



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

# Planning Committee South

## Members:

Councillor Debbie McCallum (Chairman)  
Councillor Tony Fryatt (Vice-Chairman)  
Councillor Melissa Allen  
Councillor Stuart Bird  
Councillor Chris Blundell  
Councillor Tony Cooper  
Councillor Mike Deacon  
Councillor Colin Hedgley  
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House, Melton  
on **Tuesday, 25 February 2020 at 2.00 pm**

An Agenda is set out below.

## Part One – Open to the Public

## Pages

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### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

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

<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 28 January 2020	<b>1 - 15</b>
<b>5</b>	<b>Appeal Decisions at Pitfield, Butchers Road, Kelsale Cum Carlton, IP17 2PG</b> To receive a verbal update from the Planning Development Manager regarding appeal decisions at this site	
<b>6</b>	<b>East Suffolk Enforcement Action - Case Update ES/0304</b> Report of the Head of Planning and Coastal Management	<b>16 - 33</b>
<b>7</b>	<b>DC/19/4197/FUL - Pinetrees, Purdis Farm Lane, Purdis Farm, IP3 8UF ES/0305</b> Report of the Head of Planning and Coastal Management	<b>34 - 54</b>
<b>8</b>	<b>DC/19/4766/VOC - Home Farm, Wickham Market Road, Easton, IP13 0ET ES/0306</b> Report of the Head of Planning and Coastal Management	<b>55 - 67</b>
<b>9</b>	<b>DC/19/4811/FUL - Manor End, The Promenade, Felixstowe ES/0307</b> Report of the Head of Planning and Coastal Management	<b>68 - 76</b>

## Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

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

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

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

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

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

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

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[www.local.gov.uk/Community-Leadership](http://www.local.gov.uk/Community-Leadership)

Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 28 January 2020 at 2.00 pm**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Kay Yule

**Officers present:**

Liz Beighton (Planning Development Manager), Michaelle Coupe (Senior Planning & Enforcement Officer), Eloise Limmer (Design & Conservation Officer), Matt Makin (Democratic Services Officer), Danielle Miller (Area Planning & Enforcement Officer), Bethany Rance (Graduate Town Planner (Energy Projects)), Katherine Scott (Development Management Team Leader), Robert Scrimgeour (Principal Design & Conservation Officer), Rachel Smith (Senior Planning & Enforcement Officer)

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**1 Apologies for Absence and Substitutions**

No apologies for absence were received.

**2 Declarations of Interest**

Councillor Bird declared a Local Non-Pecuniary Interest in item 9 on the agenda, as a member of Felixstowe Town Council and Vice-Chairman of its Planning and Environment Committee.

Councillor Deacon declared a Local Non-Pecuniary Interest in item 9 on the agenda, as a member of Felixstowe Town Council.

Councillor McCallum declared a Local Non-Pecuniary Interest in item 7 of the agenda, as she lived opposite the application site.

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

No declarations of lobbying were made.

**4 Minutes**

**RESOLVED**

That the Minutes of the Meeting held on 17 December 2019 be confirmed as a correct record and signed by the Chairman.

## 5 Quality of Place Awards 2019

The Committee received a short presentation on the 2019 Quality of Place Awards from the Design and Conservation Officer.

It was explained that the awards had been held annual since 2010 in the former Suffolk Coastal area and that 2019 was the first year the awards had extended to the whole of East Suffolk. The Design and Conservation Officer said that the aim of the awards was to recognise good design in the District.

The awards had been presented in November 2019 and the judging panel had been chaired by Councillor Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

The Design and Conservation Officer presented an overview of the following awards:

### Design

Joint Winner - 71 Kirkley Run, Lowestoft

Joint Winner - The Listening Station and The Watch Room, Reydon

Highly Commended - Lord's Terrace and Sole Bay Terrace, Southwold

Highly Commended - Prospect Place, Framlingham

### Building Conservation

Winner - Sibton Abbey

### Landscape

Winner - Sutton Hoo

### Community

Winner - Kelsale Signpost Restoration

The Committee thanked the Design and Conservation Officer for the presentation.

## 6 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0265** of the Head of Planning and Coastal Management.

The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 27 December 2019. The report was taken as read.

The Chairman invited questions to the officers.

A member of the Committee sought an update on an outstanding enforcement case in Top Street, Martlesham, which was within his Ward. The Planning Development Manager said that this case had been appealed and was pending determination by the Planning Inspectorate (PINS).

Another member of the Committee asked if the site at Chestnuts, Martlesham Road, Little Bealings, had been visited. The Planning Development Manager confirmed that the case had been allocated and said that she would update the Member via email after the meeting.

## RESOLVED

That the contents of the report be received and noted.

### **7 DC/19/4322/FUL - 102 Main Road, Kesgrave, IP5 1BL**

The Committee received report **ES/0275** of the Head of Planning and Coastal Management, which related to planning application DC/19/4322/FUL.

The application site was located on the northern side of Main Road, Kesgrave, and in planning terms was considered to be in the countryside. The application sought to replace the existing bungalow with a larger property located in a different position within the site.

The application was presented to the Referral Panel on 23 December 2019. At this meeting it was decided that the application should be determined by the Committee so that it could give full consideration to whether the proposal was 'more visually intrusive in the countryside', particularly with regard to the increased footprint in relation to Policy DM3 of the Suffolk Coastal Local Plan.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. The site location was outlined and the site's proximity to the physical limits boundary of Kesgrave was established.

The application was for a 1:1 replacement of a dwelling in the countryside. Officers were of the view that the proposed dwelling was not more visually intrusive in the countryside than the existing dwelling. Although the new dwelling would have a larger footprint it would be, overall, a similar size to the existing dwelling.

The Committee was shown several photographs of the site, outlining its relationship to the surrounding area and highlighting where the new dwelling would be positioned on the site. The Committee was also shown comparisons between the existing streetscene and proposed streetscene, and the existing site layout and the proposed site layout. The proposed floor plans and elevations were also displayed.

The key issue was summarised as being whether the new dwelling would be more visually intrusive in the countryside than the building it was replacing.

The recommendation to approve and its conditions, as set out in the report, were outlined.

The Chairman invited questions to the officers.

The Senior Planning and Enforcement Officer outlined the route from the vehicular access with Doctor Watson's Lane to the proposed garages. It was confirmed that the existing vehicular access would be used, and that the removal of an existing fence and the repositioning of the dwelling would improve the visibility of the visual access. It was also acknowledged that the proposal would result in more traffic movements on and off the site.

The Committee was advised that any fencing adjacent to the highway would need to be subject to a separate planning application.

The Chairman invited Mr Kirkpatrick, the applicant's agent, to address the Committee. Mr Webb, the applicant, accompanied Mr Kirkpatrick to answer any questions that the Committee had.

Mr Kirkpatrick noted that the Senior Planning and Enforcement Officer's report had been thorough. He confirmed that the existing vehicular access would be retained, and that the visibility splay would be improved.

Mr Kirkpatrick also advised that there was no intention to replace the hedge bordering Main Road with fencing.

The Chairman invited questions to Mr Kirkpatrick and Mr Webb.

The Committee was advised that the fencing currently adjacent to the vehicular access would be removed to improve visibility.

There being no further public speaking, the Chairman invited the Committee to debate the application that was before it.

The Chairman opened debate, noting her familiarity with the site as she had lived opposite it for 20 years. The current dwelling was a modest bungalow and was no longer suitable to downsize to. The Chairman considered that the proposed dwelling was a like for like replacement in terms of a dwelling in the countryside, suggesting that it would be a benefit to the visibility on what was currently a dangerous junction between Doctor Watson's Lane and Main Road.

Several members of the Committee agreed with the Chairman's comments, highlighting that the proposed dwelling would not be more visually intrusive, was in keeping with its surroundings and noting the impact of the BT buildings in the background. One member of the Committee considered that that the proposed dwelling would be less visually intrusive than what was currently on the site and would improve road safety, stating that the design was a contemporary one.

There was some debate on the possibility of a new fence on the side of the site bordering Main Road, as this had been a reason for Kesgrave Town Council objecting to the application. The Chairman stated that this was one of several objecting reasons given by Kesgrave Town Council, and the Planning Development Manager said that the plans shown displayed an existing fence.

It was confirmed that the tree on the site would be retained.

There being no further debate the Chairman moved to the recommendation to approve, as set out in the report.

On the proposition of Councillor Cooper, seconded by Councillor Blundell it was by unanimous vote

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Location Plan received 7 November 2019, Drawing Nos. 181019 and 191019 received 5 November 2019 and Ecology Report received 18 November 2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.

*Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.*

5. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.*

6. Before the development is commenced details shall be submitted to and approved by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. 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.*

7. Prior to occupation of the dwelling hereby permitted, precise details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved 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 and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.*

8. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within Preliminary Ecological Appraisal (PEA) (Abrehart Ecology, December 2019).

*Reason: In order that there will no harm to any protected or priority species on the site.*

9. No development, demolition, site clearance (including clearance of vegetation) or earth moving shall take place, or material or machinery be brought onto the site, until a plan detailing Reasonable Avoidance Measures (RAMS) for how ecological receptors (particularly protected and UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))) will be protected during site clearance has been submitted to and approved in writing by the local planning authority. All site clearance (including clearance of vegetation) shall be undertaken in accordance with the approved plan.

*Reason: In order that there will no harm to any protected or priority species on the site.*

10. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the trees along the eastern site boundary has been erected 1 metre beyond the canopy of the trees. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

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

11. No development shall commence on the construction of the hereby approved replacement dwelling, until the existing dwelling (known as '102 Main Road') has been demolished in its entirety, unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure that there would be no more than 1 dwelling on the site, in the interests of residential amenity and because the site lies within the countryside, where additional dwellinghouses are only permitted in exceptional circumstances.*

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

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

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

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

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

Informatives:

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

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](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>

## **8 DC/19/4258/FUL - Pettistree, Castle Green, Orford, IP12 2NF**

The Committee received report **ES/0276** of the Head of Planning and Coastal Management, which related to planning application DC/19/4258/FUL.

The application sought alterations and extensions to Pettistree, a detached bungalow located within the physical limits boundary of Orford, the Orford Conservation Area and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. It is located adjacent to Orford Castle, a Grade I Listed Building and Scheduled Monument.

The application was at Committee as the Head of Planning and Coastal Management had requested that it be determined by the Committee given the strong objection made by Historic England and the officer's recommendation of approval. The referral process was not triggered as the Historic England comments were received outside of the formal consultation period.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. The site location was outlined, and the Committee was advised on the proximity of the application site to both Market Hill and Orford Castle. The vehicular access for the site was at the rear of the Orford Castle car park.

