



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

# **Planning Committee North**

## **Members:**

Councillor Paul Ashdown (Chairman)  
Councillor Jenny Ceresa (Vice-Chairman)  
Councillor Jocelyn Bond  
Councillor Norman Brooks  
Councillor Linda Coulam  
Councillor Graham Elliott  
Councillor Andree Gee  
Councillor Malcolm Pitchers  
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North**  
to be held on **Tuesday, 9 June 2020 at 2.00pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel  
at <https://youtu.be/e3X06a5meJ0>

An Agenda is set out below.

## **Part One – Open to the Public**

<b>1</b>	<b>Apologies for Absence and Substitutions</b>	
<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of 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>Enforcement Action - Case Update ES/0393</b> Report of the Head of Planning and Coastal Management	<b>1 - 18</b>
<b>5</b>	<b>DC/19/1462/FUL - Land adjoining 8 The Street, Darsham ES/0394</b> Report of the Head of Planning and Coastal Management	<b>19 - 50</b>
<b>6</b>	<b>DC/19/4128/FUL - Glen House, Blackheath Road, Wenhaston with Mells Hamlet ES/0395</b> Report of the Head of Planning and Coastal Management	<b>51 - 68</b>
<b>7</b>	<b>DC/19/5008/FUL - Land adjoining Hilltop, Carlton Road, Kelsale Cum Carlton ES/0396</b> Report of the Head of Planning and Coastal Management	<b>69 - 80</b>
<b>8</b>	<b>DC/20/1275/FUL - Council Offices, 1A Broad Street, Bungay ES/0397</b> Report of the Head of Planning and Coastal Management	<b>81 - 87</b>
<b>9</b>	<b>DC/20/1050/LBC - Council Offices, 1A Broad Street, Bungay ES/0398</b> Report of the Head of Planning and Coastal Management	<b>88 - 94</b>
<b>10</b>	<b>DC/20/1276/ADN - Council Offices, 1A Broad Street, Bungay ES/0399</b> Report of the Head of Planning and Coastal Management	<b>95 - 99</b>
<b>11</b>	<b>DC/20/1369/FUL - 40 High Street, Saxmundham ES/0400</b> Report of the Head of Planning and Coastal Management	<b>100 - 104</b>

		Pages
12	<b>Woods Meadow Development Phase 2 - Section 106 Update ES/0401</b> Report of the Head of Planning and Coastal Management	105 - 107

## Part Two – Exempt/Confidential

Pages

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>).

## **Filming, Videoing, Photography and Audio Recording at Council Meetings**

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email:

[democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



### **The national Charter and Charter Plus Awards for Elected Member Development**

East Suffolk Council is committed to achieving excellence in elected member development

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



## PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

9 June 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 May 2020. At present there are 17 such cases.

Information on all cases has been updated at the time of preparing the report such that the last 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 May 2020 be received.

**BACKGROUND PAPERS** - None

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> <li>• 01/03/2016 – Planning Appeal</li> </ul>	31/06/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>dismissed</p> <ul style="list-style-type: none"> <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> <li>• Review site regarding day block and access after decision notice</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <ul style="list-style-type: none"> <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 remedy sought. Verbal update to be given.</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>• 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-attendance as was required in the Order of 27/03/2019.</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>• 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> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</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> <li>• Further enforcement action to be put on hold and site to be</li> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>monitored</p> <ul style="list-style-type: none"> <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 Notice. Case to be referred to Legal Department for further</li> </ul>	31/07/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>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 days for the site to be cleared before the Notice is served.</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>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>Awaiting Planning Inspectorate Decision</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> <li>Start date has been received. Public Inquiry to be held on 08/11/2017</li> </ul>	30/06/2020

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>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 with the Enforcement Notice. An Injunction was granted and the owner is required to comply with</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>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> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</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>	31/08/2020



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> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• <b>Appeal started. Statement due by 16<sup>th</sup> June 2020</b></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</li> </ul>	05/08/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</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>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</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> </ul>	13/08/2020

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 letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>Awaiting Planning Inspectorate Decision</li> <li>Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> </ul>	
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>	30/06/2020
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>Awaiting Planning Inspectorate Decision</li> </ul>	30/07/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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>	30/08/2020
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>• Application refused 15/01/2020</li> <li>• Currently within appeal period.</li> <li>• Application received DC/20/1387/AME to amend roof material.</li> <li>• <b>DC/20/1387/AME approved</b></li> </ul>	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<b>28.04.2020.</b> <ul style="list-style-type: none"> <li>Team monitoring progress</li> </ul>	
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> <li><b>Appeal started, statement due by 22<sup>nd</sup> June 2020</b></li> </ul>	30/08/2020
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> <li>Compliance visit to be conducted when possible.</li> </ul>	27/06/2020
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>Enforcement Appeal submitted, awaiting Start Letter from PINS</li> <li><b>Appeal started; statement due by 3<sup>rd</sup> July 2020</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> <li><b>Awaiting site visit to check on compliance</b></li> </ul>	30/06/2020

<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>
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• <b>Awaiting Planning Inspectorate Decision</b></li> </ul>	30/08/2020

## **Committee Report**

**Planning Committee – 09 June 2020**

**Application no** DC/19/1462/FUL

**Location**

Land Adjoining 8  
The Street  
Darsham  
Suffolk

**Expiry date** 10 July 2019

**Application type** Full Application

**Applicant** Hopkins & Moore (Developments) Limited

**Parish** Darsham

**Proposal** Erection of 26 Residential Dwellings, together with associated access, car parking and open space

**Case Officer** Joe Blackmore, Principal Planner (Development Management)  
01394 444733

[Joe.Blackmore@eastsuffolk.gov.uk](mailto:Joe.Blackmore@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1 The application seeks full planning permission for the development of 26 dwellings and associated development on land to the north side of The Street, Darsham.
- 1.2 Under the current, adopted Development Plan for the Suffolk Coastal area of East Suffolk, the site is not allocated for development and is therefore in the countryside, for planning purposes. The proposed development represents housing in the countryside and a departure from the adopted Development Plan - and thus has been brought direct to planning committee for determination.
- 1.3 However, the application site is an allocation in the emerging Suffolk Coastal Final Draft Local Plan (January 2019) (policy SCLP12.49). The plan is at an advanced stage in the process and this specific allocation policy is deemed to be consistent with the National Planning Policy Framework (2019). The site is also sustainably located and would represent infilling of a gap between existing residential development. Thus, whilst the proposal represents a

departure from the current adopted spatial strategy of the Development Plan, weight can be given to policy SCLP12.49 as a site allocation for residential development. The sustainable location of the site also weighs in favour of the principle of development.

