



## Committee Report

**Planning Committee** - 25 August 2020

**Application no** DC/20/1893/OUT

**Location**

21 Fleetwood Avenue  
Felixstowe  
Suffolk  
IP11 9HR

**Expiry date** 16 July 2020  
**Application type** Outline Application  
**Applicant** Mr A Warner-Lacey

**Parish** Felixstowe

**Proposal** Outline application for one dwelling on land to the rear of 21 Fleetwood fronting Dellwood Avenue

**Case Officer** Rachel Smith  
01394 444628  
[rachel.smith@eastsuffolk.gov.uk](mailto:rachel.smith@eastsuffolk.gov.uk)

### 1. Summary

- 1.1. The application site comprises part of the rear garden of 21 Fleetwood Avenue, Felixstowe. The application is made in Outline form and proposes the erection of a detached dwelling.
- 1.2. The application was presented to the Referral Panel on 30th June with a recommendation of refusal as the Town Council support the application. At this Referral Panel meeting, members were content that the application could be delegated to Officers for a decision. Following this meeting, Officers were supplied with a number of example cases whereby similar proposals had been permitted within Felixstowe. On balance, it was therefore considered that the recommendation of refusal due to the plot being cramped within the streetscene and out of character with the area would be difficult to argue and therefore the recommendation should be to approve. The application was therefore taken back to the Referral Panel on 14th July where members decided that in the interests of transparency, following Officers' change of recommendation that the application ought to be determined by Planning Committee.

## 2. Site description

- 2.1. The application site comprises part of the rear garden of 21 Fleetwood Avenue in Felixstowe. The property is located on a corner plot with its side boundary fronting Dellwood Avenue. Access to the proposed dwelling would be off Dellwood Avenue.
- 2.2. The site is located within the physical limits boundary of Felixstowe and is mostly surrounded by other residential dwellings however to the north of the site, on the opposite side of Dellwood Avenue are sports pitches.

## 3. Proposal

- 3.1. The application seeks outline planning permission with all matters reserved for the erection of one dwelling fronting Dellwood Avenue.
- 3.2. An indicative layout has been received but this does not form part of the proposal at this stage.

## 4. Consultations/comments

- 4.1. One letter of objection has been received from a neighbouring resident raising the following concerns:
- overlooking and loss of privacy from potential first floor rear windows
  - loss of two mature silver birch trees

### Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	26 May 2020	11 June 2020
Summary of comments: Committee recommended APPROVAL.		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	26 May 2020	16 June 2020
Summary of comments: No objections - recommends standard conditions.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	26 May 2020	27 May 2020

Summary of comments:

No objections - recommends standard condition regarding contamination.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 May 2020	No response

Summary of comments:

None received

Consultee	Date consulted	Date reply received
Ecology (Internal)	26 May 2020	16 June 2020

Summary of comments:

Comments included in report

## Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

## 5. Planning policy

- 5.1. 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.
- 5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
- The ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))
- 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))
- XSP19 - 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))
- DM7 - Infilling and Backland Development within Physical Limits Boundaries (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))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

5.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors

letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

- 5.5. The consultation on the Main Modifications has been completed (finished 10 July 2020). A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:  
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>.
- 5.6. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it.

## **6. Planning considerations**

- 6.1. The application site is located within the physical limits boundary of Felixstowe and therefore the principle of development in this location is acceptable in accordance with SP1, SP1a, SP19 and SP21 of the Local Plan and FPP2 of the Felixstowe Peninsular Area Action Plan.

### Design

- 6.2. The site is located in a primarily residential area with the exception of the sports grounds opposite. The properties within the immediate area are generally detached dwellings, set back slightly within the streetscene with spacious rear gardens. The proposed plot would be noticeably smaller than its immediate neighbours however there other smaller plots, including those with infill development in relatively close proximity to the site. As there is sufficient space within the streetscene for the erection of a dwelling, despite the relatively short rear garden that the proposed dwelling would have, it is considered that the plot would be capable of accommodating a modest dwelling and would not be out of keeping with the character or appearance of the area. The proposal is therefore considered to be in keeping with DM7 and DM21 of the Local Plan. Particular care should be given at the Reserved Matters stage to ensure that the size and design of the dwelling is appropriate for the size of the plot.

### Residential Amenity

- 6.3. Although no details of the proposed dwelling are currently being considered, given the size and location of the site, any new dwelling with first floor windows in the rear elevation would likely result in direct overlooking of this private amenity space at a short distance. It will therefore be important to consider the proposed design and layout of any new dwelling to ensure that there would be no direct overlooking to the neighbouring property to the south, or back towards the host dwelling.
- 6.4. The creation of the dwelling is not considered to have an adverse impact on outlook from any existing dwellings or impact on light to existing dwellings. Other than the proposed dwelling having a relatively small garden area, it is considered that it would have adequate outlook and light to it.

### Ecology

- 6.5. The proposed development appears unlikely to result in significant adverse impacts on protected species or UK Priority habitats or species. A small amount of habitat suitable for

nesting birds appears to be lost to the proposed development and therefore, if permission were to be granted conditions to mitigate this impact would be required.

