditions, and that there had been no consultation with neighbours. Councillor Smith encouraged the Committee to refusal the application for the reasons he had set out.

The Chair invited questions to Councillor Smith. In response to a query from Councillor Deacon regarding the Parish Council's comments on the first iteration of the application, Councillor Smith said this was a consequence of timing and that the Parish Council had been given a very limited period to consider the first application; he said it was a matter of record in the Parish Council minutes that some councillors had raised objections with the original application.

Councillor Smith confirmed to Councillor Hedgley that there had been no consultation undertaken by the applicant. Councillor Smith advised Councillor Ninnmey that whilst he did not have precise information on the biodiversity loss to hand, the draft Ufford Neighbourhood Plan had identified the site as part of an existing ecological corridor and that adjacent developments had cited this as important to offsetting their own ecological impact.

The Chair invited Mr Jones, the applicant's agent, to address the Committee. Mr Jones noted he was a right to light surveyor for the applicant and made a presentation on the results of the BRE surveys completed. Mr Jones highlighted specifically the results relating to the dining room window of 11 Lodge Road and that it had marginally failed the two-prong Vertical Sky Component test on both loss and ratio, with similar results for the daylight distribution test.

Mr Jones outlined the alternative test using a hypothetical 'mirror image' of the existing building as detailed by the Principal Planner in her presentation and summarised that it could be the case that the dining room window takes it fair share of the light.

The Chair invited questions to Mr Jones. In response to a query from Councillor McCallum, Mr Jones reiterated the explanation of the alternative test given by the Principal Planner earlier in the meeting. When asked by Councillor Daly for comment about Mr Leigh's observation that the alternative test should not be applied in a low-rise and rural area, Mr Jones challenged this notion and explained that the test was self-regulating and created its own targets and could be applied to rural, urban and suburban areas.

The Chair invited the Head of Planning and Coastal Management to comment on issues relating to light. The Head of Planning and Coastal Management explained that the impact on light to 11 Lodge Road was one factor to be considered as part of considering the relationship between the proposed dwelling and the neighbouring property.

The Committee was advised that the figures provided by Mr Jones needed to be balanced against other factors when determining the application and highlighted the change of height between the two sites. The Head of Planning and Coastal Management advised that if the Committee needed further understanding of the possible loss of light issue, it could defer its decision to allow for a site visit to take place.

The Chair invited Councillor Noble, the ward member for Ufford, to address the Committee. Councillor Noble endorsed the comments of Mr Leigh and Ufford Parish Council and said she had received feedback from the residents that they had struggled to find the elevations in the application documents and that the submitted drawings were not clear or well labelled.

Councillor Noble highlighted that the applicant had not submitted a design and access statement and no comments had been received from the Council's Design and Conservation team; she pointed out that the proposed dwelling was very close to 11 Lodge Road and there was no indication of the proposed boundary treatments. Councillor Noble said that Google Maps images suggested large trees on the site had already been felled and there was very little space for replanting or softening the boundary with 11 Lodge Road.

Councillor Noble said it was regrettable that there had not been a site visit and considered that the proposed dwelling would not benefit Ufford and would have a negative impact on biodiversity.

The Chair invited questions to Councillor Noble. Councillor Ninnmey asked if the site had been detailed in the work to draft the Ufford Neighbourhood Plan and Councillor Noble said she was not fully aware.

Councillor Smithson queried if there would be the same level of objection if the design was more appropriate to the area. Councillor Noble replied that the proximity of the proposed dwelling to 11 Lodge Road was a significant component of objections, which were not solely based on the design.

The Chair invited the Committee to debate the application that was before it. Councillor McCallum proposed that, given the issues around light and the objections received, the application be deferred to enable the Committee to visit the application site; this was seconded by Councillor Hedgley.

Councillor Deacon concurred that a site visit was required given the complexities of the application and considered it would be helpful to do so.

There being no further debate the recommendation to defer the application to enable the Committee to visit the site was put to the vote and it was unanimously

RESOLVED

That the application be **DEFERRED** to enable the Committee to visit the application site.

Officers advised that a site visit would be arranged and that details would be circulated to members of the Committee in due course.

7 DC/23/1294/FUL - 19 Penfold Road, Felixstowe, IP11 7BP

The Committee received report **ES/1614** of the Head of Planning and Coastal Management, which related to planning application DC/23/1294/FUL.

The application sought full planning permission for the construction of a two-storey side extension at 19 Penfold Road, Felixstowe. As the case officer's "minded to" recommendation of approval was contrary to the recommendation of refusal received from Felixstowe Town Council the application was considered by the Planning Referral Panel on 11 July 2023, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

As the Panel was split on the route of determination the application was referred to the Head of Planning and Coastal Management, who decided that the application should be determined by the Committee due to the potential impact on 17 Penfold Road, the streetscene, and bin storage/parking provision.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown aerial photographs of the site demonstrating how the site fitted in with the surrounding streetscene.

The Assistant Planner displayed photographs demonstrating various views into the site and along the streetscene.

The existing and proposed block plan, elevations and floor plans were displayed. The Committee was advised that in respect of the amount of off-road parking provided, officers were content with two spaces as the host dwelling could be extended under permitted development rights with no regard to the Parking Standards.

The Assistant Planner outlined the light testing undertaken in respect of 17 Penfold Road, which related to a window servicing the kitchen of that property.

The Committee was apprised of the details of a similar scheme on the site consented in 2014; the Assistant Planner said the previously approved scheme did not extend as far to the rear of the host dwelling as the current proposal, but was otherwise similar.

The Committee was shown photographs demonstrating similar extension permitted in the immediate area.