- 1.4 The proposal is considered to be well-designed and suitably related to the existing character of the village, including the local residential environment. Safe and suitable access can be achieved whilst retaining the frontage trees protected by Tree Preservation Order. Local concern related to disruption in the construction phase could be properly controlled through a conditional construction method statement.
- 1.5 There would be significant public benefits from the proposal including (but not limited to): a 26-dwelling contribution to housing supply; eight affordable homes; short term construction job creation; and longer term, spend in the local economy by future residents.
- 1.6 The proposal is therefore considered to represent a sustainable form of development and officers recommend that planning permission be granted.
- 1.7 The application was considered at the Planning Committee North meeting in January 2020, with a decision deferred until the examining Inspector had issued his post-hearings letter on the Suffolk Coastal Final Draft Local Plan. The Inspector's letter of February 2020 states that 'subject to main modifications the Plan is likely to be capable of being found sound and legally compliant'. The Main Modifications consultation is currently underway (1 May 2020 - 10 July 2020). No modifications are proposed to the key relevant site allocation policy SCLP12.49. On that basis, officers consider that this policy can now be given considerable weight in support of the proposal.
- 1.8 The recommendation is authority to approve subject to the signing of a Section 106 legal agreement to secure necessary planning obligations; along with planning conditions to secure compliance and further details, where necessary, as detailed in the recommendation section of this report.

## **2. Site description**

- 2.1 Darsham is a small village to the east of the A12 approximately halfway between Ipswich and Lowestoft. The village has a small number of facilities including a village hall and a public house. Darsham station is around 0.8 miles to the southwest of the village and provides rail connections to Ipswich and Lowestoft.
- 2.2 The application site is located on the north-western edge of Darsham and represents a gap within the existing developed area in this part of the village, with development of Millfields immediately to the east of the site having recently taken place. Planning Permission has also been granted for residential development on land to the south east of the site on the opposite side of The Street that is currently under construction (The Cheyney Green Development). That development incorporates the provision of a new village hall.
- 2.3 The application site is broadly rectangular in shape and covers some 1.1 hectares to the north side of The Street where it forms the junction with Fox Lane. The majority of the site is well-maintained grassland with scrub, species-rich hedgerow and mixed deciduous trees



delineating the southern, western and northern boundaries. The site is relatively flat and there is an existing field access at the southern edge, from The Street.

- 2.4 There is a recent residential development to the east, further residential development to the west and south, and arable land to the north. As the site falls outside the drawn Darsham settlement boundary it is a countryside location, for planning purposes.
- 2.5 There is no relevant planning history to report for the application site.

### **3. Proposal**

- 3.1 The application seeks full planning permission for the erection of 26 Residential Dwellings together with associated access, car parking, drainage and open space.
- 3.2 The development proposal has been amended during the determination period in response to local comments, consultation responses and officer feedback; the proposal for consideration includes the following key elements:
- 26 dwellings, comprising 18 open market dwellings and 8 affordable dwellings;
  - Areas of public open space;
  - Frontage pedestrian footway;
  - Surface water drainage strategy;
  - Comprehensive site landscaping proposal; and
  - Associated development.
- 3.3 The proposed development would take vehicle access from The Street at the eastern end of the site frontage. This will involve the removal of around 40 metres of hedgerow and some existing trees in that area to facilitate visibility splays from the highway access point. The frontage Oak trees (protected by Tree Preservation Order) to the central and western half of the site would be retained as part of the development proposal.
- 3.4 The layout is generally organised around a main shared surface road running west-east through the site with private drives running off that to serve smaller groups of dwellings. Development along the southern frontage has been pulled back from The Street, to avoid the root protection areas of retained TPO trees, and the result is a curved building line in the central area with a semi-circular area of open space to the south, diagonally opposite the road junction with Fox Lane. Adjacent the vehicle access is further open space where the site adjoins Millfields, to the east; and then to the west side of the access is a shallow attenuation basin as part of the drainage strategy for the site.
- 3.5 The proposed buildings are standard house types for Hopkins & Moore Ltd – traditional in form and detailing, all two-storeys in height comprising a mix of external materials (various brick types, rendering, pantiles, slates, and painted weatherboard cladding).

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

- 4.1 49 letters of objection have been received that raise the following key concerns (inter alia):

- Darsham has already seen lots of residential development and there is not a housing need in the village;
- The village would, with all of the housing development, become a town;
- The Street is narrow and not suitable for more vehicles;
- More dwellings at the entrance to the village will divide the village into two: a commuter development at the entrance and established, older dwellings further down;
- Proposal does not respect rural character of the village;
- Proposal will put stress on local infrastructure;
- Removal of trees and hedgerows will harm the character and appearance of the village;
- Site is not yet allocated for development in the Local Plan;
- Construction works in the village are disruptive and this proposal would add to that impact;
- Development will result in loss of wildlife;
- Increased traffic in the village will result in serious accidents and congestion;
- Development will result in light pollution in the village;
- The proposal, in addition to proposed works at Sizewell, will result in disruption to local residents;
- Millfields and Cheyney Green are not in keeping with the village and nor would this proposal be in keeping;
- Bus service in the village is poor;
- Loss of outlook and view from neighbouring properties;
- The access will result in a dangerous staggered junction with Fox Lane;
- Darsham is not a sustainable location as there are very few services within the village;
- Parking provision is inadequate due to density of development;
- Darsham village plan recommends single depth plots complementing the rural nature of the village; and
- Development should be focussed on the site at Darsham Station;

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	12 April 2019	16 May 2019
<p><i>"Darsham Parish Council object and oppose this application in the strongest possible terms. This decision [taken at the meeting on 14th May 2019] was unanimous with all 9 councillors rejecting the application.</i></p> <p><i>To ascertain the thoughts of the village a ballot for parishioners was undertaken. 68 ballots were cast, the result of this was - 67 AGAINST with 1 for."</i></p>		

## Statutory consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	31 May 2019	17 June 2019
Summary of comments: Holding objection for further information.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	12 April 2019	20 May 2019
Summary of comments: Holding recommendation of refusal until matters addressed.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	12 April 2019	18 April 2019
Summary of comments: No objections; conditions recommended.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	12 April 2019	18 April 2019
Summary of comments: Holding objection for further information.		

Consultee	Date consulted	Date reply received
Network Rail	12 April 2019	No response
Summary of comments: No objections.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Development & Policy (SCDC)	2 May 2019	No response
Summary of comments: Internal; see report.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	7 May 2019
Summary of comments: No objections. Standard advice given regarding building regulations compliance in terms of access and firefighting facilities; water supply; and sprinklers.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 April 2019	3 May 2019
Summary of comments: Holding objection as further survey work is required.		

Consultee	Date consulted	Date reply received
SCDC Environmental Protection	12 April 2019	1 May 2019
Summary of comments: No objections. See report for details.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	12 April 2019	3 May 2019
Summary of comments: Internal consultee; comments incorporated into officer report.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	12 April 2019	17 April 2019
Summary of comments: Comment that layout is generally well-designed. Design guidance offered on some aspects of the layout.		

Consultee	Date consulted	Date reply received
Mr Steve Newman	12 April 2019	15 April 2019
Summary of comments: No comment; consulted in error.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	12 April 2019	No response
Summary of comments: Comment that layout is generally well-designed. Design guidance offered on some aspects of the layout.		

Consultee	Date consulted	Date reply received
Disability Forum	12 April 2019	18 October 2019
Summary of comments: No objections but comments on accessibility of the dwellings and provision of bungalows.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	16 May 2019	7 June 2019
Summary of comments: Advice given on infrastructure requirements through CIL contribution and S106 planning obligations.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	13 May 2019	5 June 2019
Summary of comments: Internal consultee; comments incorporated into officer report.		

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	9 October 2019	No response
Summary of comments: No comments received.		