Photographs of the application site were displayed which demonstrated the view to the site from the top of Orford Castle, the current dwelling on the site and the collection of outbuildings surrounding it. Photographs were also shown that demonstrated views from within the garden area of the current dwelling.

The Senior Planning and Enforcement Officer stated that the current property was hidden from most views into the site, with the exception of the view from the top of Orford Castle.

Further photographs were displayed to demonstrate which outbuildings would be removed and those that would be incorporated into the proposed development.

Photo montages were displayed to suggest how the proposed dwelling would fit in with its surroundings. Details were given on the types of materials that would be used and it was noted that darker materials would be used to minimise the visual impact of the building.

The Committee was shown the existing plans for the site, including elevations. It was also shown proposed plans and drawings of the development of the existing dwelling and some outbuildings. Part of the site was within the Scheduled Monument site and a separate planning application had been submitted for that part of the site. The drawings displayed demonstrated what parts of the main dwelling would be retained and what would be replaced. The Senior Planning and Enforcement Officer considered that the proposals would make several improvements to a non-designated heritage asset.

The proposed streetscene was detailed which suggested that the contemporary design, in conjunction with the proposed materials, would result in a dwelling that would be visually recessive.

The Senior Planning and Enforcement Officer was of the view that the scheme was overall an interesting and high-quality design, that would create a new design feature for an existing building without impacting on Orford Castle or the wider conservation area. The materials

proposed to be used would ensure that the development was in keeping with the characteristics of the area.

The Committee was shown a drawing of the east elevation, with Orford Castle included to scale.

The key issues were summarised as design, impact on the conservation area, and the impact of the setting of Orford Castle.

The recommendation to approve and its conditions, as set out in the report, were outlined.

The Chairman invited questions to the officers.

The row of terraced houses neighbouring the left-hand side of the application site, as seen in the photograph taken from the top of Orford Castle, were identified as being houses that fronted on to Castle Hill. The Senior Planning and Enforcement Officer highlighted that the proposed developments were on the right-hand side of the site as seen from that vantage point, further away from the terrace of houses.

It was confirmed that there had been no local objections to the application.

The Chairman invited Mr Pearce, the applicant, to address the Committee. Mr Pearce was accompanied by Mr Driver and Mr Alston of Hoopers Architects, who were present to answer any questions that the Committee had.

Mr Pearce was of the view that the Senior Planning and Enforcement Officer had given a comprehensive report and stated that he had worked closely with Planning Officers to come up with a sympathetic design before making the application. He considered the roof design to be innovative and that it mirrored the existing rooflines that could be seen from Orford Castle. He highlighted that comprehensive impact reports had been completed to ensure that the design did not impact its surroundings and that local materials would be used to achieve this.

Mr Pearce said that the new 'wing' of the dwelling had been moved away from neighbouring properties in Castle Hill and noted that there had not been any local objections to the proposals.

It was highlighted to the Committee that additional land had been purchased in order to create an access to the site via the neighbouring allotment track, in order to minimise disruption to the Orford Castle car park during construction.

Mr Pearce explained his family's close links with Orford and the surrounding area and that it was the intention for Pettistree to be a family home, having moved away from the area for a number of years. He confirmed that it was the intention to use the dwelling as a primary home rather than a second home.

The Chairman invited questions to Mr Pearce.

It was highlighted on the plans where the site had been extended via land purchase to ensure a right of way via the allotment track, which could be used by construction vehicles to access the site.

There being no further public speaking, the Chairman invited the Committee to debate the application that was before it.

Members of the Committee complimented the proposed design and noted the length of time that had gone into planning it. Members of the Committee considered that the proposed dwelling would fit in well to the surrounding area.

There being no further debate the Chairman moved to the recommendation to approve, as set out in the report.

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

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 01 P3, 20 P4, 30 P4, 31 P4, 50 P4, 51 P4, 100 P3, 201 P3, 202 P3 and LSDP 1015.01 all received 31 October 2019 and Ecological Appraisal, Landscape and Visual Appraisal, Design and Access Statement, Statement of Significance and Heritage Statement all received 31 October 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) Schedule of repairs to Pettistree
- (ii) Full specification of external materials to existing buildings and proposed additions
- (iii) Representative fenestration details to the cottage and proposed additions
- (iv) Landscaping details including boundaries and surfacing

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

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

4. Prior to the commencement of development, a copy of the Statement of Significance shall be deposited with the Suffolk County Council Historic Environment Record. Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

*Reason: The Statement is considered to be of sufficient merit and quality to form part of the public record.*

5. No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2019).*

6. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2019).*

Informatives:

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

2. In respect of Condition 4 of this planning permission, please email [planning@eastsoffolk.gov.uk](mailto:planning@eastsoffolk.gov.uk) quoting reference DC/19/4258/FUL.

## **9 DC/19/4471/ROC - Cowpasture Farm, Gulpher Road, Felixstowe, IP11 9RD**

The Committee received report **ES/0277** of the Head of Planning and Coastal Management, which related to planning application DC/19/4471/ROC.

The application sought to remove an agricultural occupancy condition imposed on the original outline planning consent for this single storey dwelling. Given the site's location in the countryside outside the settlement boundary of Felixstowe, the retention of the dwelling without any restriction was contrary to the provisions of the Development Plan.

The application was recommended for approval as the occupancy of the dwelling without compliance with the occupancy condition had been established through the granting of a Certificate of Lawfulness.

Also relevant was that planning permission had been granted for residential development on the agricultural holding that this dwelling served, and the dwelling was within the proposed North Felixstowe Garden Neighbourhood within the emerging Local Plan.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. The site location plan was outlined, and it was confirmed that the vehicular access for the site was on Gulpher Road.

The original planning consent for the dwelling was outlined. Officers were seeking removal of the condition due to the granting of the Certificate of Lawfulness; normally marketing of the property would be requested but it had been considered in this instance that it would be unreasonable to do so given that the Certificate of Lawfulness was in place.

The Committee was shown the existing block plan for the site.

The key issue was summarised as being if there were any changes in circumstances that justified the removal of the condition.

The recommendation to approve and its condition, as set out in the report, were outlined.

The Chairman invited questions to the officer.

The marketing process that would have been followed was outlined. The Committee was advised that if there was no identified need from an agricultural worker on the holding, the marketing would then be opened for an agricultural worker from elsewhere.

There being no public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee, who was also a Ward Member for Western Felixstowe, considered that it would be churlish to refuse the application given the Certificate of Lawfulness that had been granted. He noted his unhappiness with the planning permission that had been granted on the agricultural holding by appeal but acknowledged that to refuse this application would make very little difference to the overall situation on the wider area.

The Vice-Chairman stated that he understood the Member's concern and agreed that the Certificate of Lawfulness was an important element of the decision to be made. He stated that providing no changes would be made to the building itself, he could not object to the application.

There being no further debate the Chairman moved to the recommendation to approve, as set out in the report.

On the proposition of Councillor Allen, seconded by Councillor Cooper it was by unanimous vote

#### **RESOLVED**

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

The development hereby permitted relates to the site plan approved under outline planning consent C6583 received 18/03/1982

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

#### **10 DC/19/4406/FUL - 41 Wacker Field Road, Rendlesham, IP12 2UT**

The Committee received report **ES/0278** of the Head of Planning and Coastal Management, which related to planning application DC19/4406/FUL.

The application site related to land to the north east of 41 Wacker Field Road, Rendlesham. The site was located within the physical limits boundary and was not within a specially designated area.

The application sought permission for an extension of a private residential garden and erection of a 1.83-metre-high close boarded fence on the two open sides to match the existing fence already in place on the other sides.

East Suffolk Council was the owner of the site and therefore in accordance with the Scheme of Delegation contained in the Constitution, the application was required to be determined by the Committee.

The Committee received a presentation on the application from the Planning and Enforcement Officer. The site location was outlined as well as the block plan which detailed the land that would be fenced off and where the fencing would be erected.



It was confirmed that the fence would be 1.83 metres high and a gate would be located on the south-east corner of the site.

Photographs were displayed which demonstrated the site in its current state and the proximity of a public Right of Way to the site.

The key issue was summarised as the visual impact.

The recommendation to approve and its conditions, as set out in the report, were outlined.

The Chairman invited questions to the officer.

Following several lines of questioning relating to the Council's sale of the land, the Committee was advised that this was not a material planning consideration and that it was required to make a decision based on the application that was before it.

The location of the fencing was established.

It was confirmed that there had been no local objections to the application.

The Planning and Enforcement Officer used the photographs to highlight the land that was subject to the application and the land that would remain open to the public.

There being no public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee stated that the Committee needed to look at the application in the same way as it did any other. He noted that the issue around the sale of the land was not a material planning consideration and did not see any planning reasons to refuse the application.

Following further debate regarding the sale of the land, the Chairman invited the Planning Development Manager to address the Committee. She advised that the Committee needed to look at the application in terms of its visual impact and disregard that the Council was the landowner. Members of the Committee were reminded that decisions taken by the Cabinet, such as the sale of Council owned land, could be 'called in' via the Scrutiny Committee as prescribed in the Council's Constitution.

Several members of the Committee noted that the application appeared to be an acceptable use of the land.

There being no further debate the Chairman moved to the recommendation to approve, as set out in the report.