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

The Chair invited questions to the officers. In response to a query from Councillor Daly, the Assistant Planner clarified that the current Parking Standards required the host dwelling to have two off-road parking space and the proposed extension would increase this requirement to three spaces. Officers were content with two off-road spaces provided in this instance given that the extension of the house under permitted development rights could occur with no recourse given to the Parking Standards.

The Assistant Planner confirmed to Councillor Smithson that no objections had been received from neighbouring properties. When asked by Councillor McCallum, the Assistant Planner advised that although the example extensions displayed were not identical to the proposed extension they were broadly similar.

Councillor Graham queried if the roof lighting proposed was necessary, noting the impact they could have on light pollution and having regard to information on dark skies she had received at a recent AONB meeting. The Assistant Planner explained that this would not be a material planning consideration and noted the established precedent for similar roof lighting in Penfold Road. The Head of Planning and Coastal Management added that the AONB standards referred to would not apply to the area the application site lay within and the proposed lighting would have a negligible impact on light pollution in an urban area.

The Assistant Planner confirmed to Councillor Deacon that the inclusion of the Juliet balcony was not considered to impact on the visual amenity or character of the area.

The Chair invited Mr Saiz, the applicant, to address the Committee. Mr Saiz noted that his family had lived on Penfold Road for some time and liked the area and required the extension for additional living and working space, which they had realised during the pandemic they needed.

Mr Saiz confirmed that no objections had been received from neighbours and that he had discussed the application with the residents of 17 Penfold Road, discovering there was a second window servicing their kitchen which would not be impacted by the development. Mr Saiz highlighted that the light reaching the affected kitchen window at 17 Penfold Road was already minimal.

Mr Saiz highlighted other developments consented in the area that had created a degree of overlooking and said it would be unusual to refuse his application for similar reasons.

The Chair invited questions to Mr Saiz. In response to Councillor Daly's question on parking, Mr Saiz said the parking arrangements would be unchanged and did not envisage any parking issues following development. Mr Saiz noted that other dwellings in the area did not utilise their off-road parking provision.

The Chair invited the Committee to debate the application that was before it. Councillor Hedgley noted that there had been no objections from neighbours despite a consultation taking place; he was in support of the application.

Councillor McCallum proposed the recommendation to approve the application, which was seconded by Councillor Deacon, and on being put to the vote it was unanimously

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing number 64241 Rev A received on the 28.03.2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informative:

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.

8 DC/23/0517/FUL - 39 Simons Cross, Wickham Market, Woodbridge, IP13 0SX

The Committee received report **ES/1615** of the Head of Planning and Coastal Management, which related to planning application DC/23/0517/FUL.

The application sought full planning permission for the erection of a holiday let at 39 Simons Cross, Wickham Market. As the case officer's "minded to" recommendation of approval was contrary to the recommendation of refusal received from Wickham Market Parish Council the application was considered by the Planning Referral Panel on 2 May 2023, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, who referred the application to the Committee for determination.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown aerial photographs demonstrating the site's relationship to the streetscene. The Committee also received photographs demonstrating views of the site from various angles in Simons Cross.

The Assistant Planner displayed the existing and proposed block plans, elevations and floor plans, noting the addition of a secure bin and bicycle storage following comments received at the Planning Referral Panel.

The Committee was shown photographs of the site demonstrating the existing parking arrangements; the host dwelling was currently served by three off-road parking spaces and this would be maintained following the development. The Assistant Planner highlighted this met the Parking Standards required by the Highways Authority.

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

The Chair invited questions to the officers; he asked for clarification on the concerns of Wickham Market Parish Council about the letting of the of the development. The Assistant Planner explained that there was a proposed condition to restrict use to holiday let only, to prevent the sale of the extension as a separate dwelling.

The Chair invited Mr Austin, the applicant, to address the Committee. Mr Austin said he was looking to convert his garage and had also completed a change of use application to use it as a holiday let. Mr Austin said he had been upfront and honest with his neighbours, consulting them at the outset.

Mr Austin had said his original intention was to create space for relatives to use when visiting, and the holiday let element was to recuperate his costs. Mr Austin did not envisage heavy use of the development as a holiday let but said he would be promoting local businesses to any guests, which he considered would be good for the area.

Mr Austin advised that his family only had one car and given there was space to park behind and in front of the garage, the property would be served by four off-road parking spaces. Mr Austin understood that the development would be restricted in order to not be used as a separate dwelling.

The Chair invited questions to Mr Austin. In response to a query from Councillor Hedgley, Mr Austin said he was aware and content that he would be liable for Community Infrastructure Levy (CIL) payments.

The Chair invited Councillor Noble, the ward member for Wickham Market, to address the Committee. Councillor Noble highlighted that Wickham Market Parish Council was opposed to the use of the development as a holiday let, expressing concerns about parking and noting that there would be space for three vehicles.

Councillor Noble noted adjacent development on the old allotments would bring another 25 dwellings and sought assurances that the development would not become a separate dwelling.

There being no questions to Councillor Noble, the Chair invited the Committee to debate the application that was before it. Councillor McCallum noted the increase in her own ward of the area being used as a base for people visiting and exploring East Suffolk and saw no reason to object to the application, considering it would benefit tourism in the area. Councillor Deacon concurred with these comments, noting the application was policy compliant and would be good for the economy.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing number PP001C received on the 29.06.2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

When the unit is in use as a 'holiday let', the duration of occupation by any one person, or persons, of the unit shall not exceed a period of 56 days in total in any one calendar year. The owners/operators of the holiday unit hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the unit during each individual letting. The said register shall be made available at all reasonable times to the Local Planning Authority.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right. This condition is imposed to ensure that the development is occupied only as bona-fide holiday accommodation in the interests of residential amenity.