**Re-consultation consultees – in response to amended layout plans.**

Consultee	Date consulted	Date reply received
Disability Forum	26 September 2019	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	26 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	26 September 2019	31 October 2019
Summary of comments: Internal consultee; see officer report.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	26 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Mr Steve Newman	26 September 2019	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
Darsham Parish Council	26 September 2019	10 October 2019

*Darsham PC objects to this planning application on the following grounds:*

*The land in question is not within the village envelope till the proposed Local Plan is adopted by East Suffolk Council following the recommendations of the inspector.*

*The PC has consistently opposed early development of this site, while acknowledging that it could be developed in 10 years' time, if the need for new houses dictates. In the consultation over the Local Plan, we asked that the Delivery Timescale should be changed from 2020-2025 to 2030-2035. This request was ignored. We then made representations to the inspector, who asked the planning department to take our views into account, a request they verbally agreed to at the inspector's meeting on the 17th September 2019. As the Local Plan has "over-allocated" delivery of houses in the early part of the plan period, (see appendix A page 436) we felt this to be a very reasonable request.*

*The reasons for our request are that Darsham has had two major developments of the past 4 years, the second one, of 20 houses, is still ongoing, with few if any of the new houses yet sold. There has been major disruption in the village caused by these developments (not least the Hopkins Homes*

Phase 1 estate). This has led to the street being impassable for the local bus on many occasions and consequent danger as emergency vehicles could not access the village from the A12. A further building site without means of storage off site (which existed in phase 1) would inevitably lead to major problems on the street, a problem not even mentioned by Hopkins Homes in their application.

There is also the question of social integration. We have welcomed new residents from the new estate and look forward to welcoming the new residents from the 20 new houses on the south of the street. But as a small village, there is a rate of development over which the present village would not be able to integrate new residents. The immediate building of a third estate of so many houses would endanger this integration. These new houses are definitely not “much needed” (See Para 3.9 of the Design and Access statement).

This objection is firmly supported by Darsham residents, who voted in a secret ballot at the last Annual Parish Meeting by 67 votes to 1 to object to this application. Note also the number of residents who have written objection letters to this application.

If, despite all the above, East Suffolk nevertheless decides to ignore the wishes of the village and support this application, then Darsham PC has the following points to make.

1) In the Local Plan Darsham is being asked to supply 43% of all new houses built in small villages, despite being only one of 14 small villages (7%)

2) This application is for 26 houses, where originally the site was for 15 houses then revised up to 20. The Hopkins Homes phase 1 site had 20 houses and no public space. Nevertheless, it was developed to a density of 20.83 homes per hectare. This application is for 23.42 homes per hectare despite having open space and a lower ratio of affordable homes to the neighbouring estate (Phase 1); a clear case of overdevelopment and not in keeping with the village or even recent development. It is noted too, that as well as the 8 affordable houses, 5 houses have no garage. This also suggests that too many houses are being crammed into too small a space.

3) The Suffolk Police report makes much of providing adequate lighting to deter crime. We strongly object to this recommendation as Darsham has no street lights at present and has a “Dark Skies” policy. This is a small rural village and not the middle of Ipswich and residents here, as in neighbouring villages, object to light pollution. If there must be night lighting on this estate, it should be only low level both in height and intensity.

**Officer note:**

Darsham Parish Council also submitted comments on 10 October 2019 stating:

“26 houses N. of the Street: councillors supported this application with the reservation that it should be delayed for 5 or 10 years.”

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	26 September 2019	No response
Summary of comments: No further comments.		

Consultee	Date consulted	Date reply received
Network Rail	26 September 2019	No response
Summary of comments: No further comments.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	26 September 2019	7 October 2019
Summary of comments: Updated advice on infrastructure requirements.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	26 September 2019	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	26 September 2019	No response
Summary of comments: See previous holding objection.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	26 September 2019	28 October 2019
Summary of comments: Continued holding objection until amendments made.  Update: Holding objection removed and conditions recommended on 27/11/2019.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	26 September 2019	No response
Summary of comments: See previous comments.		



Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 September 2019	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
Development & Policy (SCDC)	26 September 2019	No response
Summary of comments: Internal consultee; see officer report.		

Consultee	Date consulted	Date reply received
SCDC Environmental Protection	26 September 2019	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	26 September 2019	8 October 2019
Summary of comments: Internal consultee; see officer report.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 November 2019	25 November 2019
Summary of comments: Holding objection removed and conditions recommended (25/11/2019).		

## 5. Publicity

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

Category	Published	Expiry	Publication
Tree Preservation Order; Departure; Major Application	25 April 2019	17 May 2019	East Anglian Daily Times

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Tree Preservation Order	18 April 2019	14 May 2019	East Anglian Daily Times

## **Site notices**

General Site Notice

Reason for site notice: Tree Preservation Order; Major Application; Departure from Development Plan  
Date posted: 18 April 2019  
Expiry date: 14 May 2019

## **6. Planning policy**

National Planning Policy Framework (2019)

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))

XSP2 - Housing Numbers and Distribution (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP3 - New Homes (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))

SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM2 - Affordable Housing on Residential Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (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))

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))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

SSP32 - Visitor Management -European Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

## **7. Planning considerations**

### Policy Background

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies of the adopted Development Plan are set out in section 6 of this report.
- 7.2 Where policies of the East Suffolk Council – Suffolk Coastal Final Draft Local Plan (2019) (“The Emerging Local Plan”) are relevant they will be addressed within the planning analysis to follow.

### Principle of Development and the Emerging Local Plan

- 7.3 The site is located outside of the Darsham settlement boundary and therefore the current Development Plan establishes that the proposal represents an application for housing

development in the countryside. The proposal should therefore be considered in relation to spatial strategy policies SP19, SP29 and DM3 of the adopted Core Strategy.

- 7.4 Policy SP19 (Settlement Hierarchy) of the Core Strategy details that residential accommodation in the countryside will only be permitted in special circumstances, including where the proposal relates to housing in a cluster. Policy SP29 (The Countryside) states that, within the countryside, the strategy in respect of new development is that 'it will be limited to that which of necessity requires to be located there and accords with other relevant policies of the Core Strategy (e.g. SP7 or DM17) or would otherwise accord with special circumstances outlined in paragraph 55 of the National Planning Policy Framework.'
- 7.5 Policy DM3 (Housing in the Countryside) sets out conditions under which housing in the countryside are considered, for which the proposal does not fall under criteria (a) to (e) of Policy DM3. To be considered a cluster, in relation to criterion e) of Policy DM3, a group of dwellings would need to be able to be infilled by one dwelling or a pair of semi-detached dwellings in order to provide a continuous built up frontage, as is required by criterion (a) of Policy DM4 (Housing in Clusters in the Countryside). Moreover, the scale of development under consideration in this application, namely 26 dwellings, is greater than that which would be acceptable under criterion (a) of Policy DM4. Criterion (f) of Policy DM3 states that development in the countryside would be allowed where it comprises 'Development which would otherwise accord with the special circumstances outlined in paragraph 55 of the National Planning Policy Framework.' Paragraph 55 of the 2012 NPPF has been superseded by paragraph 79 of the 2019 NPPF. The proposal does not fall within the definitions of the types of development set out under Paragraph 79a)-e).
- 7.6 For the reasons set out, the principle of development is not supported by the current, adopted Development Plan for the Suffolk Coastal area of the District.
- 7.7 However, the relevant policies of the Emerging Local Plan set out that the site occupies land proposed for site allocation under policy SCLP12.49. Thus, according to SCLP12.49 the principle of development in this location is accepted and the scale proposed, for 26 dwellings, is in accordance with the approximate scale afforded by SCLP12.49.
- 7.8 Paragraph 48a) of the NPPF sets out that the more advanced the emerging Plan in the plan-making process, the greater the weight that may be afforded to the policies within. The Emerging Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted for Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Since The Emerging Plan's submission for examination the hearing sessions have been carried out between 20 August and the 20 September 2019. In February 2020, the examining Inspector issued his post-hearings letter which indicates that, 'subject to main modifications the Plan is likely to be capable of being found sound and legally compliant'. The Main Modifications consultation is currently underway (1 May 2020 - 10 July 2020). No modifications are proposed to the key site allocation policy SCLP12.49. The Inspector will have considered all representations made on this policy when coming to a view on where modifications are required.
- 7.9 Paragraph 48b) of the NPPF is concerned with the extent to which there are unresolved objections to the relevant policies of the emerging Plan and dictates that the less significant the unresolved objections the greater the weight that may be attributed to such policies.