On the proposition of Councillor McCallum, seconded by Councillor Hedgley it was by 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 buy a plan block plan received 11th November 2019 and fence details received on 15th January 2020, 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.*

Informatives:

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

The meeting concluded at 3.12 pm

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Chairman



## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**25 February 2020**

**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 27 January 2020. At present there are 18 such cases.

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

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

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 27 January 2020 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition  Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> <li>• Breach of Condition Notice</li> <li>• Compliance expired following extension of time</li> <li>• Further consideration by Service Manager and Legal</li> <li>• See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants</li> <li>• Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case.</li> <li>• Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case.</li> <li>• Further information being gathered from other bodies.</li> <li>• Meeting with Legal 25<sup>th</sup> November 2019 advised that due to the time passed the Council will not take action on the notice, however the Notice will remain in place.</li> </ul>	Following Legal advice, the notice remains in force though due to the time that has passed a decision has been made not to take any action in respect of the notice.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 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.</li> <li>• 10/11/2015 – Informal hearing held</li> </ul>	31/01/2020

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

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

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



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 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.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> <li>• 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</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>• Authorisation granted to serve Enforcement Notice.</li> <li>• 13/09/2013 -Enforcement Notice served.</li> <li>• 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months</li> <li>• 11/07/2014 - Final compliance date</li> <li>• 05/09/2014 - Planning application for change of use received</li> <li>• 21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 - Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement</li> </ul>	29/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Notice. Case to be referred to Legal Department for further action.</p> <ul style="list-style-type: none"> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>days for the site to be cleared before the Notice is served.</p> <ul style="list-style-type: none"> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• <b>Awaiting Planning Inspectorate Decision</b></li> </ul>	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>• 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>• Enforcement Notice to be drafted</li> <li>• Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> <li>• EN served on 21/12/2016</li> <li>• Notice becomes effective on 25/01/2017</li> </ul>	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Start date has been received. Public Inquiry to be held on 08/11/2017</li> <li>Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018.</li> <li>06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018).</li> <li>Site visit to be conducted once compliance period has finished.</li> <li>09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>Site visit due on 07/01/2019.</li> <li>07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action.</li> <li>26/02/2019 – Update to be given at Committee.</li> <li>Awaiting update from Legal.</li> <li>07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> <li>• 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019</li> <li>• 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.</li> </ul>	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>• 16/11/2017 – Authorisation given to serve EN.</li> <li>• 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started, final comments due by 08/02/2019.</li> </ul>	17/02/2020 13/04/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• 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.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• 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</li> </ul>	29/02/2019



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• <b>Awaiting Planning Inspectorate Decision</b></li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• <b>Awaiting Planning Inspectorate Decision</b></li> </ul>	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Application received to Discharge Conditions</li> <li>• Application pending decision</li> </ul>	30/03/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> <li>Listed Building Enforcement Notice served on 17/05/2019.</li> <li>Notice takes effect on 20/06/2019. Three months for compliance</li> <li>Appeal has been submitted, awaiting a start date.</li> <li>Start date now received by the Council, Statements due by 12/12/2019</li> <li><b>Awaiting Planning Inspectorate Decision</b></li> </ul>	29/02/2020
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>Appeal has been submitted. Awaiting Start date.</li> </ul>	29/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>Breach of Condition Notice served 01/08/2019.</li> <li>DC/19/4557/VOC Planning application submitted 21/11/2019</li> <li><b>Application refused 15/01/2020</b></li> </ul>	01/02/2020
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> <li>Enforcement Notice served 16/08/2019.</li> <li>Appeal submitted, awaiting start letter.</li> </ul>	29/02/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>Notice served 26/11/2019</li> </ul>	27/03/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	<ul style="list-style-type: none"> <li>Enforcement Notice served 05/12/2019</li> <li><b>Enforcement Appeal submitted, awaiting Start Letter from PINS</b></li> </ul>	10/05/2020
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>Enforcement Notice served 10/12/2019</li> </ul>	17/03/2020

<b>LPA Reference</b>	<b>Date of Authorisation (Panel/ Delegated)</b>	<b>North/South</b>	<b>Location</b>	<b>Breach</b>	<b>Status</b>	<b>Date by which Compliance Expected (or Prosecution Date)</b>
<b>ENF/2015/0214 /MULTI</b>	<b>17/01/2020</b>	<b>South</b>	<b>98 Tangham Cottages, Tangham</b>	<b>Change of use of land and building for business, residential and holiday let purposes</b>	<ul style="list-style-type: none"> <li><b>17/01/2020 – Enforcement Notice served.</b></li> </ul>	<b>19/05/2020</b>

## **Committee Report**

**Planning Committee** - 25 February 2020

**Application number**

DC/19/4197/FUL

**Location**

Pinetrees  
Purdis Farm Lane  
Purdis Farm  
Suffolk  
IP3 8UF

**Expiry date** 22 December 2019

**Application type** Full Application

**Applicant** Nicholas Homes Ltd

**Parish** Purdis Farm

**Proposal** Demolition of existing bungalow, construction of four new dwellings and associated garages, parking, access and landscaping

**Case Officer** Rachel Lambert  
01394 444574  
[rachel.lambert@eastsuffolk.gov.uk](mailto:rachel.lambert@eastsuffolk.gov.uk)

### **1 Summary**

- 1.1. The application seeks full planning permission for the demolition of an existing bungalow and the construction of four new dwellings (two sets of semi-detached, three storey buildings) and associated garages, parking, access and landscaping at Pinetrees, Purdis Farm Lane
- 1.2. This application is before the planning committee for determination at the request of the planning referral panel, due to the level of public interest and to enable the debate of material planning issues raised by consultees including the streetscene.
- 1.3. The application is recommended for approval subject to conditions.

### **2 Site description**

- 2.1 The subject site is located on the corner of Purdis Farm Lane and Beechwood Drive, and is accessed via an existing vehicle access to the north onto Purdis Farm Lane. The lane is an

unmetalled road that serves as a Public Right of Way and provides vehicular access to numerous other properties.

- 2.2 The overall site area measures approximately 0.1 hectares. It currently comprises a detached single storey dwelling located centrally within the site, accessed via two dropped kerbs positioned between a number of large tree specimen (pine, oak, and horse chestnut) along the northern boundary.
- 2.3 The three Corsican pines located along the northern boundary of the site, following the line of Purdis Farm Lane, are covered by a Tree Preservation Order (SCDC/90/00047). Other trees within proximity of the site that are covered by this TPO is a Horse Chestnut, located to the north western corner of the site on the junction of Purdis Farm Lane and Beechwood Drive, and a Crab Apple located to the south of the site within the curtilage of 6 Beechwood Drive.
- 2.4 The local area comprises dwellings of a variety of sizes and forms, with semi-detached units on smaller plots to the north-west of the application site, and those to the east of a larger detached form set on more spacious plots. There are also a variety of scales, from single storey up to dwellings with accommodation set over three floors, the upper of which is contained within the roof space.
- 2.5 The dwelling located immediately south of the subject site is 6 Beechwood Drive, a detached dwelling with accommodation set over three floors, the upper of which is within the roof space, with a ridge height of approximately 9.8 metres. It is constructed from a variety of materials, including red brick, blue weatherboarding and yellow/beige render on the front projecting gables, and red clay pantiles. A garage is situated within the front garden.
- 2.6 The dwelling located immediately east is Merravay, Purdis Farm Lane. This is a detached dwelling set over two-floors, the upper of which is located within the roof and served by rooflights and dormers. The elevations are rendered, and roof is formed of brown concrete tiles.
- 2.7 The site is within the 13km zone of European protected sites, an ecological network of protected areas, set up to ensure the survival of Europe's most valuable species and habitats.

#### Planning history

- 2.8 Last year, a previous application (DC/19/2817/FUL) sought full planning permission for: *"Demolition of existing bungalow, construction of 4 new dwellings and associated garages, parking, access and landscaping"*. The dwellings were proposed to have four bedrooms, with accommodation on three floors, the upper of which would have been within the roof space. The scheme included a garage unit for each dwelling and an external parking bay for each dwelling.
- 2.9 The previous application was refused on 6 September 2019 for the following reasons:
  1. *"There are material concerns regarding overlooking on the residential property to the east (Merravay) - the 15 metre boundary set back from the rear*

*elevation does not sufficiently reduce the overall dominance of the proposed development, which would cause significant residential amenity effects to the adjoining property. This is further accentuated by the three-storey scale of the properties, which would create a sense of overbearing on the outside private amenity space of 'Merravay'. Overall, the development would cause an unacceptable loss of amenity to adjoining or future occupiers of the development, with particular regard to privacy/overlooking and the resulting physical relationship with other properties. As such, the application is deemed contrary to Policy DM23 (Design: Residential Amenity) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013)."*

2. *"The site lies in a prominent position at the junction of Purdis Farm Lane and Beechwood Drive and is positioned between a development of uniformed architectural style and the low-level detached dwellings with spacious plots along Purdis Farm Lane. The proposed facade materials and architectural form would not be in keeping with the overall style of the existing street scene. As such, the development would detract from the general character of the area and would be contrary to Policy SP15 (Landscape and Townscape) and DM21 (Aesthetics) of the East Suffolk Council - Suffolk Coastal District Local Plan, Core Strategy and Development Management Policies as well as Paragraph 127 and Paragraph 130 of the National Planning Policy Framework (2019), which seek to avoid poor designs that fail to relate to the character of their surroundings, and is not sympathetic to the surrounding built environment - failing to improve the character and quality of the area."*
3. *"The proposal of four, four-bedroom dwellings does not meet the minimum parking standards for a development of this size. The Suffolk Guidance for Parking Technical Guidance (2015) requires a minimum of three spaces for dwellings with four or more bedrooms. These standard requirements would need to be met to ensure a scheme would not result in off-road parking along Purdis Farm Lane and other associated highways matters. As such, the application is contrary to Policy DM19 (Parking Standards) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013)."*
4. *"The application site is located within 13km of a designated European Site. The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution is required to fund the Suffolk RAMS. No planning obligation has been submitted with the application to deliver this financial contribution and, therefore, the local planning authority cannot conclude 'no likely significant effects' from the development proposal on the aforementioned European sites. The proposal is therefore contrary to the objectives of Policy SP14 and Policy DM27 of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies*

### **3 Proposal**

- 3.1 This application seeks full planning permission for the demolition of an existing bungalow and the construction of four new dwellings (two sets of semi-detached, buildings) fronting Beachwood Drive. The associated garages and shared parking area are proposed to the north of the dwellings and would be accessed from Purdis Farm Lane. Each dwelling is proposed to have a garage unit, sufficient in size to accommodate a car and storage of bicycles. There are six external parking spaces proposed within the shared parking area, four of which would be directly in front of the garages – two additional spaces are proposed to the north of the garage unit.
- 3.2 The dwellings are proposed to have accommodation set over three floors, the upper of which would be contained within the roof space and served by dormer windows on the front roof slope and rooflights on the rear. To the rear of each of the dwellings, there is proposed to be a single-storey addition with a lean-to roof.
- 3.3 The ground levels within the application site are proposed to be lowered by 60 cm from the current site level, so that they would be lower than those surrounding the dwelling to the east (Merravay). The distance from the rear two-storey wall to the boundary with Merravay is 15 metres, and the proposed height is 1.6 metres lower than that of the previously refused scheme.
- 3.4 Proposed external materials comprise white rendered elevations, natural slate roof tiles, aluminium grey windows, and timber doors, with the same palette used for the separate garage unit.

### **4 Consultations/comments**

- 4.1 A total of 20 representations of objections were received, which raised the following matters:
- Out of scale with neighbouring properties;
  - Overlooking and subsequent loss of privacy;
  - Access to daylight and sunlight;
  - Lack of parking: Risk of on-street parking along Purdis Farm Lane;
  - Orientation of housing on corner plot not in-keeping with loss on Purdis Farm Lane;
  - Overdevelopment and 'town cramming' of site;
  - Impact on landscape and protected trees;
  - Impact of additional cars on Purdis Farm Lane;
  - Limited drainage;
  - Setting a precedent;
  - Out of character: Not of similar architectural style or scale of the housing along Beechwood Drive;
  - Not well connected to public transport; and
  - Impact to local ecology.