5. The parking spaces in front of existing dwellinghouse and the hereby consented holiday let, shall be retained for parking purposes and be maintained for use by both the dwellinghouse and the holiday let in perpetuity.

Reason: To ensure that adequate shared parking provision is maintained for both the dwellinghouse and the holiday let in the interests of highway safety, whilst maintaining flexibility in terms of which occupants can utilise which parking space, due to the close relationship between the use of the units.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy

Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

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

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

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

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5.

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

9 DC/23/0718/FUL - Sports Ground, Notcutts Park, Fynn Road, Woodbridge, IP12 4LS

The Committee received report **ES/1616** of the Head of Planning and Coastal Management, which related to planning application DC/23/0718/FUL.

The application sought full planning permission for the construction of two single-storey extensions to the existing clubhouse at Notcutts Park, Fynn Road, Woodbridge. As the Council had a leasehold on the site the application was presented to the Committee for determination in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined and the Committee was advised that following a community governance review the site was now within the Woodbridge parish boundary, having previously been within the Martlesham parish boundary. The site continued to sit within the Martlesham Neighbourhood Plan area.

The Committee was shown aerial photographs of the site along with images of the clubhouse on the site from various angles. The Assistant Planner displayed the existing and proposed block plan, floor plans, and elevations.

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

There being no questions to the officers, public speaking or debate, the Chair proposed the recommendation to delegate authority to the Head of Planning and Coastal Management to

approve the application as set out in the report, which was seconded by Councillor Daly and on being put to the vote it was unanimously

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to both agreement with the Chair and Vice Chair of Planning Committee South following receipt of the Town Council's comments or following the expiry of the consultation period in the event that no comments are received, and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing numbers 6423 1, 6423 2, received on the 24.02.2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informatives:

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

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

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

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

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5.

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

The meeting concluded at 3.23pm.

.....
Chair



Planning Committee South

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

22 August 2023

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 13 July 2023. At present there are 19 such cases.

Information on all cases has been updated at the time of preparing the report such that the last 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. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *7 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *2 current case*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *1 current case*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *3 current cases*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

RECOMMENDATION

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

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

A.1

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

A.2

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

A.3

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

A.4

LPA Enforcement Case Reference	ENF/21/0460/DEV
Location / Address	21 Mill View Close, Woodbridge
North or South Area	South
Date of Report of Breach	13.10.2021
Nature of Breach: Erection of large fence	
Summary timeline of actions on case 06/07/2023 –Enforcement Notices served. Comes into effect on the 06/08/2023	

<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/11/2023

A.5

LPA Enforcement Case Reference	ENF/23/0073/DEV
Location / Address	15 Worell Drive, Worlingham
North or South Area	North
Date of Report of Breach	06.03.2013
<u>Nature of Breach:</u> Erection of a fence over 1m adjacent to a highway	
<u>Summary timeline of actions on case</u> 06/07/2023 –Enforcement Notices served. Comes into effect on the 06/08/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/10/2023

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

B.1

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

B.2

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case	
<p>17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance.</p> <p>19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116</p>	

07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision

B.3

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

B.4

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066	

07/10/2022 – Appeal statement submitted.	
28/10/2022 – any final comments on appeal due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

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

B.6

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

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision
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B.7

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

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

There are currently no cases at this stage.

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

D.1

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

D.2

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

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

E.1

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

Appeal date set in relation to Certificate of Lawful Use (proposed) refusal. Injunction granted to remove works.	
Date by which Compliance expected (or prosecution date)	Before 18 th August 2023

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

F.1

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

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

F.2

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

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

F.3

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
<u>Nature of Breach:</u> Untidy site	
<u>Summary timeline of actions on case</u>	
<p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action.</p> <p>21/11/2022– Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24th February 2023 to comply with notice.</p>	

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

Current Status/Position

In compliance period

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

G.1

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

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

Planning Committee South – 22 August 2023

Application no DC/22/4985/FUL

Location

Hungarian Lodge
High Street
Ufford
Suffolk
IP13 6EL

Expiry date 6 March 2023
Application type Full Application
Applicant Aviary Developments Ltd

Parish Ufford
Proposal Construction of 1 dwelling
Case Officer Rachel Smith
07887 452719
rachel.smith@eastsoffolk.gov.uk

1. Summary

- 1.1 The application seeks full planning permission for the erection of one dwelling on land at Hungarian Lodge, High Street, Ufford.
- 1.2 The application is being presented to Planning Committee South for determination following it being heard at the Referral Panel meeting on 4th July 2023. The Referral Panel considered that there were significant planning considerations and public interest in the application such that the proposal should be determined by Committee.
- 1.3 The application was presented to Planning Committee South on 25th July 2023; Members resolved to defer the application for a site visit which will take place on 17th August 2023.
- 1.4 The application proposes the erection of a detached dwelling on land within the Ufford Settlement boundary. It is considered that the design and visual impact of the proposed development is acceptable and that there would not be a significant adverse impact on the

amenity of neighbouring residents. The application is therefore recommended for approval.

2. Site Description

- 2.1 The application site lies on the western side of High Street, within the Settlement Boundary of Ufford. The site currently forms part of the garden of Hungarian Lodge, a large detached dwelling situated on a generous plot to the south of the application site. Access to Hungarian Lodge and the application site is off Lodge Road to the north. Lodge Road also serves a number of other residential dwellings which back on to High Street. The existing properties within Lodge Road were constructed in the late 1980s and are mainly one and a half storeys in scale with no. 11 being the exception at two storeys. The application site is located immediately to the south of no. 11 Lodge Road, the last dwelling within this row that backs on to High Street.
- 2.2 To the south of the application site is the residential garden area serving Hungarian Lodge and to the west, on the opposite side of Lodge Road, is a grassed meadow area located outside of the defined Settlement Boundary.
- 2.3 While Hungarian Lodge is not Listed, the adjacent dwelling further south, The Red House, and the Crown Public House to the southeast of the site are both Grade II Listed buildings. Ufford Conservation Area is located approximately 700 metres to the southeast.
- 2.4 The site is located within Flood Zone 1 and there are no Tree Preservation Orders on the site or within the immediate vicinity.