Two representations were made against SCLP12.49 at the regulation 19 consultation stage (14 January - 25 February 2019). Of these representations, Hopkins & Moore Ltd supported the principle of the allocation but objected to certain aspects of the policy and Darsham Parish Council objected to the Policy. Darsham Parish Council did not submit a Hearing Statement and thus their comments reflect those made at the Regulation 19 consultation. These objections include matters concerning historic amount of development, density, delivery timescale, traffic, cost of housing/second homes, and community cohesion.

7.10 East Suffolk Council and Hopkins & Moore Ltd have entered into a Statement of Common Ground (SoCG) in relation to some of the representations they have raised. This SoCG agreed to a number of modifications to Policy SCLP12.49 and its supporting text. The SoCG sets out that both parties agree the site is deliverable for approximately 25 dwellings; however, that the policy wording should be amended to refer to the need to provide safe and suitable access, rather than to specify which road this should be from and that, if access is via The Street, agreed that trees should be retained except where necessary to provide a satisfactory access. As set out later in this report, the proposed development is considered to provide safe and suitable access with retention of trees protected by Tree Preservation Order. It is therefore considered that the representations made by the applicant (Hopkins & Moore Ltd) on emerging policy SCLP12.49 are largely resolved.

7.11 In terms of the representation made by Darsham Parish Council during the plan-making process, that is as follows:

*"Introduction*

*The PC find it difficult to understand the continued thrust of the Local Plan with regard the development to the south of Darsham station when there could well be a car park in the village for approximately 1,200 vehicles with coach transport running along the A12 for 24 hours a day. A development in the proposed location will involve a new access road to the A12, thus increasing the level of traffic using the A12 in a very short space.*

*There is also the development at Friston to consider and the impact the will have on traffic flow through and around the village.*

*The Local Plan also fails to take into account the rising age of people living in the area [though SCDC do recognise that by 2030 this will be the highest in any council area] and the cost of new housing. This is prohibitive to younger people trying to establish a first home in the area and will only encourage the older retiree to take up residence, it may also promote the purchasing of properties for 'second homes'.*

*Background*

*The 2012 register of electors shows Darsham had 282 electors living in 132 houses. Since then, along with 6 infill developments, we have had an estate of 19 new houses and are in the process having a further 20 built. In numbers this is exactly one third. SCDC are now proposing two further developments of 25 and 120 houses, Together with recent developments this would increase the village by 136%. This is the equivalent to building an additional 60,000+ houses in Ipswich or an additional 300+ houses in Aldbrugh.*

*Developments of this nature would change the village totally and impair the social integration within a village with a strong community spirit.*

*SCLP12.45*

*This is a natural infill within the village and would be quite acceptable, but with a changed time frame and a lower density of houses. The village has lived with a range of major build sites within its boundaries for the last three years and is still coping with one currently, expected to last a further two years.*

*It is strongly felt that we need a break from development and so the Parish Council STRONGLY believes this particular development should not start till 2030 at the earliest, with a maximum of 15 houses.*

*Summary and conclusion*

*SCLP12.45*

*This is a natural infill within the village. But, the village has had far too much development over the past three years, some of which is still ongoing.*

*The Parish Council STRONGLY believe the delivery time scale should be addressed with any start date being in the 2030-2035 time frame and the housing density reduced to 15."*

- 7.12 In response to consultation on this application, Darsham Parish Council have most recently submitted two consultation responses (received 10 October). One of those responses supports the application in principle with the reservation that development should be delayed by 5-10 years. The second, a more detailed letter, was also submitted that objects to the application primarily due to the timeline of delivery of the site, with the PC wishing to see development of the site come forward in ten years' time. The PC raise concerns over the impacts of the construction process in addition to the disruption arising from existing developments under construction. A secondary concern of the PC is that early delivery of this site will pose problems of social integration, with the village unable to properly integrate new residents in addition to other new developments in the village.
- 7.13 Darsham Parish Council's representation on the emerging policy SCLP12.49 is noteworthy in that it identifies the site as a natural 'infill' within the village. However, the Parish Council concern over timeline of delivery, reiterated in their response to the current application, makes clear that the Parish Council representation is to be treated as an unresolved objection. Paragraph 48b) of the NPPF is concerned with the extent to which there are unresolved objections to the relevant policies of the emerging Plan and dictates that the less significant the unresolved objections, the greater the weight that may be attributed to such policies. Unresolved objections made throughout the examination have been considered by both the Council and Inspector in reaching the schedule of Main Modifications which are currently being consulted on. It can be assumed therefore, that unresolved objections that have not been the subject of a Main Modification, do not warrant such a Modification as they are not relevant to the soundness of the Plan or the Plan adequately makes provision for such objections as submitted in the Final Draft Local Plan. Whilst it is still within the Inspector's gift to amend, remove or propose entirely new modifications to Policy SCLP12.49, officers are of the view that this is now quite unlikely.
- 7.14 Paragraph 48c) of the NPPF establishes that the greater the consistency of the policies in the emerging Plan to the policies in the NPPF, the greater the weight that may be given. Policy SCLP12.49 requires the provision of approximately 25 dwellings, which would include open market and affordable housing, which provides an opportunity to help meet the development needs of the area as is supported by Paragraph 11a) of the NPPF. 25 dwellings

on 1.11ha would deliver an approximate density of 23 dwellings per net hectare which is considered to be consistent with Paragraphs 122 & 123 of the NPPF in respect of making efficient use of land. The emerging Plan, as a whole, has been produced in alignment with the NPPF and thus the intention behind all policies of the emerging Plan is that they are consistent with the NPPF.