## 5 Consultee

### 5.1 Parish/Town Council

Consultee	Date consulted	Date reply received
Purdis Farm Parish Council	29 October 2019	18 November 2019
<p>Summary of comments:</p> <p><i>"The Group Parish Council is disappointed that this proposal has been re-submitted with a few amendments which do little to address the numerous concerns raised by local residents. Should this development be allowed to go ahead it will be a major change to the existing street scene. It will bring an urban feel to the area with the loss of a number of trees and other vegetation which gives Purdis Farm Lane its rural feel. The applicant has made minor changes to the parking area including a smaller bin presentation area which appears to be under a tree. It is also unclear whether all the spaces shown on the plan are actually accessible or could all be used at the same time. This means that vehicle owners will be unwilling or unable to use the parking area and instead park in Purdis Farm Lane or Beechwood Drive which would be detrimental to highway safety. We totally reject the applicant's assertion that this location is highly sustainable. As a result, the occupiers of these properties are highly likely to travel to their place of employment and elsewhere by vehicle. Therefore, with no visitors' spaces or alternative suitable parking in the surrounding area the parking provision is clearly inadequate. The Group Parish Council objects to this proposal as it fails to comply with the requirements of the following development management policies DM7, DM19, DM21, DM22 &amp; DM23. We also fully support the concerns raised by residents of Beechwood Avenue about the reduction of visual amenity, loss of privacy, overlooking, flooding and inappropriate use of a private unadopted road. For all these reasons the Group Parish Council objects to this new proposal."</i></p>		

### 5.2 Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Rights of Way	29 October 2019	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 October 2019	14 November 2019
<p>Summary of comments:</p> <p>No objection.</p>		

### 5.3 Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 October 2019	22 November 2019
Summary of comments: Internal planning services consultee - comments included within the planning considerations section of report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 October 2019	4 November 2019
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	29 October 2019	17 January 2020
Summary of comments: Internal planning services consultee - comments included within the planning considerations section of report.		

## 6 Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	7 November 2019	28 November 2019	East Anglian Daily Times

## 7 Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Tree Preservation Order Date posted: 18 November 2019 Expiry date: 9 December 2019
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## **8 Planning policy**

- 8.1 On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (Part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 8.2 In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 8.3 East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
  - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
  - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 8.4 The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP20 - Eastern Ipswich Plan Area (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
- DM7 – Infilling and Backland Development within Physical Limit Boundaries - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)); and
- DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).

8.5 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link:

[www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) .

8.6 Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework 2019. There are no policies of that nature relevant to the consideration of this application.

## **9 Planning considerations**

### Principle

9.1 The site is located within the physical limits of Purdis Farm (located within the Eastern Ipswich Plan Area), where replacement dwellings and groups of infill housing development are deemed an appropriate form of sustainable development in terms of the local settlement hierarchy – as directed by Policy SP19 (Settlement Policy); Policy DM7 (Infilling and Backland Development within Physical Limits Boundaries) and the National Planning Policy Framework 2019.

- 9.2 The proposal for the demolition of an existing property and the development of four houses is, therefore, deemed acceptable in principle subject to meeting the criteria of all relevant planning policies and material planning considerations, as outlined below.

Aesthetics, landscape and townscape

- 9.3 The site lies in a prominent position at the junction of Purdis Farm Lane and Beechwood Drive, positioned between a development of uniformed architectural style and the low-level detached dwellings with spacious plots along Purdis Farm Lane. Due to the character, scale and form of the existing dwelling, the site currently forms a visual break within the street scene between the two-character areas.
- 9.4 The proposed demolition of the existing dwelling and construction of two pairs of dwellings has the potential to add further context and rhythm to the street scene. Although the proposed facade materials and architectural form are a visual contrast to the overall style of the existing street scene, this inclusion of a varied and contrasting material palette has the potential to add to the visual appearance of the area, drawing the eye towards the development when viewed from Bucklesham Road. It is thought that the scheme has the opportunity to enhance the diverse character of the area and would not result in the lessening of design attributes of the surrounding properties.
- 9.5 The proposed buildings are set further forward than the previous building line, however, this is a welcomed aspect of the design, which encourages an active interface with the street and allows for a suitably sized amenity space at the rear. The positioning of the garages in a single location minimises the dominance of garages doors and parking area within the streetscape, further maximising visual contact between the house and the street. The gable end/valley roof design of the proposed garage block reduces the overall mass of the building and provides cross-boundary sight lines.
- 9.6 The front aspect of each dwelling plot will have a landscaped area directly outside the principal elevation, with a 1.2-metre-wide access path leading to each plot from Purdis Farm Lane. A strip of low-level planting is proposed between the access path and Beechwood Drive, with estate rail fencing fronting the road.
- 9.7 The ridge height of the proposed development would be approximately 8.6 metres from street level, a reduction from the previously refused scheme of 1.6 metres, which is lower than 6 Beechwood Drive (the dwelling to the south). From a street scene perspective, the proposal is of a scale that would be similar to the existing development that fronts Beechwood Drive.
- 9.8 The relationship between the proposed development and the adjacent property along Purdis Farm Lane (Merravay) is not too dissimilar to the existing relationship of 6 Beechwood Drive (two and a half storey detached dwelling), which sits almost perpendicular to the adjacent site and is set back from the boundary of 123 Bucklesham Road (detached bungalow) by approximately 13 metres, as well as 4 Beechwood Drive, which is sited forward of the existing bungalow (123 Bucklesham Road) and only 8 metres from the respective boundary.
- 9.9 Aesthetically, the proposal is not seen as overly dominant the context of Beechwood Drive or when compared to scale of the buildings along Bucklesham Road. It is considered that the adverse effects caused by the juxtaposition with the adjacent low level dwelling is

mitigated through design, with a stepped approach, allowing for a 18 metre set back from the two-storey aspect of elevation to the western elevation of the adjacent property (Merravay) - 15 metres from the two-storey elevation to the eastern boundary line.

- 9.10 As shown in the proposed street elevations (drawing number 3859-11-Rev. B), the reduction in ridge height from that previously proposed reduces the overall scale of the building whilst the variation in dormer materials helps to blend the features within the roofline. These changes cumulatively reduces the overall dominance of the dwellings within the street scene and appropriately addresses concerns previously raised.
- 9.11 Overall, in terms of visual amenity, the proposal is deemed in accordance with Policy SP15 (Landscape and Townscape) and Policy DM21 (Design: Aesthetics) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document 2013, which seek to achieve high quality design that does not detract from the character of the surroundings, and in areas of varied townscape quality, seeks to ensure that new proposals create a new composition and point of interest which will provide a positive improvement in the standard of the built environment.

#### Residential amenity

- 9.12 Policy DM23 (Design: Residential Amenity) sets out the material considerations relating to residential amenity as: privacy/overlooking, outlook, access to daylight and sunlight, noise and disturbance, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, and safety and security.
- 9.13 The representations of objections raise concerns in relation to overlooking/loss of privacy, specifically in relation to the dwelling to the east (Merravay) and its private amenity area to the rear.
- 9.14 The scheme proposes the use of obscure glazing on the rear first floor level windows up to 1.7 metres above the internal floor height in order to prevent overlooking from the bedrooms on Plot 3 and Plot 4 into the private amenity area of the dwelling to the east. Views from the first-floor windows on the rear elevations of Plot 1 and Plot 2 would be towards a blank side gable and the side of the front projecting wing (comprising skylights) of Merravay. Consequently, there would be no direct views between habitable rooms between properties. The location of Merravay would also prevent direct views from the first floor rear windows of Plot 1 and Plot 2 into the rear garden of Merravay as the building, including its roof would obscure views – any views from the new windows towards this rear garden would be at such an oblique angle that they would be limited.
- 9.15 In terms of the amenity of future occupiers, outlook would be reduced to the first-floor level rooms on the rear elevation of Plot 3 and Plot 4 by the requirement to partially obscurely glaze the windows. Although this is not ideal, direct views out would be provided from windows serving principal living areas and habitable rooms both to the front, which overlooks the street, and to the rear. Outlook is, therefore, considered acceptable in terms of the amenity of future residents of the development.
- 9.16 The rooflights on the rear roof slope of all four plots would be set at an angle, which would prevent views directly down into the rear garden of the adjacent property. There are no openings proposed at first floor level or above on the southern elevation of Plot 4 (the southern plot) adjoining 6 Beechwood Drive, so there would be no overlooking of that

property. The openings proposed on the front of the new dwellings would overlook Beechwood Drive and the front garden of the dwelling opposite (7 Beechwood Drive), which are already visible from the road, and 7 Beechwood Drive is set at an angle so there would be no direct views towards its front windows. There is no fenestration proposed on the northern elevation of Plot 1 (the northern most plot), so there would be no overlooking of any properties to the north. Due to the arrangement of the two pairs of semi-detached dwellings, gable to gable with no side windows, there would be no loss of privacy or overlooking between the proposed units. Therefore, subject to the obscure glazing being secured by condition, the scheme would not result in sufficient overlooking or loss of privacy of existing neighbouring dwellings or to future occupiers of the development to warrant refusal.

- 9.17 Concerns were raised by neighbouring residents that the bulk, size and design of the proposal would result in a contrast of character that would appear overdominant and overbearing when viewed from the adjacent site (Merravay). However, it is considered that the separation distances between the properties and the use of restrictive fenestration would preclude an unacceptable loss of outlook or visual dominance effect. Whilst an occupant of Merravay would be aware of the proposal, it would not unduly interfere with the living conditions to the extent that the proposal would be overbearing or overdominant or give an unacceptable sense of enclosure. On this issue, the council finds that the proposal would not cause unacceptable living conditions for the occupants of Merravay with regard to loss of outlook or sense of space.
- 9.18 The proposal would also be separated from the neighbouring dwellinghouse of 2 Beechwood Drive, by its garage and would not, therefore, cause an overbearing impact upon that property.
- 9.19 The scheme is also considered acceptable in terms of access to daylight and sunlight, due to the reduction in ridge height of the scheme from that previously considered, the separation distances and the orientation in relation to neighbouring properties. A shadow diagram was submitted as part of the proposal, which demonstrates any potential impacts on neighbouring properties in terms of sunlight shadowing, in particular to 'Merravay'. These are shown on the winter solstice, the spring equinox and the summer solstice at 09h00, 12h00 and 17h00. The analysis shows that there would be minimal to no impact throughout the day, with any overshadowing to the rear amenity space caused in the evenings during spring and autumn, during which there is already some shadowing from existing features. On the summer solstice, the shadows at 17h00 would only extend part way down the gardens of the new dwellings, not reaching the boundary with Merravay. As such, it is considered that the effect on access to sunlight for the principal living areas within the adjacent site (Merravay), would be limited to 17h00 onwards during spring and autumn when daylight hours are limited. As such, it is considered that there would be no detrimental effect on access to daylight/sunlight for the principal living areas within the adjacent site. The impact upon daylight and sunlight would be insufficient to warrant the refusal of the scheme.