3. Proposal

- 3.1 The proposal seeks to erect a dwelling on the site. The application has been amended since it was first submitted. The original scheme proposed a two-storey dwelling. This was subsequently amended to a bungalow which was later further amended to reduce the footprint and height (again, of a bungalow). Each version of the plans has been out for consultation.
- 3.2 The most recently submitted plan is that which is being considered. This proposes a detached, three-bedroom bungalow. Access to the site would be to the northwest of the plot at the end of Lodge Road. Two off road parking spaces would be provided adjacent to the access, immediately to the south of the neighbour's forward projecting garage. The proposed bungalow would be set back on the site, approximately in line with the main part of the other dwellings in Lodge Road, however, it would extend further back (towards High Street) than its immediate neighbour. It would be situated approximately 1.5 metres off the shared boundary with the neighbouring property to the north and would have a rear garden depth of approximately 10 metres.
- 3.3 The bungalow would have a 'T' shape plan form with a maximum ridge height of 4.5 metres. It would have a forward projecting gable to the north, closest to no. 11, with the roof pitch sloping away from the nearest neighbour. It would also have a southern facing gabled 'wing' extending across the majority of the site. The proposed bungalow would be finished in white render under a clay pantile roof.

4. Consultees

Third Party Representations

- 4.1 Letters were received from 19 addresses in the first round of consultation (in response to the proposal for a two-storey dwelling). 18 of these objected to the proposal and one was in support.
- 4.2 There were letters of objection from 8 addresses to the second round of consultation and letters from 7 addresses to the third round of consultation. All those who commented on the second and/or third consultations had previously commented. All neighbour letters received in response to all of the consultations are available in full online. The main points from the second and third rounds of consultation (which are the plans most relevant to the current proposal) are summarised below:
- The loss of light suffered by 11 Lodge Road at some windows is significant even with a bungalow.
 - The Daylight and Sunlight Report shows that the worst affected Window 5 (Dining Room) of 11 Lodge Road would suffer a loss of 48% of daylight, along with unacceptable losses of sunlight.
 - There would be shadowing of the garden of no. 11 Lodge Road, particularly the outdoor seating area outside Window 5.
 - The building line at the rear is closer to the High Street than any other houses in Lodge Road.
 - An adverse impact on the street scene, and on views from the cottages opposite, and the setting of the local listed buildings of the Ufford Crown, and The Red House.
 - A very simple bungalow style dwelling, which has no design features in common with the Lodge Road houses.
 - Concerned over surface water drainage.
 - No space to turn and vehicles would not be able to arrive and leave in forward gear.
 - There is no plan for cycle storage or bin storage, and presumably an EV charging point would now be on the front of the house.
 - No space for visitor parking.
 - The proposed dwelling will cut out a lot of daylight and sunlight into the front of the cottages on High Street opposite.
 - It will not look like any other cottages or houses in the vicinity and will stand out like a "sore thumb".
 - The plans make no attempt to acknowledge the appearance and setting of other properties on Lodge Road or the special architectural character of important listed buildings.
 - Changes are fundamental and should have been made as a new application.
 - Proposed bungalow would encroach needlessly and excessively against 11 Lodge Road.
 - The plans will lead to a significant loss of light for the proposed property.
 - Access concerns over use of a private road.
 - The design fails to respond to the local vernacular specific to the site and is generic and of poor quality.
 - Front and rear garden setbacks have all been ignored from all of the adjacent properties on Lodge Road

- Inconsistency of roof pitches makes the design unsightly.
- Over 50% of the site will be occupied by the building and driveway. This is excessive over development when the normal ratio is 20-30% in this area.
- Impact on privacy to 11 Lodge Road.
- No Heritage Impact Assessment has been submitted.
- No streetscene plans have been submitted.
- The proposed dwelling's garden will be overlooked by neighbouring properties.
- No local consultation was carried out prior to the application being made.
- An appeal has previously been refused on this site.
- There has been no ecological impact assessment undertaken.
- No evidence to back the claim that there is demand for bungalows in the area.
- Ruin the look of this part of the village which is one of the last remaining older parts of the village.
- Loss of light to front of cottages opposite.

Parish/Town Council

Consultee	Date consulted	Date reply received
Ufford Parish Council	11 January 2023	20 January 2023

Summary of comments:

With reference to the above application, Ufford Parish Council wish to indicate that they have no objections to this proposed development.

Consultee	Date consulted	Date reply received
Ufford Parish Council	N/A	8 February 2023

Summary of comments:

Further to our correspondence of 20th January 2023, Ufford Parish Council would like to make further observations on this application. We believe the Pre-Application planning advice (REF DC/22/3682/PREAPP) should have advised that the following information should be provided by the applicant with the subsequent application DC/22/4985/FUL:

- A Light Impact Assessment on the neighbouring properties, particularly No. 11 Lodge Road, which is more than 20 years old. We understand that there may be a right to light for the benefit of that property which we believe will need to be taken into consideration before any decision on this application is made. A full light survey therefore appears essential prior to determining this application.
- That Natural England should also be consulted on the requirement for an Ecological Assessment or Survey. We note that this consultation has subsequently been mandated on the public access portal by the ESC Ecologist on 30th January 2023.
- That, should the officer be minded to approve this application, the case be decided by Planning Committee, due to the extent of neighbour opposition.