- 6.6. The site is within the Suffolk RAMS Zone of Influence (Zone A) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). A S111 form in relation to this, along with a financial contribution of £321.22 to the Suffolk Coast RAMS has been made and therefore it can be concluded that the proposal would have no likely significant effects on the protected European Sites.

#### Highways

- 6.7. The local highways authority has no objection to the proposal and has suggested a number of conditions regarding the access and site layout. As all matters, including access, are reserved, any highways related considerations should be made at Reserved Matters stage when specific details are presented.

### **7. Conclusion**

- 7.1. The application site is located within the physical limits boundary of Felixstowe where the principle of a new residential dwelling is acceptable in accordance with the principles of sustainable development. Although the plot would be smaller than those in the immediate vicinity, it is not considered that it would appear cramped and overdeveloped within the streetscene and there are a number of other, similar infill plots in the wider area that it would not be out of character. Concerns regarding the impact of possible overlooking to neighbouring dwellings could be considered at the Reserved matters stage.

### **8. Recommendation**

- 8.1. Approve, subject to controlling conditions detailed below.

#### **Conditions:**

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.  
Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.  
Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be completed in all respects strictly in accordance with Site Plan received 22 May 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.

4. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+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.

5. 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.

6. Commensurate with the Reserved Matters Application details of integrated nesting opportunities for swifts (*Apus apus*) within the new dwelling will be submitted to and approved in writing by the local planning authority. These measures will be delivered in accordance with the approved details.

Reason: To ensure that the development delivers ecological enhancements.

#### **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>

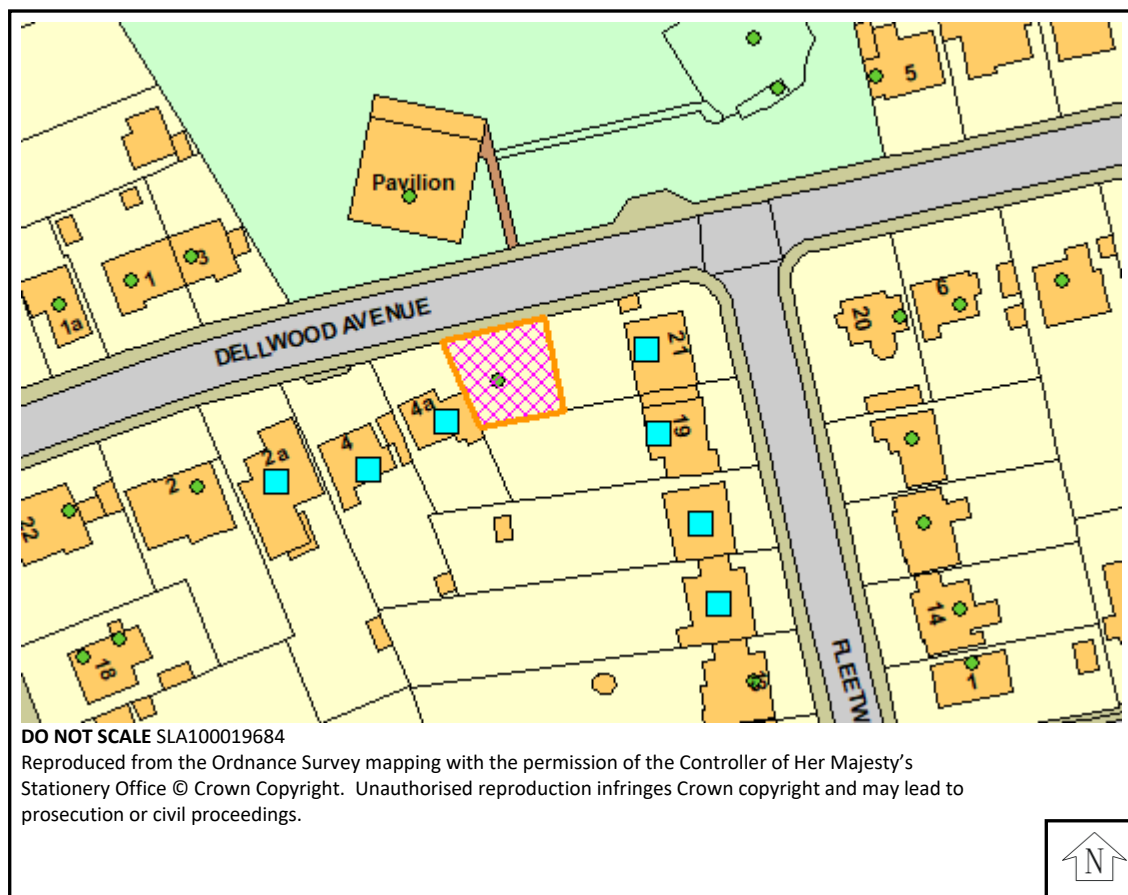
3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business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

### **Background information**





See application reference DC/20/1893/OUT at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAQK3MQXJQ400>



## Map



## Key

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