- 9.20 Considering the residential nature of the proposal and surrounding environment, there are no concerns in relation to adverse impacts to residential amenity caused by noise/disturbance and other potential sources of pollution.
- 9.21 Whilst the creation of a parking court, rather than on plot parking is not normally encouraged, the proposed shared parking area and garage block would be clearly visible from public vantage points within the street and is, therefore, acceptable in terms of safety and security considerations. The layout also results in the rear gardens being side by side and directly adjoining existing rear gardens, without rear access alleyways or similar features, which is advantageous in terms of safety and security considerations.
- 9.22 The plots are also considered appropriate in terms of the level and location of outdoor amenity space. The dwellings would be positioned close to the street to allow for a reasonably sized rear gardens, measuring approximately 95 square metres, each comprising a patio area, lawn section, a 6ft timber shed on concrete base for cycle storage, and bordered by timber fences. Boundary treatments to the side and rear of each plot include 1.8-metre-high fencing, with black metal estate fencing to the front and low-level planting along the front - allowing for passive surveillance of the street. Accessed via a side gate, each plot has a defined area for the storage of bins for refuse/recycling. It is considered that each plot benefits from a suitably sized outside amenity space.
- 9.23 Overall, the submitted scheme provides quality on-site residential amenity for residents and would not cause unacceptable loss of amenity to adjoining occupiers or future occupiers of the development. As such, the application is considered in accordance with Policy DM23 (Design: Residential Amenity) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document 2013.

#### Function and parking standards

- 9.24 Provision is to be made for two spaces per dwelling in the form of tandem parking, with one allocated within a garage unit. Tandem parking (one vehicle behind the other, including one within a garage or car port) is generally acceptable on-plot within the curtilage of a dwelling but is usually sought to be avoided in areas which offer general access, e.g. parking courts. In this instance, due to the proximity of the garages to the dwellings and its relationship with the street scene, the provision of tandem parking is deemed acceptable.
- 9.25 Allowance has been made for onsite vehicle manoeuvring and there are designated areas for bin storage/presentation, which would help alleviate demand for on-street parking. Moreover, the layout has been designed to ensure vehicles do not overhang and cause an obstruction or danger to those using Purdis Farm Lane. Minimum covered cycle storage requirements are met, with a shed in each garden providing space for two bicycles. Refuse/recycling management is indicated on the proposed plans, with bin storage located to the rear of each property (accessed via a side gate), and the presentation area shown in the corner of Purdis Farm Lane/Beechwood Drive (accessed via a paved pedestrian access route).
- 9.26 As set by the Suffolk Guidance for Parking - Technical Guidance 2019, the proposed scheme requires a total of 13 car parking spaces (including one visitor space) and one designated visitor space for two-wheeled vehicles. The proposal fails to provide the



minimum required parking space for a development of its size, with a shortfall of three spaces as well as a designated space for powered two-wheeled vehicles, although there is provision of two grassed spaces, which are accessed via an additional vehicle crossing north of the garage units outside the main parking court. Allowing the grassed spaces would reduce the shortfall to one. Taking into the account the sustainable location of the site, which benefits from access two nearby bus routes into Ipswich, and the provision of on-site cycle parking provisions, the council are minded to except the deviation from the required standards.

- 9.27 Suffolk County Council as Local Highways Authority was formally consulted and have raised no objections, stating that the proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Overall, the proposal is deemed in accordance with Policy DM19 (Parking Standards) of East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document 2013 and Paragraph 109 of the National Planning Policy Framework 2019.

#### Trees

- 9.28 An Arboricultural Impact Assessment and Preliminary Method Statement (by Arboricultural Association dated 26 June 2019) was provided as part of the submission. The report concludes that three of the mature Pines on the northern boundary have been badly pruned in the past to the extent that their current limb structure is not sustainable in the long term. It is proposed that they be removed, along with a minor non-protected birch tree that conflicts with the proposed building footprint.
- 9.29 It is accepted that the Pines are in a potentially poor structural condition and that there is not a strong case for their retention, replacement planting of two advanced nursery stock Pines is considered an acceptable proposal, as outlined in the arboricultural assessment. The root zones of the retained trees have been calculated/plotted and the proposed new building line is designed to fall outside their extent. However, the site access and driveway will fall within the root zones and as a consequence, specialist driveway construction methods are proposed to avoid significant risk of root damage, methods detailed within the respective reporting are deemed acceptable.
- 9.30 Overall, it is considered there would be no adverse impact on trees (including those covered by the Tree Preservation Order), provided that the described arboricultural method statement and tree protection proposals are implanted as described. This will be secured by condition.

### Biodiversity and geodiversity

- 9.31 A Preliminary Ecological Appraisal (PEA) (by Skilled Ecology dated January 2020) has been provided and reviewed by an East Suffolk Council ecologist, with no objections raised. Mitigation measures outlined in the report that are to be implemented, will be secured by condition to ensure that ecological receptors are adequately protected and enhanced as part of the development. Additional conditions advised by the ecologist will also apply regarding the existing hedgerow and vegetation to ensure nesting birds are protected, along with a request for lighting strategy to ensure that impacts on ecological receptors from external lighting are prevented.
- 9.32 The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution is required to fund the Suffolk RAMS. As a financial contribution has been submitted with the application the local planning authority can conclude 'no likely significant effects' from the development proposal on the designated site(s). The proposal is, therefore, in accordance with the objectives of Policy SP14 (Biodiversity and Geodiversity) and Policy DM27 (Biodiversity and Geodiversity) of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document 2013, which seek to protect designated sites in accordance with The Conservation of Habitats and Species Regulations 2017.

### Flood risk

- 9.33 The subject site is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding. Due to the associated low risk, no further assessment is required. However, it has been identified that the site is located within an area prone to surface water flooding. It is acknowledged that the scheme has included soakaways as a means of mitigating any adverse effects. However, to prevent an increase in the risk of flooding to the proposed development and elsewhere and ensure a suitable sustainable drainage system approach is adopted for the management of surface water, a detailed surface water strategy for the site is to be submitted prior to commencement of development by way of condition.

### Community Infrastructure Levy (CIL)

- 9.34 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). An informative will be added to a permission outline the requirements regarding liability.

## **10 Conclusion**

- 10.1 The proposal for the construction of four new dwellings (two sets of semi-detached, three storey buildings) and associated garages, parking, access and landscaping on the subject site is deemed acceptable in principle and a sustainable form of development.
- 10.2 The site is of a size that would suitably accommodate the scale of development proposed without causing harm to outlook, access to daylight/sunlight and overlooking of

neighbouring properties, which are of a scale not entirely dissimilar from the surrounding Beechwood Drive development.

- 10.3 The proposal suitably incorporates elements within the overall design that respects the scale of neighbouring properties, whilst ensuring any residential amenity effects are less than minor. Although the proposed facade materials and architectural form are a visual contrast to the overall style of the existing street scene, any concerns regarding the variation in design are not considered to outweigh the benefits of the provision of four new houses within a sustainable location.
- 10.4 The application adequately addresses the refusal reasons on the previous application relating to aesthetics, townscape, residential amenity and parking. A financial contribution towards Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) has been paid upfront.

## **11 Recommendation**

- 11.1 Approval subject to conditions.

## **12 Conditions:**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

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

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

- Location plan (3859-01-Rev. D) - received on 28 October 2019;
- Proposed site plan (3859-10-Rev. C) - received on 28 October 2019;
- Proposed street elevations (3859-11-Rev. B) - received on 28 October 2019;
- Proposed floor plans and elevations (3859-12-Rev. C) - received on 28 October 2019;
- Proposed street elevation 2 (3859-14-Rev. A) - received on 28 October 2019;
- Section/elevation (3859-20-Rev. A) - received on 28 October 2019;
- Proposed garage floor plans and elevations (3859-21) - received 27 January 2019;
- Sun shading diagrams (3859-200-Rev. A) - received on 28 October 2019;
- Render 1 (3859-205-Rev. D) - received on 30 October 2019;
- Render 2 (3859-206-Rev. D) - received on 30 October 2019; and
- Render 3 (3859-207-Rev. A) - received on 30 October 2019.

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

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

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

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

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in the area during the construction phase of the development.

5. No development shall commence until a detailed surface water strategy for the site has been submitted to and approved by the local planning authority. The approved scheme shall thereafter be implemented in its entirety thereafter.

Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere and ensure a suitable sustainable drainage system (SUDS) approach is adopted for the management of surface water.

6. No development shall commence until there has been a management plan for maintenance of the access drive, parking areas and associated landscaped areas, submitted to and approved by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of at least 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

7. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved by the local planning authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Class A, Class B, Class C, Class D, and Class G, Part 1 of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

9. The hereby approved Arboricultural Impact Assessment and Preliminary Method Statements (by Arboricultural Association dated 26 June 2019) shall be implemented in its entirety.

Reason: To safeguard protected trees in accordance with Policy SP15 of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013).

10. All windows on the rear elevation at first floor level serving the bedrooms on Plots 3 and 4, shall be fitted and remain fitted with patterned/obscured glass to 1.7 metres above finish floor level, details of which shall be submitted to and approved by the local planning authority before the glazing is installed.

Reason: In the interest of residential amenity.

11. All windows on the rear elevation at first floor level serving the en-suite shall be fitted and remain fitted with patterned/obscured glass, details of which shall be submitted to and approved by the local planning authority before the glazing is installed.

Reason: In the interest of residential amenity.

12. In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. Unless agreed in writing by the local planning authority no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. Where remediation is necessary a detailed remediation method statement must be prepared and is subject to the approval in writing of the local planning authority. The remediation method statement must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved remediation method statement must be carried out in its entirety and the local planning authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

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

13. Notwithstanding the hereby approved layout plan, no gate shall be erected across the shared access driveway.

Reason: To avoid the creation of a 'gated community' which would discourage the integration of the development with the wider locality.