Consultee	Date consulted	Date reply received
Ufford Parish Council	20 April 2023	29 May 2023

Summary of comments:

Further to our correspondence of 20th January and 8th February 2023, Ufford Parish Council have now considered the amended plans for this proposed development and we would like to strongly object to these plans. Whilst we accept that the site is within the Settlement Boundary, we have a number of serious concerns with the proposed development.

Extent of the amendments

Before commenting on the amended plans we would like to express our astonishment that this level of amendment has not resulted in a new application and therefore completely new consultation. The change from a four bed house to a three bed bungalow is substantial and we feel this level of amendment warrants a completely new application. Permitting this change as a 'revision' to the application to build a larger house originally submitted in December of last year risks setting an unfortunate precedent for other applicants – and not only in Ufford.

Loss of amenity to 11 Lodge Road and Properties opposite the site

The amended plans now show a bungalow with a larger footprint than the two storey house. It now occupies a large proportion of the site, virtually along the whole southern boundary, with only minimal service access; and on the side adjacent to 11 Lodge Road it is very close indeed, with the only useful access to the rear of the property. The rear of the property is now also closer to the High Street. Taken as a whole this represents overdevelopment of the site. Even though amended to a bungalow, this still affects light in to 11 Lodge Road (as shown in the applicant's report). Both 11 Lodge Road and The Old Forge have enjoyed unlimited light in to their properties for many years and therefore the BRE exception referred to in the Light Survey is neither valid nor applicable. There is also concern that the Velux Windows will permit a direct line of sight in to the cottages opposite on High Street, which sit much lower than the Hungarian Lodge site.

Impact on Street Scene

The depth of the bungalow means it will have a direct impact on the High Street 'street scene'. There is still no street scene drawing as suggested in the pre-application advice. We also note that the applicant has failed to provide any details or impressions of the street scene in what is a sensitive area of the village.

Effect on Listed Buildings in the location

The proposed bungalow is in line of direct sight of two historic buildings in Ufford: The Red House and The Ufford Crown and it is also opposite one of the oldest houses in the village, The Old Forge. It will have an absolute impact on their historic setting within the village.

Materials

The Plans indicate 'full render in chalk white'. None of the other houses in Lodge Road or opposite the site, are this colour so the proposed bungalow will look out of place with its context.

Missing details in the Plans

As noted in our previous correspondence, there is no Design and Access statement and the plans are lacking in substantive details. The following details are not shown on the plans:

- Where will bins be stored?

- Will there be Solar panels?
- What will the heating system be? If it is an Air Source Heat Pump, what will be the impact of this on the neighbouring properties?
- Why is no EV Charging Point detailed in the plans?
- There are no details of the water drainage system.

Consultation with Natural England

As far as we can see, there has been no consultation with Natural England as to the impact this development will have on the environment in the area. This patch of land represents a green corridor in Ufford. The plot was previously planted with trees and serves as an important wildlife corridor between the grassy areas on Lodge Road and the High Street.

For the above reasons we urge you to refuse the application.

Consultee	Date consulted	Date reply received
Ufford Parish Council	1 June 2023	21 June 2023

Summary of comments:

Further to our correspondence of 20th January, 8th February 2023, and 30th May 2023; Ufford Parish Council have now considered the latest amended plans (revision H published 31/5/23 and revision I 14/6/23) for this proposed development, we maintain our strong objection to these plans.

We request that our previous serious concerns and objections regarding street scene, amenity, neighbour impact, listed buildings, and materials still stand to this development and we also object based on the new plans (revision H and revision I), which present a confusing picture of the application, for the following reasons.

1. Proximity to 11 Lodge Road - We note that the development is still unnecessarily crowding its neighbour at 11 Lodge Road and therefore leading to significant disturbance in light levels. The applicant seems to have taken no account of the previous comments from consultees and neighbours in producing revised plans. Repositioning the building on the available land owned by the applicant would help alleviate much of this problem.
2. Confused and Conflicting Plans - Compared to revision G site layouts, revision H indicates a marginally smaller overall footprint with removal of one gable to the rear at opposite end of building to that neighbour. However, the planning portal identifies two separate DC/22/4985/FUL, revision H section diagrams based upon drawing 1400-05. One version shows a higher ridge height compared to the other with no explanation as to which is applicable. Without this knowledge and a clearly labelled and identified reference diagram, it is impossible for planners or anyone else to assess the overall street scene, local impact of the development, or the potential light deprivation to the neighbouring property at 11 Lodge Road.
3. Chimney added with no detail on floor plans - Newly detailed in diagram 1400-04 (revision H) is a chimney. This has not been present in any previous plan, but it is not supported by or included in Floor Plans 1400-03 (revision H) or 1400-03 (revision I) that appear to show the chimney and fireplace emanating in a wardrobe. In order that consultees can reasonably comment

on this new feature, what fireplace shall exist and what fuel is planned to be burnt? Is this proposed to be part of the heating system for the property?

4. Suffolk County Council Highways - Ufford Parish Council would also like to question the latest Highways consultee response. Following the original application DC/22/4985/FUL, (22/12/2022) revision C of the plans. Highways response of 13/1/2023 requested information about bin storage and electric vehicle charging point. Following the resubmission of plans by the applicant (16/1/2023) revision D plans, Highways again reiterated conditions for bin storage and electric vehicle charging and added cycle storage and parking conditions in their response of 17/1/2023. Following another update of plans (20/4/2023) revision G, more conditions were added to highlight issues with vehicle access, on-street parking and manoeuvring, lit and covered cycle storage and discharge of surface water onto the highway. In highways latest response, dated 15 June 2023 to plans, (31/5/2023) revision H and 14/6/2023 revision I, despite nothing forthcoming to alleviate their previous concerns Highways (their response 15/6/2023) appear to now be perfectly accepting of the latest revision and plans. Please can this dramatic change in response to accept the current submission be fully investigated and explained?