- 7.15 SCLP12.49 of The Emerging Local Plan establishes the principle of development on the application site. As a result, under The Emerging Local Plan the proposal is not subject to policies concerning housing in the countryside. The proposal provides for 26 dwellings, which accords with the requirement for development to provide approximately 25 dwellings. The representation made by Hopkins & Moore Ltd during the plan-making process is considered to be largely resolved through the SoCG and the detail provided within the current application. The representation made by Darsham Parish Council, raising concerns over delivery of the site early in the plan period, means the weight to be attributed to emerging policy SCLP12.49 is somewhat reduced, however the allocation policy SCLP12.49 is not subject of any main modifications after both the Council and examining Inspector have had the opportunity to consider any unresolved objections throughout the examination. Officers therefore consider that the emerging policy can be given considerable weight given the advanced stage of The Emerging Local Plan; that Policy SCLP12.49 is not subject of any main modifications; and because the policy is consistent with the Framework. It is also noteworthy that the site is adjacent the drawn settlement boundary in the current, adopted Development Plan - and represents a gap between the main settlement and existing housing to the west. The site is also opposite the village pub, and the new village hall constructed to the south side of The Street is only a short walk from the application site. Accordingly, the site is considered to occupy a sustainable location which weighs in favour of the proposal.
- 7.16 Considering all of this, it is acknowledged that the principle of development is contrary to the current, adopted Development Plan. However, the site is sustainably located, and considerable weight can be given to emerging policy SCLP12.49 which allocates the site for residential development in The Emerging Local Plan which is at an advanced stage. That allocation policy is consistent with the 2019 Framework. Therefore, officers consider that there are material considerations that otherwise support the principle of residential development on this site.

#### Housing Mix and Affordable Housing Provision

- 7.17 The proposed housing mix comprises:

Bedrooms	1	2	3	4+
Open Market Housing	0	7	7	4
Affordable Housing	5	3	0	0
All sectors	5	10	7	4
Percentage of Development	19%	38%	27%	15 %

- 7.18 The proposed housing mix broadly accords with the target proportions set out in Core Strategy policies SP3 and DM2. The layout incorporates a mix of detached, semi-detached and terraced dwellings. The proposal is, on the whole, considered to provide a policy

compliant mix of housing type and tenure to meet the varied needs of the local population. The provision of eight affordable homes meets the 1in3 policy requirement and is a considerable public benefit of the scheme. The proposal also provides at least 40% of the development as 1 and 2 bed properties to meet the smaller property needs identified in emerging policy SCLP5.8.

#### Design and Impact on the Character and Appearance of the Area

7.19 Core Strategy policies DM21 and DM22 seek good design that is both aesthetically pleasing and functionally sound. NPPF Chapter 12 sets out how well-designed places can be achieved:

- Good design is a key aspect of sustainable development (para. 124);
- *“Planning decisions should ensure that developments:  
(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;  
(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;  
(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);  
(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;  
(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and  
(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”* (para. 127), and
- *“Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”* (para. 130).

7.20 The high quality design objectives of DM21 and DM22, in addition to the NPPF, are carried through into emerging policy SCLP11.1 (Design Quality).

7.21 The proposed development is a fairly low density of approximately 24 dwellings per hectare and includes areas of accessible public open space in addition to reasonable sized private garden areas to the dwellings. A comprehensive landscape strategy for the site is proposed that retains important TPO trees along the frontage of the site; mature trees on the western edge; and vegetation on the northern countryside edge. The layout therefore integrates well into its context and makes use of existing site features.



- 7.22 The set-back of buildings from The Street will ensure that some of the green, openness of the frontage is retained in this part of the village and the location of public open space around the road junction between The Street and Fox Lane will provide a well designed setting to this hub around the village pub.
- 7.23 The proposed buildings are not contemporary or original. However, they follow the character and form of the adjacent Millfields development which will help the proposal to integrate into the existing built environment to the east - albeit they are two separate development sites. The dwellings are of an appropriate scale, form and finish for the site context.
- 7.24 Overall, the development is considered to be well designed in accordance with the objectives of DM21 & DM22; the NPPF; and emerging policy SCLP11.1.
- 7.25 An area of concern is that vehicle access is taken from The Street and the resultant loss of roadside hedge and trees is somewhat harmful to rural landscape character. A better access arrangement would have been to utilise the existing access into the Millfields development to the east, with the estate road continuing on east-west into the development site. However, that was explored with the applicant but ultimately could not be achieved. The only access option, therefore, is from The Street and the proposal put forward meets highways safety requirements whilst ensuring that frontage TPO Oaks will be retained. The proposal is therefore considered to represent the best site access that can be achieved in terms of impact on the rural landscape character; thus, the loss of some hedgerow and trees on the frontage is not considered to weigh significantly against the proposal.

#### Residential Amenity

- 7.26 Core Strategy policy DM23 (Residential Amenity) seeks to protect the living conditions of all affected by development and sets out that the Council will have regard to the following: (a) privacy/overlooking; (b) outlook; (c) access to daylight and sunlight; (d) noise and disturbance; (e) the resulting physical relationship with other properties; (f) light spillage, air quality and other forms of pollution; and (g) safety and security. Development will only be acceptable where it would not cause an unacceptable loss of amenity to adjoining and/or future occupiers of the development. These objectives are carried through into emerging policy SCLP11.2 (Residential Amenity).
- 7.27 Much of the local objection to the proposal is regarding the disruption that could be caused from the development construction process. There are other sites that have recently been - or are currently being - developed in Darsham and the village has reportedly experienced disruption from construction traffic, along with disruption from the physical works undertaken (noise, dust etc.). Officers are sympathetic to this and understand that such disruption detracts from local living conditions, although it should be noted that these impacts are generally temporary in nature and relatively short in duration. In any event, it is necessary, should permission be granted, for a detailed construction method statement to be submitted and approved by the Council to reduce those impacts down to an acceptable level and allow for monitoring and enforcement during the construction period.
- 7.28 In terms of impacts from the development once it is complete, officers consider that the proposal would not result in material harm to the living conditions of local residents. The

low density development proposal means that built form is pulled away from the site edges and existing residential properties. For example, existing dwellings in the southwest corner of the Millfields development will be adjacent areas of public open space; in the northeast corner of the application site, the two-storey dwelling of plot 17 will be at least 18 metres from the side wall of neighbouring dwellings. In the southwest corner of the application site, plot 1 will be at least 17 metres from neighbouring dwellings to the west and has no first floor side windows. Front facing windows of plot 7 will be at least 25 metres from the rear wall of neighbour dwellings to the southwest and retained trees on the western edge will provide screening. Front facing windows of plot 17 will be at least 35 metres from the rear wall of neighbour dwellings diagonally opposite, at Millfields.

- 7.29 Officers accept that development of the site will clearly represent a significant change in site conditions, with agricultural land being developed into a residential use. That will bring, for some nearby residents, a marked change in view. However, change in itself is not necessarily harmful and the proposed development is well designed and responsive to the character and appearance of the village. It is also of note that the site is not within a protected landscape area where major development should be resisted, in principle.
- 7.30 Once complete and occupied, the development will generate some activity, noise and vehicle movements. However, it is not anticipated that 26 dwellings will result in significant adverse impacts in this regard. The site is adjacent the existing village and the proposed development will likely integrate into it with activity and vehicle movements becoming part of the normal circumstances of the village environment.
- 7.31 For the reasons given, the proposal accords with the amenity objectives of Core Strategy policy DM23 and emerging policy SCLP11.2.