14. The use shall not commence until the area(s) within the site shown on the proposed site plan (3859-10-Rev. C) for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

15. The areas to be provided for storage of refuse/recycling bins as shown on drawing number 3859-10-Rev. C shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

16. Within three month(s) 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 by the local planning authority.

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

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

18. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (by Skilled Ecology dated January 2020).

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

19. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are

appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

20. Prior to first occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

### **13 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 (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
3. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.

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

Please note: The Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

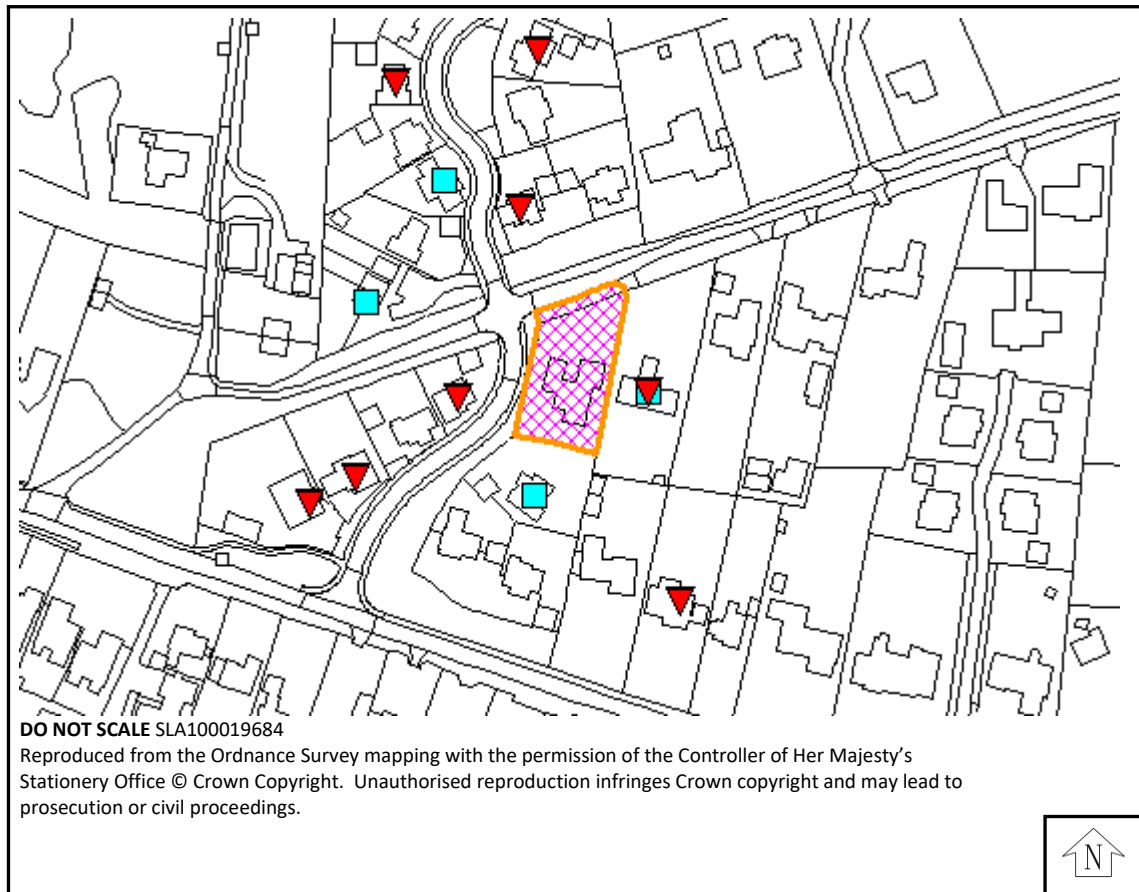
5. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.
6. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Please contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.
7. The applicant is advised that a public right of way adjacent to the application site (E-435/001/0) and nothing in this permission shall authorise the stopping up, diversion or obstruction of that right of way. The applicants should apply to East Suffolk Council if they want the public right of way to be diverted or stopped up. It is an offence under the Highways Act 1980 to obstruct the route or damage/alter the surface of the right of way without the prior written consent of the Highway Authority, either during the construction of the development or beyond. If any development work conflicts with the safe passage of pedestrians or other users of the right of way, the applicants will need to apply to the Highway Authority for a temporary closure of the right of way.

## **14 Background information**





- 14.1 See application reference DC/19/4197/FUL at:  
<https://publicaccess.eastsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>



## Map



## Key

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

## **Committee Report**

**Planning Committee** - 25 February 2020

**Application no** DC/19/4766/VOC

**Location**

Home Farm  
Wickham Market Road  
Easton  
Suffolk  
IP13 0ET

**Expiry date** 4 February 2020

**Application type** Variation of Conditions

**Applicant** Mex Homes

**Parish** Easton

**Proposal** Variation of Condition Nos. 2 and 3 of DC/18/1506/FUL - Conversion of 5no. agricultural buildings to form 7no. residential dwellings, including change of use of land, new car ports, landscaping and driveways - Revised drawings

**Case Officer** Natalie Webb  
01394 444275  
[natalie.webb@east Suffolk.gov.uk](mailto:natalie.webb@east Suffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks the variation of condition nos. 2 and 3 of DC/18/1506/FUL conversion of 5no. agricultural buildings to form seven residential dwellings, including change of use of land, new car ports, landscaping and driveways at Home Farm, Wickham Market Road, Easton, IP13 0ET.
- 1.2. The application was presented to the referral panel on 4th February 2020 as Officer's were minded to refuse the application, contrary to the support received from the Parish Council. It was determined that the application could be determined under delegated powers as there were insufficient material planning considerations raised by consultees to justify taking the application to committee.

- 1.3. Following the meeting, amended plans were received which overcame the Officer's reason for refusal (the subdivision of plot 7 to create an additional unit; contrary to the approved development). The referral panel were notified of the change in Officer's recommendation and subsequently requested that the application was presented to committee for determination.
- 1.4. Amended plans have overcome the officers concerns with the application and the recommendation is one of approval subject to appropriate conditions.

## **2. Site description**

- 2.1. The proposal site is located within a Special Landscape Area, to the east of the site is Glevering House which is a Grade II Listed Building, there is open countryside to the south and west of the site. The main access is from Wickham Market Road, which is to the north. The site contains six detached farm buildings, there is an area of hard standing to the front of the site and then leads to the buildings.

### **Relevant Planning History**

- 2.2. Barn A, B, C and D - A planning application (C05/1388) was granted for the change of use of barns A, B, C and D to office use. A subsequent application (DC/14/3863/PN3) was then granted for the change of use of the barns to residential use. This decision expired on 19th January 2020.
- 2.3. Barn A and D - An application (DC/17/2596/FUL) has been granted for the change of use of the barns into 3 dwellings, two in Barn A and one in Barn D, this was taken before Planning Committee on the 16th November 2017, this planning permission is extant to the 16th November 2020.
- 2.4. Barn B and C - An application (DC/17/1342/FUL) has been granted for the change of use of the barns into 2 dwellings, one in Barn B and one in Barn C, this was taken before Planning Committee on the 16th November 2017, this planning permission is extant to the 16th November 2020.
- 2.5. Big Barn 1 and 2 - A Planning application (DC/15/3680/PN3) was granted for the prior approval of Big Barn 1 and 2 into two dwellings. This was superseded with a further planning application (DC/16/0183/FUL) that permitted the same development with some minor elevation changes. This application expired on 7th March 2019.

### 3. Proposal

- 3.1. The application seeks the variation of condition nos. 2 and 3 of DC/18/1506/FUL conversion of 5no. agricultural buildings to form 7no. residential dwellings, including change of use of land, new car ports, landscaping and driveways. The relevant conditions are worded:

- Condition 2:

*"The development hereby permitted shall be constructed in all respects strictly in accordance with drawing PW680\_PL402, PW680\_PL403, PW680\_PL404, PW680\_PL405, PW680\_PL406, PW680\_PL408, PW680\_PL407, PW680\_PL409, PW680\_PL410, PW680\_PL410, PW680\_PL411, and PW680\_PL413 received 10th April 2018, and PW680\_PL412 (A) received 2nd July 2018 for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.*

*Reason: To secure a properly planned development."*

- Condition 3:

*"Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.*

*Reason: To prevent the building being constructed in inappropriate materials."*

### 4. Consultations/comments

- 4.1. One third-party representation was received, which materially objects to the application on the grounds of:

- Plot 7 was a single dwelling and is now shown to be plots 7 & 8; changes to access and parking layouts.

- 4.2. Full copies of representations can be seen on the Council's website.

**Consultees**  
**Parish/Town Council**

Consultee	Date consulted	Date reply received
Easton Parish Council	11 December 2019	14 January 2020
<p>Summary of comments:</p> <p>The Parish Council wishes to inform you that their response to the above Planning Application, is one of Approval, providing the following condition is met:</p> <p>Barns 7 and 8</p> <p>In accordance with DM13 a) to ensure integration of character and setting and DM23 -Residential Amenity a) d) e) f) and g); the de-lination boundary form should be of sympathetic and aesthetic materials that accord with Grade II listed buildings, ie brick/flint 1.8 meter wall (from the end of dwelling 8 across to the rear boundary of the Grade II listed farmhouse and along the rear boundary of the Grade II listed farmhouse to the end of the curtilage) This would also help to reduce noise disturbance.</p> <p>The Parish Council considers it very important that the de-lination is in place for the above reasons also to prevent accessing the barn complex over land that is not owned by the applicant.</p>		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 December 2019	Recommends conditions (as previously included)
<p>Summary of comments:</p> <p>No representation received.</p>		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 December 2019	12 December 2019
<p>Summary of comments:</p> <p>No comments.</p>		

## Non statutory consultees

Consultee	Date consulted	Date reply received
National Amenity Societies	11 December 2019	No response
Summary of comments: No representation received.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	11 December 2019	No response
Summary of comments: No representation received.		

## Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	19 December 2019	14 January 2020	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Affects Setting of Listed Building Contrary to Development Plan Date posted: 11 December 2019 Expiry date: 6 January 2020
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## 5. Planning policy

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in

accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

5.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:

- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
- East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

5.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

- DM13 - Conversion and Re-Use of Redundant Buildings in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

5.5. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link:  
[www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination).

5.6. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). There are no policies of that nature relevant to the consideration of this application.