For the above reasons we urge you to refuse the application.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	17 January 2023	20 January 2023
Summary of comments: No objection - recommend standard conditions.		

Consultee	Date consulted	Date reply received
SCC Highways Department	11 January 2023	13 January 2023
Summary of comments: Holding objection.		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	19 January 2023	19 January 2023
Summary of comments: Comments on Access and Fire Fighting Facilities and Water Supply.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 January 2023	12 January 2023
Summary of comments: No objections - recommend standard condition if contamination is found.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	11 January 2023	30 January 2023
Summary of comments: Comments included in officer report below.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	11 January 2023	20 January 2023
Summary of comments: Comments included in officer report below.		

Consultee	Date consulted	Date reply received
Ward Councillor	1 June 2023	No response
Summary of comments: None received.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	20 April 2023	11 May 2023
Summary of comments: No additional comments.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	20 April 2023	21 April 2023
Summary of comments: No additional comments - recommends same standard land contamination condition.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	20 April 2023	21 April 2023
Summary of comments: No additional comments.		

Consultee	Date consulted	Date reply received
SCC Highways Department	20 April 2023	11 May 2023
Summary of comments: No objections, suggests conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	20 April 2023	12 June 2023
Summary of comments: No additional comments.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 June 2023	No response
Summary of comments: None received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 June 2023	7 June 2023
Summary of comments: No additional comments - recommends same standard land contamination condition.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	1 June 2023	2 June 2023
Summary of comments: No additional comments.		

Consultee	Date consulted	Date reply received
SCC Highways Department	1 June 2023	15 June 2023

Summary of comments:
Revised plans can be referenced in conditions as previously recommended.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	1 June 2023	12 June 2023
Summary of comments: No additional comments.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 19 January 2023

Expiry date: 9 February 2023

5. Planning policy

National Planning Policy Framework 2021

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

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

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

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

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

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

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

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

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

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

6. Planning Considerations

Principle of Development

- 6.1 The application site is located within the defined Settlement Boundary of Ufford which is designated as a Small Village within the Local Plan. The principle of new residential development is acceptable within Settlement Boundaries (Policies SCLP3.2 and SCLP3.3) where in accordance with other policies in the Local Plan. In this case, SCLP5.2 and SCLP5.7 are relevant (Housing Development in Small Villages and Infill and Garden Development, respectively).
- 6.2 It is noted that reference has been made to a previous appeal decision on the application, however, this was from 1987 (35 years ago) and one of the reasons for refusal is that the principal of development would be contrary to the Local Plan at the time. It is therefore not considered that this is a relevant comparison to make now.
- 6.3 SCLP5.7 relates to Infill and garden development which is relevant to the consideration of this proposal. This policy states "Proposals for infill development or residential development within existing gardens will be supported where:
- a) The scale, design and materials would not result in harm to the street scene or character of the area;
 - b) The proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site;
 - c) There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;
 - d) Existing and proposed dwellings have sufficient curtilage space; and
 - e) The proposals are otherwise in accordance with the housing policies of the Local Plan."
- 6.4 The requirements of this policy will be assessed in relation to other relevant policies of the Local Plan below.

Design and visual impact

- 6.5 The proposed dwelling would be single storey in scale and finished in white painted render under a tiled roof. While it is recognised that the majority of dwellings within the immediate area are either one-and-a-half-storey or two storeys in scale, there is no in principle objection to a bungalow being situated on the site. Its single-storey scale would also reduce its prominence with the street scene. Given the site access, at the end of Lodge Road with only Hungarian Lodge located further south and accessed from Lodge Road, its presence within the Lodge Road street scene would be limited. The proposed dwelling would, however, be visible from the High Street as the existing southern elevation

of 11 Lodge Road currently is. While 11 Lodge Road is relatively prominent from the High Street, particularly from the south given the road level rises further south, it is not considered that this property has a detrimental impact on the street scene. Similarly, a smaller scaled bungalow located in front of no. 11 would also be visible from High Street, but to a lesser degree given its height. Its location to the north of Hungarian Lodge, which is otherwise located on a spacious plot, would only marginally impact on the spacious/green character currently visible on the approach to this part of the village.

- 6.6 Concern has been raised with the proposed materials - white painted render. While there are no white painted dwellings in the immediate vicinity, the dominant finish in the area (albeit not on all nearby properties), is of a paint finish. While render is used, there are also examples of painted brick. The existing properties in Lodge Road are mainly painted render, albeit a cream/off-white colour. It is not considered that the use of painted render is inappropriate in this location.
- 6.7 It is not considered that the proposed dwelling would result in an overdevelopment of the plot given it would retain a 10 metre deep rear garden, 17 metres wide. There would also be some front garden space. The existing properties in Lodge Road have similarly deep rear gardens however the plots are also generally narrower.