#### Flood Risk and Drainage Strategy

- 7.32 Core Strategy Policy DM28 sets out that new housing development will not be permitted in high risk flood areas.
- 7.33 Chapter 14 of the National Planning Policy Framework (NPPF) sets out planning for flood risk:
- Development should be directed away from areas at highest risk (para. 155).
  - Local planning authorities should ensure that flood risk is not increased elsewhere, and applications should be supported by a site-specific flood-risk assessment. Development proposals in higher risk areas should demonstrate that:
    - (a) Within the site development is directed to the lowest risk areas;
    - (b) The development is appropriately flood resilient and resistant;
    - (c) The development incorporates sustainable drainage systems;
    - (d) Any residual risk can be safely managed; and
    - (e) Safe access and escape routes are provided. (para. 163)
  - Major developments should incorporate sustainable drainage systems (para. 165).
- 7.34 The policy approach at a national and local level generally, therefore, is to make developments safe for all future occupiers through appropriate siting and design; and then

ensure no adverse local impacts arising from the development through ensuring that development sites are well-designed incorporating sustainable drainage systems.

- 7.35 Emerging policy SCLP9.6 (Sustainable Drainage Systems) sets out that developments of ten or more dwellings should utilise above ground sustainable drainage systems, unless demonstrated to be inappropriate. This was explored with the applicant and their consultant, in consultation with the Local Lead Flood Authority. However, above-ground SUDs are not deemed feasible on this site.
- 7.36 The existing drainage regime at present is surface water run-off naturally falling towards the ditch adjacent to the main road (The Street) which drains off to the east and eventually adjoins the River Minsmere. In line with the NPPF it is proposed to mimic this regime via the introduction of permeable paving (with a lined sub-base and perforated pipe conveying it towards the outfall with a hydro-brake to restrict the flows) for all private roof and hard standing areas. The site has been modelled in two sections to allow for a highpoint around the centre of the site and therefore the captured surface water will naturally fall away from this point being collected and stored by the permeable paving as it is conveyed through perforated pipes within the sub base to the outfall. An attenuation tank in a form of crates has been added upstream of the hydro-brake to provide additional storage of the 1 in 100 year event + 40% climate change to provide storage below ground within the drainage system.
- 7.37 The revised drainage proposals do not affect flood storage within the floodplain and the peak surface water runoff rate leaving the site will be captured via the permeable paving's lined sub-base and attenuation tank before entering the existing ditch; therefore, surface water drainage from the site will mimic the existing drainage regime. A shallow attenuation basin in the south-eastern corner of the site provides capacity for a rare storm event.
- 7.38 The discharge of future surface water runoff from the site will not be increased as a result of the proposal but will provide a betterment in peak flows discharging from site, by attenuating and slowing the rate at which it is discharged into the existing ditch. The Local Lead Flood Authority at the County Council are satisfied with the revised drainage strategy and recommend approval with conditions.
- 7.39 In terms of fluvial sources, the site is located in flood zone 1 and therefore sequentially preferable for residential development.
- 7.40 The development proposal is in accordance with the flood risk prevention objectives of policy DM28; NPPF paragraphs 155, 163 and 165; and emerging policies SCLP9.5 (Flood Risk) and SCLP9.6 (Sustainable Drainage Systems).

#### Highways Safety and Traffic Implications

- 7.41 Core Strategy Policy DM22 promotes design that is functionally successful and Chapter 9 of the National Planning Policy Framework (NPPF) provides clear guidance on considering development proposals:
- 7.42 Paragraph 108 - *"it should be ensured that... (b) safe and suitable access to the site can be achieved for all users"*; and

Paragraph 109 - *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

- 7.43 The proposal has been developed in consultation with Suffolk County Highways Authority in their role as statutory consultee. Following revisions and additional information, the County has no objections to the proposal and recommends conditions and obligations be attached to any grant of planning permission.
- 7.44 The Emerging Local Plan policy SCLP12.49 requires safe and suitable access to the site either through the existing Millfields development to the east, or via The Street, to the south. Officers pushed for access to be through the Millfields development to better integrate the proposal into the existing residential development. However, as that land has been transferred and is no longer in the control of Hopkins & Moore Ltd, that connectivity is not possible. The proposal therefore seeks to achieve vehicle access from The Street. The proposed access is considered safe in highways terms with appropriate visibility splays provided that can be maintained long term. It is unfortunate that achieving visibility requires the loss of some hedgerow and trees, although the frontage Oaks protected by TPO will be retained. It is considered that the access proposals are the best available option from The Street frontage and therefore acceptable to officers in accordance with SCLP12.49. The proposal provides adequate parking for each of the dwellings with all 2+ bedroom dwellings benefitting from at least two parking spaces; there would be an additional three visitor parking spaces within the site area. As such, it is not considered that the proposal will lead to vehicle parking on The Street.
- 7.45 The emerging allocation policy also seeks enhancements of the existing footway along part of the southern boundary linking into the site. The proposal has been amended to provide a 1.8 metre width footway along the site frontage, providing public pedestrian connectivity through the site along this part of The Street. That pedestrian link does not currently exist – and residents of existing development to the west of the site are forced to walk within the road to access the centre of the village. The provision of a public pedestrian link on the north side of The Street is, therefore, considered to be a public benefit of the proposal.
- 7.46 Under planning ref. DC/19/2933/OUT – for the residential development and village hall on land to the south side of The Street (The Cheyney Green Development) – a per-dwelling financial contribution was sought to partially fund a safer pedestrian route to Darsham Railway Station and the amenities, services and footway network beyond. The applicant has agreed to make a similar per-dwelling contribution to partially fund this pedestrian route, and this would need to be secured by S106 planning obligation. It is considered though that funding toward better pedestrian connectivity with the Station is of benefit - not just to the development itself but also the wider community in Darsham.
- 7.47 The NPPF sets out clear guidance on when development should be refused on highways grounds and, in this particular instance, officers consider that there are no highways safety concerns or residual impacts arising. The proposal accords with the sustainable transport objectives of the NPPF; core strategy policy DM22; and emerging policy SCLP7.1 (Sustainable Transport).

## Ecology and Habitat Mitigation

- 7.48 The submitted Preliminary Ecological Appraisal (Southern Ecology Solutions, March 2019) identified that further surveys for bats (aerial inspection of tree(s) proposed for removal), great crested newts and reptiles were required to inform the assessment of the likely impact of this development on biodiversity. Those surveys have been undertaken and reviewed by officers, including the Council's own Ecologist.
- 7.49 The Ecological Impact Assessment (EclA) (Southern Ecological Solutions, July 2019 identifies that the application site contains habitats likely to support a range of protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), including great crested newts; reptiles; foraging and commuting bats and breeding birds.
- 7.50 Whilst the loss of some hedgerow and trees on the southern boundary is unfortunate, it is necessary to facilitate safe and suitable access to the development site and it is the only viable access arrangement that retains existing TPO trees. It is also considered that the recommendations detailed in the EclA are adequate to mitigate the majority of impacts on such species and those recommendations will need to be secured by conditions should planning permission be granted, covering: a Construction Environmental Management Plan; Landscape and Ecological Management Plan; Ecological Enhancement Plan; and detailed lighting strategy. With these conditions the direct ecological impacts of the development can be mitigated, and the proposal is in accordance with policy DM27 (Biodiversity and Geodiversity).
- 7.51 The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") lays down the legislation on the conservation of natural habitats and of wild fauna and flora. The Habitats Regulations require the competent authority (in this instance, the Council) to determine whether the development is likely to have a significant effect on the interest features of European sites protected under the legislation and, if there would be, to carry out an Appropriate Assessment of the implications of the proposal for the site's conservation objectives in accordance with the regulations.