## 6. Planning considerations

- 6.1. The principle of development was established under DC/18/1506/FUL which was approved by Planning Committee on 21st June 2018. Amended plans were received on the 3rd and 4th of February. The main changes to the development are indicated within the submitted material schedule and include revised references to each plot as follows:

### Plot 1 (originally Big Barn Unit 1)

- 6.2. Drawing number PW680 - 403 to be replaced with drawing 302e: changes to the materials, minor internal alterations, cladding details & retention of part roof. Elevational drawing PW680 - 404 to be replaced with drawing 303d.
- 6.3. The changes are considered relatively minor, with the roof overhang being the most noticeable change to the building. Alterations to the fenestration and balcony are broadly acceptable. The details for materials seek to discharge condition 3, although the information provided is lacking in confirmation in finishes, particularly in relation to the rough sawn treated SE boarding and the colour of the exposed external frame. The amended plans show a further minor internal change and substitution of sinusoidal sheet steel with zinc on the top section of the walls - that will be the same finish as the proposed roof and would run down in one material.

### Plot 2 (originally Big Barn Unit 2)

- 6.4. Drawing number PW680 - 403 to be replaced with drawing 311b: changes to the materials, minor internal alterations, cladding details & mezzanine added. Elevational drawing PW680 - 404 to be replaced with drawing 312d.
- 6.5. The alterations to plot two primarily relate to the addition of a mezzanine floor to create a master-suite and storage. Again, the changes are relatively minor, although there is a lack of information in respect of the type of red brick to be used and finish of boarding.

### Plot 3 (originally Barn A Unit 1) and Plot 4 (originally Barn A Unit 2)

- 6.6. Drawing number PW680 - 406 to be replaced with drawings 321a and 322b: changes to the materials, minor internal alterations and cladding details.
- 6.7. Alterations are very minor and broadly acceptable, loss of port hole window on south elevation does remove some character from the building, but this feature does not exist on the existing building so cannot be retained.

### Plot 5 (originally Barn B)

- 6.8. Drawing number PW680 - 408 to be replaced with drawings 331a and 332c: changes to materials, minor internal alterations and cladding details.
- 6.9. Again, the alterations are minor and broadly acceptable.



#### Plot 6 (originally Barn C)

- 6.10. Drawing number PW680 - 408 to be replaced with drawings 331a and 332c: changes to materials, minor internal alterations, cladding details and replacement roof.
- 6.11. The alterations are acceptable, however no justification has been submitted for the requirement to replace the roof. On balance the replacement roof would be presented with red clay pantiles to match those on plots three and four and is therefore considered acceptable in accordance with DM21.

#### Plot 7 (originally Barn D)

- 6.12. Drawing numbers PW680 - 410 and PW680 - 411 to be replaced with drawing 341g and 342c: minor material amendments
- 6.13. Earlier plans illustrated the creation of an additional unit (plot 8) is contrary to the description of the proposed development for 7 no. dwellings. An additional dwelling cannot be sought by means of variation, additionally it would require a change of description, which cannot be done as a variation. It is appreciated that the site is large and provides vast accommodation for one unit, however the subdivision of the unit cannot be done via a variation of condition application. This has since been adapted and is now proposing a single unit as approved; there will be seven new dwellings approved on site.
- 6.14. Amendments are also shown to the proposed cartlodes (drawing PW680 - 409 to be replaced with the plans for each plot). The block plan has also been updated to reflect the alterations to the scheme.

### **7. Conclusion**

- 7.1. Following the receipt of amended plans, the development is considered to be acceptable, in accordance with the above policies.

### **8. Recommendation**

- 8.1. Approve planning permission, subject to conditions.

### **9. Conditions:**

- 1. This permission is an amendment to the Full Planning Permission, reference DC/18/1506/FUL. The development hereby permitted shall be begun not later than the expiration of three years from the date of 4<sup>th</sup> July 2018.

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 constructed in all respects strictly in accordance with drawings 311b, 321a, 322b, 331a, 332c received 10/12/19; 302e, 303d and 312d received 03/04/2020 and 300f, 342c and 341g received 04/02/2020.

Reason: To secure a properly planned development.

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

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

4. The landscape details shall be implemented as approved by DC/19/0652/DRC on 11th March 2019 unless otherwise 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.

5. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Drawing Number 300f. Thereafter the access shall be retained in the specified form.

Reason: To improve visibility at the existing access. Works to be carried out prior to commencement so that the construction phase will benefit from the improvements in highway safety due to increased visibility.

6. The areas to be provided for storage of Refuse/Recycling bins shall be implemented as approved by DC/19/0585/DRC on 11th March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

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

7. The use shall not commence until the area(s) within the site shown on Drawing Number 300f for the purposes of [LOADING, UNLOADING,] 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 in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

8. The areas to be provided for cycle storage shall be implemented as approved by DC/19/0585/DRC on 11th March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the storage cycles (garages/car ports need to be of a size suitable to accommodate both cycles and cars - dimensions yet to be provided by the applicant- else other cycle storage areas, additional fixed enclosed storage of minimum size 3m<sup>2</sup>, will be required).

9. The development shall be implemented with the site investigation as approved by DC/19/0585/DRC on 23rd March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

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

10. The development shall be implemented with the remediation method statement as approved by DC/19/0585/DRC on 23rd March 2019 unless otherwise submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

14. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof  
Class C - alteration to the roof  
Class D - erection of a porch  
Class E - provision of any building or enclosure  
Class F - any hard surface  
Class G - provision of a chimney, flue, soil or vent pipe  
Class H - installation, alteration or replacement of an antenna

## Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.

15. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity

## 10. Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](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>

3. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

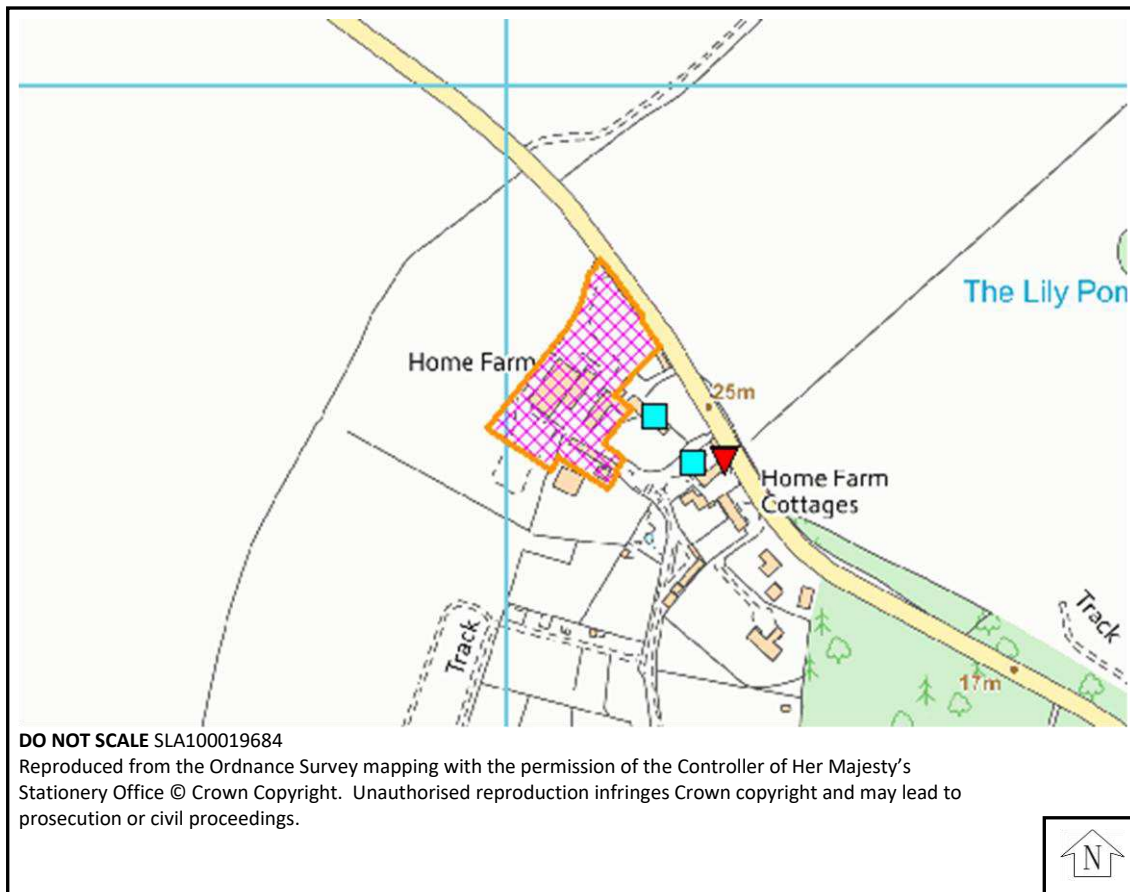
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

### **Background information**

See application reference DC/19/4766/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2AE08QXGHW00>

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## **Committee Report**

**Planning Committee** - 25 February 2020

**Application no** DC/19/4811/FUL

**Location**

Manor End  
The Promenade  
Felixstowe  
Suffolk

**Expiry date** 9 February 2020

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Extension of existing row of beach huts to level the beach material and reposition five existing huts from the Spa Pavilion end.

**Case Officer** Rachel Lambert  
01394 444574  
[rachel.lambert@eastsuffolk.gov.uk](mailto:rachel.lambert@eastsuffolk.gov.uk)

### **1 Summary**

- 1.1 The proposal is for the repositioning of five existing huts from the Spa Pavilion area of the promenade along Felixstowe seafront to the end of an existing row of beach huts at Manor End.
- 1.2 The application has been referred directly to planning committee as the landowner and applicant is East Suffolk Council.
- 1.3 Recommended for approval subject to conditions.

### **2 Site description**

- 2.1 The site is located at the end of an existing row of beach huts positioned to the south east of the Martello Park Picnic Area, accessed via the Promenade off Manor Terrace. During the period between May and October, the site can be directly accessed via a flood gate, located

at the most southerly extent of the promenade. The site where the beach huts are to be directly sited is currently an area of vegetated shingle.

- 2.2 Located to the south-west of the subject site is Suffolk Sands Holiday Park, which is populated with a number of static caravans. A block of residential units is located to the north-west. The nearest available parking is Martello South Car Park, accessed via Manor Terrace, which is a public car park operated by East Suffolk Council.
- 2.3 At this particular location the existing beach huts are set back from the seaward edge of the promenade by approximately 17 metres. The existing huts and the subject site are located on the seaward side of the seawall and are, therefore, within an area at risk of flooding and coastal change.