Impact on Residential Amenity

- 6.8 There has been a lot of concern raised regarding the impact of the proposed development on neighbouring dwellings, particularly 11 Lodge Road, the residential dwelling immediately to the north of the application site. Concern has also been raised in relation to the impact on the occupiers of 1 and 2 Forge Cottages, on the opposite side of High Street.
- 6.9 11 Lodge Road currently has a number of windows at both ground and first floor level facing towards the application site. These are 2.5 to 3 metres off the shared boundary with the application site and the proposed dwelling would be situated 1.5 to 2 metres off the shared boundary. The space within the curtilage of no. 11 between the dwelling and site boundary is used as a patio/sitting out area however there is also a patio area at the rear (east) of the property, accessed from double doors in the living room. The windows on the southern elevation of no. 11 at ground floor serve a dining room and a lounge. Both of these rooms are also served by other windows; the dining room has a north facing window on the northern elevation and the lounge has two additional windows/openings on the east facing elevation facing the rear garden and High Street. At first floor level, the windows serve the stairs/landing, bathroom and bedroom. These windows are the only windows serving these respective rooms, however, the stairs and bathroom would not be considered habitable rooms.
- 6.10 The first revision of a scheme for a bungalow was accompanied by a Daylight and Sunlight Assessment. It is worth noting that this assessment was based on a previous version of the drawings, since which the proposed ridge height of the dwelling has been reduced by one metre (from approx. 5.5 metres to 4.5 metres). This report has been submitted by Right of Light Consulting Surveyors and is based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by P J Littlefair 2022. A neighbouring resident has submitted a report by Rapleys LLP (a property consultancy) setting out their concerns with the justification used and

conclusions reached in the applicant's report. The applicant's report concludes "*the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.*"

- 6.11 It is noted that the applicant's report refers to the BRE guidance commenting on different standards being applicable where the existing building already has 'more than their fair share of light' and the Rapleys report counters this by stating that some of the current windows receive levels of light above the BRE standards but this is to be expected in a rural location and that the impact of the development on some windows would result in a significant reduction to light.
- 6.12 It is noted that the BRE guidance states that "*The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*".
- 6.13 In consideration of the applicant's report, the Rapleys report commissioned by a neighbour, the BRE guidelines document and the Council's SPG16 which gives guidelines in relation to the 25 degree test, it is considered that the main impact of the development would be on light to the middle ground floor room on the southern elevation of no. 11 Lodge Road. This is referred to as Window 5 in the reports and is noted to serve a dining room. Officers have carried out a 25 degree test on this window and it passes. It is also noted that the impact on light reduction to this window will have been lessened following the reduction of the ridge height of the proposed dwelling by one metre following the consultants' reports. While it is noted that the dining room window currently benefits from above average light, given that the development would pass the 25 degree test; the BRE guidance is just that, guidance, and it can be justified to meet this guidance with a metre higher ridge height; and that this room also has a north facing window on its opposite side, although the proposed development would have an impact, it is not considered to be so significant to warrant refusal on this basis.
- 6.14 While Window 7 is also expressed as being significantly impacted (the eastern-most ground floor window on the southern elevation of no. 11), it is noted that two additional openings serve this room (on the eastern elevation) and therefore the impact to this space as whole would be less significant. Similarly, Forge Cottages on the opposite side of Lodge Road would not be impacted significantly in relation to light loss in the evenings given the modest ridge height of the dwelling and the distance between them.

Privacy

- 6.15 No windows are proposed on the northern side elevation of the bungalow facing towards no. 11 and therefore it is not considered that no. 11 Lodge Road would be impacted by a loss of privacy as a result of the development. Concern has also been raised that the cottages opposite would be overlooked given the land level of the application site is slightly higher than on the opposite side of the road. The rear of the new dwelling would be just over 20 metres from the front of the dwellings opposite - given this outlook would be towards the front of the properties, which is generally expected to be a less private

area, and, in this case, is less than 5 metres from the pavement, any views towards these dwellings opposite are not considered to adversely impact on privacy for the occupiers.

- 6.16 The existing first floor windows on the southern elevation of no. 11 Lodge Road face towards the application site. As stated above, two of these serve the stairs/landing and a bathroom and therefore these windows are unlikely to be used to provide outlook/views from no. 11. The eastern-most of these windows serves a bedroom and it is the only window to serve that bedroom. Views from this room currently face across the application site, which currently forms part of the garden to Hungarian Lodge. Having said this, the proposed development would result in the new dwelling having a significantly smaller garden than Hungarian Lodge and this space would therefore be used more intensively by future occupiers. The direct outlook from this window would be across the roof of the proposed bungalow, and while views from this window into the proposed rear garden would be possible, at an angle, it is not considered to be a significantly different impact compared to the degree of common mutual overlooking that might be expected from neighbouring dwellings. The proposed development is therefore not considered to result in a dwelling that would not afford future occupiers with a satisfactory level of privacy.

Ecology

- 6.17 It is noted that some third-party comments note the lack of an Ecological Survey. The Council's Ecologist has considered the proposal and is satisfied that the proposed development appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species (under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), given the small size of the site and that existing vegetation is limited to the site boundaries.
- 6.18 In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Sandlings SPA; Deben Estuary SPA/Ramsar; Alde-Ore Estuary SPA/Ramsar and Orfordness-Shingle Street SAC) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. This has been secured such that it can be concluded that there would be no adverse impact on the integrity of the protected sites.

Trees and Landscape

- 6.19 The Council's Landscape Officer has reviewed this application in respect of potential impacts on existing trees on site, and having visited the site notes that the two indicated trees next to the block paved area are remnant blackthorn or wild plum grown out of what appears to be a former hedge line. There are other minor hedge elements further into the site. There is the potential for the block paved drive installation to have an adverse impact on the root zones of these hedge plants, however, it is considered that they are robust enough to not be unduly affected and actually they would benefit from a hard reduction to encourage basal growth in the interests of restoring the hedge line. With such a reduction they would have further capacity to cope with site disturbance. On that basis there are no objections to the proposal for tree related reasons.

- 6.20 Conditions requiring details of boundary treatment and front garden planting proposals covering front boundary hedge and suitable tree planting are proposed.

