



NORTH PLANNING COMMITTEE - UPDATE SHEET

13 August 2019

Item 8 – DC/19/0061/FUL – Demolish redundant agricultural buildings and build two residential dwellings. Also, to convert and extend the existing brick building to create three dwellings in total at Spexhall Hall, Hall Road, Spexhall, Halesworth IP19 ORR

2.8 Change reference to DC/16/4723/PNR

2.11 Members are advised that an application to discharge condition numbers 3, 4, 5 and 6 were received on the 1 August 2019. These conditions relate to contamination. The determination deadline for this application is the 25 September 2019.

An application to discharge conditions 7 and 8 was received on the 9 August 2019. These conditions relate to parking and bin storage. The determination deadline for this application is the 3 October 2019.

Additional information – as of the 6 August 2019 East Suffolk Council have formally published that there is a 6.58 year supply of housing in the Waveney Local Plan area.

Additional Communication: Further correspondence has been received from the applicant (received 12 August 2019) raising the following matters (the full correspondence is included on the Council's website should Members wish to view):

- There have been no objections to the application.
- The legal advice referred to in the officer report has been requested. It is unreasonable that it should be sought via a FOI request with the date for response after the North Planning Committee date. This is indicative of the process of this application in that it has been dogged by delay by officers on a number of occasions.
- There have been delays in the planning application – the determination date of March 2019. The application should have been considered at the July Planning Committee rather than the meeting cancelled.
- The applicant has sought legal advice which and it is highly unlikely" that this would be called in for judicial review.
- On the issue of sustainability - The site is accessible by Bridleway, as well as road, the Bridleway exits at the Huntsman & Hounds with the 99A bus route stop near Grub Lane. Therefore, though there are no street lit foot paths, which would not be expected in the

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countryside due to light pollution, there are public routes to the immediate local facilities that exist. The addition of these houses therefore supports the community, helping to retain the local facilities that are available. The applicant notes that in the minutes of the earlier meeting, Members noted that the development would encourage the growth of the rural economy.

- On the issue of the impact on Spexhall Hall it is noted that this is not dissimilar to that at Harrisons Lane (Halesworth Campus) in Halesworth, where the Grade II Listed Town Farmhouse is in close proximity to the development of circa.190 new build houses and associated proposed medical and sports facilities. Indeed, Town Farmhouse is encroached upon from three sides once the development is complete. The site at Spexhall Hall is already well screened by mature trees from all directions, unlike that at Town Farm.
- The Planning Officer has previously reported that the agricultural buildings have no historical asset value and therefore would support demolition.
- It is suggested that giving approval would allow the applicant to tidy up the site and the wider landscape and thereby enhance the setting of the Listed Building Application, thereby preventing the further deterioration of the poor agricultural buildings becoming overgrown and further dilapidated.
- Regarding the permitted development it is noted that Part Q is not referred to in the approval letter. The applicant has letters that highlights projects that must be completed and other letters with no timescales attached.
- Since the approval the timescale has not been brought to the Committee's attention until 2.5 years later.
- The applicant has at great haste submitted the outstanding conditions so that commencement on site could be achieved.
- Due to the Officer's error in issuing the incorrect letter we would suggest that a revised letter is issued to give us three years to complete from Notice given of the error, i.e. from 25 June 2019. The legal advice we have sought suggests that this would be a reasonable course of action, given the unusual circumstances.
- The errors of the Planning Department have been acknowledged and apology given, however my client has expended significant time and cost to get the site construction ready.
- The further delays with the current Planning Application have not assisted my client in progressing matters.
- We therefore suggest that as the Committee has resolved to approve that they now provide reasons to approve, without the need to revoke.

Officer comments:

- It was not possible to take the matter to the July Committee as the deadline for reports did not provide officers with sufficient time to update the report.
- The agent refers to tidying up of the site as being justification. This is a matter which officers can explore separately with the applicant but would need to be founded on an enabling argument supported by appropriate viability information which can then be appropriately assessed. There insufficient detail in the current application to support such.
- Town Farm (the development site referred to) was an allocated site in the Local Plan which had appropriate information and consideration to the listed building and was accepted by the Planning Inspector in the adoption to the Plan. A buffer zone between the residential development and heritage asset was included. Officers do not believe both sites are comparable.

- Reference is made to the additional housing supporting local facilities. A number of appeal decisions received have ruled this out unless appropriate evidence is supplied demonstrating that without the additional housing those facilities are likely to close. Such information has not been received.
- Subject to the conditions being acceptable and discharged, the applicant is able to commence work but the legislation is clear that these need to be completed within the three years not just commenced. The LPA is not able to re-issue a further three year period of grace in the absence of a planning application for the proposed development.
- The applicant states that no mention is made to Part Q in the approval letter. The application was submitted as a prior approval (the forms are for such). The decision notice also clearly refers to the development as a prior approval (General Permitted Development) (Amendment) (England) Order 2013 – Schedule 2, Part 3: Changes of Use) which relates back to Part Q.

Item 9 – DC/19/2129/FUL – Subdivision of the existing farmhouse and annex into two dwellings and replacement side extension at Hall Farm, Flixton Road, Bungay, Suffolk, NR35 1PD

It is noted that the proposal seeks to introduce an additional residential dwelling and therefore is liable for the payment of RAMS contribution. The proposal remains acceptable subject to receipt of the contribution and the recommendation is updated accordingly.

- 10 AUTHORITY TO APPROVE subject to the payment of RAMS and the conditions as listed in paragraph 10.1 of the report.