### **3 Proposal**

- 3.1 The application seeks full planning permission for the relocation of five beach huts that are currently sited near the Spa Pavilion. The huts are constructed from timber with a ridge height of approximately 3 metres, a width of 2.1 metres and depth of 2.4 metres. They are proposed to be sited on beach type material between the promenade and sea wall, to the south of an existing row of beach huts.
- 3.2 This site requires minimal preparation and is an extension of the existing row of seaward facing beach huts, allowing for a 1.2 metre gap from the seawall and a regular spacing of 0.5 metres between the huts – in line with the existing huts. The huts would stay in situ all year round on the landward side of the promenade, placed on their existing wooden supports.

### **4 Consultations/comments**

- 4.1 One third party response was received in support of the application.

### **5 Consultees**

- 5.1 Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	18 December 2019	9 January 2020
Summary of comments: "Committee recommended APPROVAL."		

- 5.2 Statutory consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 December 2019	24 December 2019
Summary of comments: No objection.		



Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	18 December 2019	3 January 2020
Summary of comments: No objection.		

### 5.3 Non statutory consultees

Consultee	Date consulted	Date reply received
Head of Coastal Management	18 December 2019	7 January 2020
Summary of comments: No objection - comments incorporated within planning considerations section below.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	18 December 2019	9 January 2020
Summary of comments: No objection - comments incorporated within planning considerations section below.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	18 December 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Economic Development	N/A	19 December 2019
Summary of comments: Felixstowe Forward are supportive of the proposal and welcome the beach huts currently on the promenade at the Spa site being moved as this will improve access to the promenade.		

## 6 Publicity

None

## **7 Site notices**

General Site Notice

Reason for site notice: General Site Notice

Date posted: 31 December 2019

Expiry date: 22 January 2020

## **8 Planning policy**

- 8.1 On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 8.2 In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 8.3 East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
  - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
  - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 8.4 The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP8 - Tourism (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));
  - SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

- SP21 - Felixstowe with Walton and the Trimley Villages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)); and
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).

8.5 Felixstowe Peninsula Area Action Plan Development Plan Document (January 2017) policies:

- FPP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Felixstowe Peninsula Area Action Plan Development Plan Document (January 2017)); and
- FPP20 - Spa Pavilion to Martello Park (East Suffolk Council - Suffolk Coastal District Local Plan - Felixstowe Peninsula Area Action Plan Development Plan Document (January 2017)).

8.6 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) .

8.7 Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The policies below are considered to now have some weight in determining applications, and are relevant to the consideration of this application:

- Policy SCLP6.1: Tourism; and
- Policy SCLP12.14: Spa Pavilion to Manor End.

## 9 Planning considerations

### Principle

9.1 The site is located within the physical limits boundary of Felixstowe, classified as a major centre within the district. Proposals for development within the defined physical limits boundary are acceptable in principle, subject to according with respective policies – as outlined below.

### Tourism

9.2 The resort of Felixstowe, located on the coast and adjacent to the Area of Outstanding Natural Beauty (AONB), is a priority for new tourist activity, where improving the tourism potential is seen as an important element in achieving the regeneration of the town and providing continued support in principle to the tourist industry remains a priority within the local plan. However, it is recognised that such support needs to be tailored to ensure that any expansion does not materially harm, in particular, the natural, historic and built environment assets that are the main attractions for visitors to the area and which are so important to the quality of life of local residents.

- 9.3 Under current policy (Policy FPP20) beach huts along the area between Spa Pavilion to Martello Park will be carefully monitored and limited to those that currently exist, with any increased provision directed towards other parts of the sea front.
- 9.4 Emerging policy (Policy SCLP12.14) continues to support and promote high intensity tourist uses along the area between Spa Pavilion to Manor End and directs a high proportion of these along the Sea Road frontage. Additional beach huts in this area are to be limited to locations that complement the existing resort uses and do not fill the important gaps between huts.
- 9.5 In this instance, the relocation of five existing beach huts is deemed acceptable in principle as it does not comprise additional provision. The siting of the beach huts will have less than minor adverse effects on visual amenity, considering they are well maintained, and do not compromise or restrict accessible gaps between the existing row of huts. Moreover, the proposal does not restrict access or adversely affect the wider setting or the appearance of the seafront. The beach huts will be of the same scale to those already on the land to the north of the site and would not block the promenade or interfere with the seaside views of others.
- 9.6 Comments received from Felixstowe Town Council and the Head of Economic Development further support this stance, both raising support for the application, with the latter welcoming the beach huts currently on the promenade at the Spa Pavilion site being moved as it will improve access to the promenade for visitors and locals alike.
- 9.7 Overall, it is considered that the application accords with both Policy FPP20: Spa Pavilion to Martello Park of the Felixstowe Peninsula Area Action Plan Development Plan Document 2017 as well as Policy SCLP12.14: Spa Pavilion to Martello Park of the East Suffolk Council - Suffolk Coastal Local Plan Final Draft Plan 2019, which seeks to protect and enhance the tourism facilities within the area.

#### Coastal management and flood risk

- 9.8 Section 8 of the Felixstowe Peninsula Area Action Plan Development Plan Document January 2017, states that “because the SMP policy is to primarily ‘hold the line’ along the Felixstowe coast line, the Council do not consider it appropriate to introduce a Coastal Change Management Area for the Felixstowe Peninsula. A Coastal Change Management Area is there to ensure that any future development in areas at risk from coastal erosion is carefully considered and criteria are used as the basis for making decisions. Elsewhere in the district, there is a need for Coastal Change Management Areas and these will be covered by the Site Allocations and Area Specific Policies document”. As such, it is considered that there is no requirement for a Coastal Erosion Vulnerability Assessment (CEVA) in a Hold the Line frontage.
- 9.9 Consequently, the Head of Coastal Management has raised no objections, advising that the proposed works will have no impact on coastal management policy or implementation action and will be at a very low level of risk from coastal change. It is considered that the flood risk will be similar to the adjacent block of beach huts.
- 9.10 Overall, the scheme meets the requirements of Policy SP12 (Climate Change and Policy) and Policy SP30 (The Coastal Zone) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document 2013.

### Ecology

- 9.11 An East Suffolk Council ecologist has reviewed the application with regard to any potential ecological impacts and has concluded that the proposal appears unlikely to have a significant adverse impact on designated sites, protected species or UK Priority habitats or species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

### Amenity

- 9.12 The site is easily accessible, located within close proximity to a public car park and benefits from a number of public amenities including a café kiosk, and picnic area at Martello Park. Public conveniences are also accessible, with Manor Terrace Car Park Public Toilet located approximately 200 metres to the south-west along Manor Terrace.

## **10 Conclusion**

- 10.1 Despite the policy primarily directing beach huts to other locations along Felixstowe sea front, the proposal does not result in an increase in beach hut provision. Moreover, there will be no increased harm to visual amenity and would not compromise existing sea defences or adversely affect the coastal environment. Overall, the repositioning of the huts will be located within a sustainable location, lessening the impact on the amenity of the promenade from where they are to be moved whilst retaining the provision of beach huts within close proximity to public facilities, a benefit to the wider tourism of the area.

## **11 Recommendation**

- 11.1 Recommended for approval subject to conditions.

## **12 Conditions**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings received on 13 December 2019:

- Site location plan;
- Site layout - ME/01 Rev. A; and
- Proposed site levels - ME/02 Rev. A.

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

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

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

4. The hereby approved building shall be used as a beach hut and for no other purpose unless otherwise agreed by the local planning authority.

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

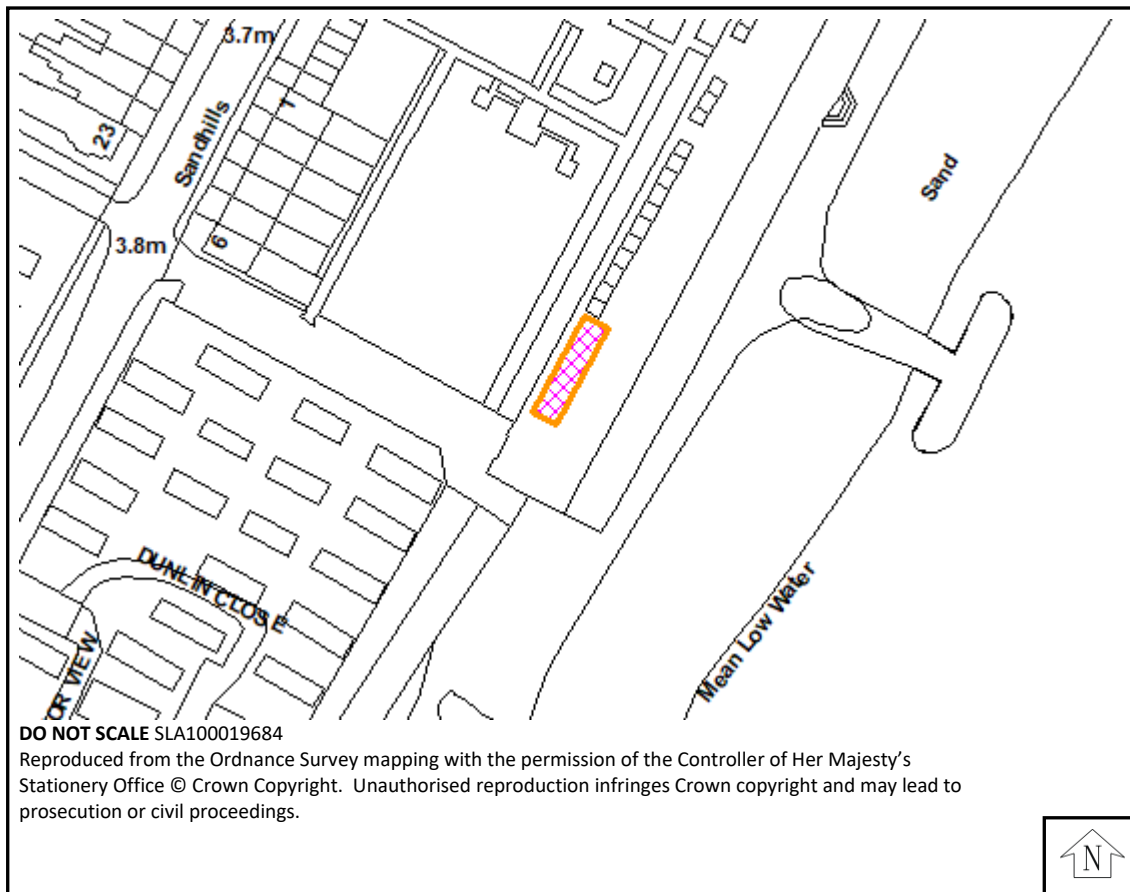
### **13 Informatives**

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 (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





### **14 Background information**

- 14.1 See application reference DC/19/4811/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2G37VQX06O00>

## Map



## Key

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