Heritage

- 6.21 The application site is not within the curtilage of a Listed Building nor is it within, or within the setting of, the Ufford Conservation Area. There are some Listed Buildings near to the site, most notably The Red House (the residential dwelling south of Hungarian Lodge) and The Crown Public House (on the opposite side of High Street and to the south of the application site). It is noted that 1 and 2 Forge Cottages, opposite, are also historic buildings with some character. Given the distance between the application site and Listed Buildings and intervening development, it is not considered that the proposed development would affect the setting of these buildings and therefore, the application has not been advertised as such.

7. Conclusion

- 7.1 The principle of a new dwelling within the defined Settlement Boundary of a Small Village is acceptable. While there are no other bungalows within the immediate area, it is not considered that a new, rendered bungalow situated adjacent to a row of 1980s rendered dwellings would be noticeably harmful to the character of the wider street scene, noting the proximity, also, of some more historic properties. The impact on residential amenity has been carefully considered and while it is recognised that there would be some impact on light to the nearest neighbouring dwelling, this impact is not so significant to be unacceptable.
- 7.2 There would be no adverse impact on trees or landscape character, no significant adverse impact to protected or priority species, and no significant adverse impact on the integrity of European sites.
- 7.3 The proposal is therefore considered to comply with the Local Plan and a whole.

8. Recommendation

- 8.1 Approve, subject to controlling conditions.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing no. 1400-02H received 31 May 2023, 1400-03 I received 14 June 2023, 1400-04 I received 13 June 2023, 1400-05 I received 28 June 2023 and 1400-01 I received 28 June 2023 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. 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.

5. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in broad accordance with Suffolk County Councils standard access drawing DM03 with a minimum entrance width of 3 metres for a single access. 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. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

6. 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, and thereafter retained in that form.

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

7. The use shall not commence until the area(s) within the site shown on Drawing No. 1400-02 Rev. G for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

8. Before the development is commenced, details of secure, lit and covered cycle storage and 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 (2019).

9. 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.

10. Before the development is occupied details of the areas to be provided for the storage and presentation for collection/emptying 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.

11. Prior to occupation of the dwelling hereby permitted, precise details of all boundary treatments shall have been submitted to, and approved in writing by the local planning authority and subsequently installed on site. Thereafter, the approved boundary treatments shall be retained.

Reason: In the interests of visual amenity and residential amenity.

12. 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.

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

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

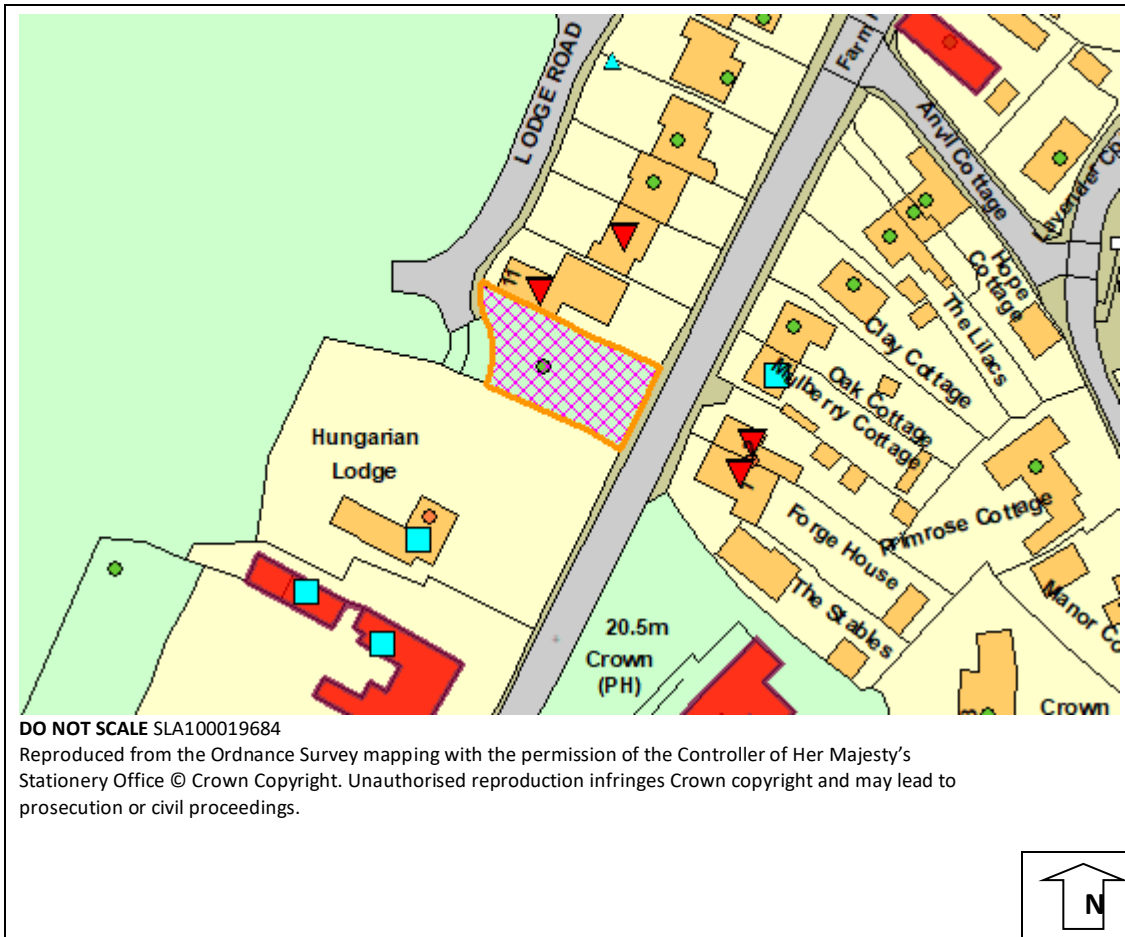
Informatives:

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





Background information

See application reference DC/22/4985/FUL on [Public Access](#)

Map



Key

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