The application site is located within 13km of four designated European sites:

- Minsmere to Walberswick SPA, SAC and Ramsar Site;
- Alde-Ore Estuary SPA and Ramsar Site;
- Benacre to Easton Bavents SPA; and
- The Sandlings SPA.

- 7.52 The proposed development is not likely to directly impact upon the interest features of these European sites through habitat loss, physical damage etc. However, the emerging Suffolk Recreational Avoidance Mitigation Strategy sets out that new residential development within a 13km zone of influence (ZOI) of European sites is likely to have a significant effect - when considered either alone or in combination with other new housing - on the interest features of those sites through increased recreational pressure in terms of dog walking, water sports, hiking etc. Natural England recommend that a suitable per-dwelling financial contribution is sought to offset such recreational impacts.
- 7.53 Officers have carried out an Appropriate Assessment and conclude that, at this scale of development (less than 50 dwellings) and over 200 metres from any of the aforementioned

sites, the recreational impacts of the proposed development could be properly mitigated by a per-dwelling financial contribution to the Suffolk RAMS and, with this mitigation secured, the proposal would not likely have significant effects. The applicant has agreed to this mitigation which would need to be secured through a S106 planning obligation.

- 7.54 For the reasons given, the proposal accords with the objectives of Core Strategy policies SP14 and DM27 (Biodiversity and Geodiversity); the objectives of SAASP policy SSP32 (Visitor Management - European Sites); and emerging policies SCLP10.1 (Biodiversity and Geodiversity) & SCLP10.2 (Visitor Management of European Sites).

#### Other Matters

- 7.55 The site is not located within a conservation area and does not form part of the setting of any designated heritage assets. There are no non-designated heritage assets on or adjacent the site.
- 7.56 The site is not located within a locally designated special landscape area, nor the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.
- 7.57 The County Council Archaeological Service (SCCAS) has been consulted on the application. SCCAS identify that the site lies within an area where there is high potential for the discovery of below-ground heritage assets of archaeological importance. There are no grounds to refuse planning permission on archaeological conservation but planning conditions would need to be applied to any permission securing an appropriate programme of investigation and recording in accordance with the NPPF.
- 7.58 A Phase 1 and Phase 2 contaminated land report has been submitted in support of this application and concludes that contamination is unlikely at this site. The only condition necessary is a standard one to require action in the event unexpected contamination is discovered on site.

## **8. Conclusion**

- 8.1 Although the site is not allocated for residential development under the current, adopted Development Plan for the Suffolk Coastal area of East Suffolk, the application site is an allocation in The Emerging Local Plan. The plan is at an advanced stage in the process and this specific allocation policy is deemed to be consistent with the NPPF (2019). The policy is not subject of any main modifications (currently being consulted on) after the Council and examining Inspector have had the opportunity to consider any unresolved objections to it. The site is also sustainably located and would represent infilling of a gap between existing residential development. Thus, whilst the proposal represents a departure from the adopted Development Plan, considerable weight can be given to policy SCLP12.49 as a site allocation for residential development. In any case, the sustainable location of the site also weighs significantly in favour of the proposal.
- 8.2 Officers consider that the proposal is well-designed and suitably related to the existing character of the village, including the local residential environment. Safe and suitable access can be achieved whilst retaining the frontage trees protected by Tree Preservation Order.

Local concern related to disruption in the construction phase could be properly controlled through a conditional construction method statement.

- 8.3 Whilst local objection to the application is noted and has been duly considered, officers are of the view that significant material harm would not arise from this proposal; where issues have been identified, planning conditions and obligations can be secured to deal with those issues and make the development acceptable. The proposal would also give rise to significant public benefits including (but not limited to): a 26-dwelling contribution to housing supply; eight affordable homes; short term construction job creation; longer term spend in the local economy by future residents; and provision of a public pedestrian footway along the site frontage.
- 8.4 On balance, therefore, the proposal is considered to represent a sustainable form of development and officers recommend that planning permission be granted.

## **9. Recommendation**

Authority to approve with conditions, subject to completion of a S106 agreement securing:

- Affordable housing provision;
- Open space provision and long term site management;
- Per-dwelling contribution to Suffolk RAMS to mitigate recreational impacts on designated European sites; and
- A financial contribution to partially fund a safer pedestrian route to Darsham Station and the amenities, services and footway network beyond.

## **10. 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 carried out in accordance with the following plans and documents:

Drawing Nos. DAR3-003 rev B and DAR3-002 rev B, received 26 November 2019;

Flood Risk Assessment and Drainage Strategy (Rev D) (ref. 1810-224 Darsham), received 25 November 2019;

Ecological Impact Assessment (EcIA) (Southern Ecological Solutions, July 2019), received 29 October 2019;

Drawing Nos. DAR3-004 rev A, DAR3-005 rev A, DAR3-006 rev A, DAR3-010 rev A, DAR3-011 rev A, DAR3-012 rev A, DAR3-013 rev A, DAR3-014 rev A, DAR3-016 rev A, DAR3-017 rev A, DAR3-018 rev A, DAR3-019 rev A, DAR3-020 rev A, DAR3-021 rev A, DAR3-022 rev A, DAR3-

023 rev A, DAR3-024, DAR3-025, DAR3-026 rev A, DAR3-027 rev A, DAR3-028 rev A, DAR3-029 rev A, DAR3-030 rev A, DAR3-031 rev A, DAR3-032 rev A, DAR3-033 rev A, DAR3-301 rev A, DAR3-302 rev A, DAR3-303 rev A, DAR3-304, DAR3-400, HOPK 428/28-002 rev B, HOPK 428/28-001 rev B, received 12 September 2019; and Drawing No. DAR3-001, received 05 April 2019.

Reason: To secure a properly planned development and for the avoidance of doubt as to what has been considered and approved.

3. Before the development is commenced, details of the access and associated works (including layout, levels, gradients, surfacing and means of surface water drainage), shown indicatively on External Works Layout Drawing DAR-03-B, shall be submitted to and approved in writing by the Local Planning Authority.

The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that access on to the 'highway maintainable at public expense' is designed and constructed to an acceptable standard and made available for use at an appropriate time in the interests of highway safety.

4. Before the development is commenced details shall be submitted to and approved in writing by the County 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.

5. Before the access is first used, visibility splays shall be provided as shown on Drawing No. DAR-03-B and thereafter retained in the specified form. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely.

6. Before the development is commenced, details of the 1.8m width footpath means of public pedestrian connectivity through the site (including layout, levels, gradients, surfacing and means of surface water drainage), shown indicatively on External Works Layout Drawing DAR-03-B, shall be submitted to and approved in writing by the Local Planning Authority.

The approved public connectivity footpath shall be laid out and constructed in its entirety prior to occupation of the 10th dwelling. Thereafter the public connectivity footpath through the site shall be retained in its approved form.



Reason: To ensure the provision, within the site, of a footway link that is segregated from conflict with the vehicular traffic on the relatively narrow section of The Street's carriageway fronting the site and that will allow the public to traverse east-west through the site. This footway link will form part of any future safer pedestrian route to Darsham Railway Station, amenities/facilities and the footway network beyond.

7. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

8. No development shall take place within the area indicated [the whole site] 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.
- g. 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.

9. 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 8 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,

10. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 25/11/2019, ref: 1810-224) shall be implemented as approved in writing by the local

planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

11. The development hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

12. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
  - a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: -
    - i. Temporary drainage systems
    - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

13. Prior to the commencement of development, a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In accordance with the recommendations made within the approved Arboricultural Impact Assessment, to ensure that retained trees are not damaged during the construction process.

14. All hard and soft landscape works shall be carried out in accordance with the approved drawing nos. HOPK 428/28-002 rev C & HOPK 428/28-003 rev B, and 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). Thereafter it shall be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

15. None of the trees or hedges shown to be retained on the approved plan No. 7685-D-AIA rev A (received 16 December 2019) shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written approval of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been approved in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the frontage TPO trees and other valuable specimens on and adjacent the site.

16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- o the parking of vehicles of site operatives and visitors;
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel washing facilities;
- o measures to control the emission of dust and dirt during construction;
- o a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- o delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

17. Prior to the commencement of development, the following Ecological documents/plans shall be submitted to and approved in writing by the Local Planning Authority:

- Construction Environmental Management Plan (CEMP) (including details of ecological mitigation measures identified in the EclA); and
- an Ecological Enhancement Plan (EEP).

The EEP shall detail ecological enhancement measures to be provided (in accordance with the recommendations made in the approved Ecological Impact Assessment EclA) including, but not limited to, the measures identified in the EclA and the provision of integrated swift nest boxes at a ratio equivalent to one per property.

Development shall be carried out in accordance with the approved details.

Reason: to mitigate the ecological impacts of development and secure biodiversity net gain, in accordance with the objectives of Development Plan policies SP14 and DM27.

18. Prior to the occupation of any part of the development, details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of protection of the local ecological environment.

19. 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.

#### **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.

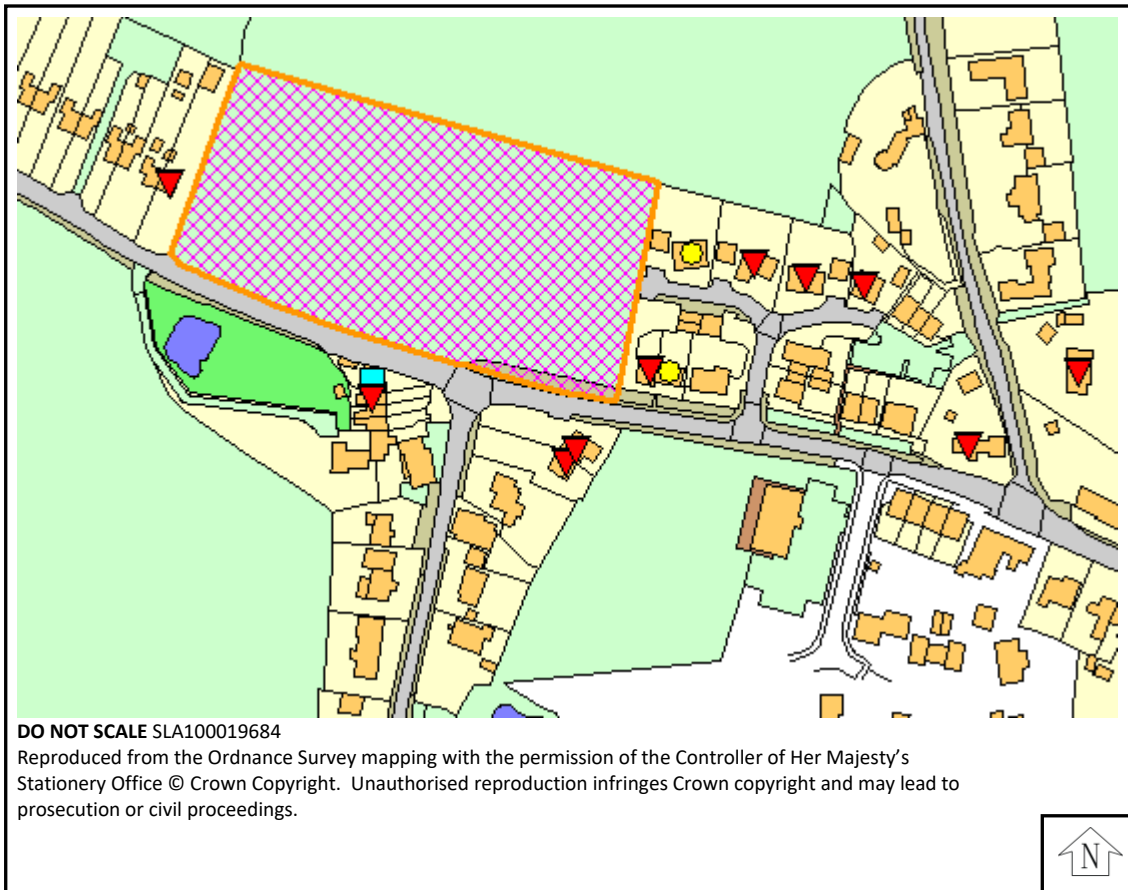
CIL forms can be downloaded direct from the planning portal:

[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)





## **Background Papers**

See application reference DC/19/1462/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPHTH8QXJ8T00>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 9 June 2020

**Application no** DC/19/4128/FUL

**Location**

Glen House  
Blackheath Road  
Wenhaston With Mells Hamlet  
Suffolk  
IP19 9HD

**Expiry date** 1 January 2020

**Application type** Full Application

**Applicant** Michael Howard Homes

**Parish** Wenhaston

**Proposal** Residential Development Comprising of 8no. new Dwellings

**Case Officer** Joe Blackmore, Principal Planner (Development Management)  
01394 444733

[Joe.Blackmore@eastsuffolk.gov.uk](mailto:Joe.Blackmore@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1 This application seeks full planning permission for the development of eight dwellings on land at Glen House, Blackheath Road, Wenhaston with Mells Hamlet.
- 1.2 The site benefits from an extant planning permission (ref. DC/18/3899/FUL) for the development of six dwellings, to include four affordable homes and two open market dwellings. The principle of development in the extant permission was supported by policy DM1 of the East Suffolk (Suffolk Coastal) Core Strategy DPD that allows affordable housing on 'exception' sites in the countryside. Under Policy DM1, housing proposals can provide 1in3 dwellings as open market properties in order to facilitate the delivery of exceptional affordable housing.
- 1.3 This application proposes eight dwellings with a 50/50 split between affordable homes (4) and open market dwellings (4). That represents a departure from the 1in3 allowances of Policy DM1 and, therefore, the application is brought direct to committee for determination.

- 1.4 The proposal would see a more efficient use of land and the provision of four, smaller, three-bedroom units, when compared to the two open market dwellings (1no. five-bed and 1no. three-bed) in the extant permission. The site is also sustainably located, being adjacent the settlement boundary which is identified in the Core Strategy as a Local Service Centre.
- 1.5 Officers consider that, whilst the proposal represents a departure from Policy DM1 in terms of the ratio of affordable housing to open market housing, the more efficient use of land; the provision of additional smaller dwellinghouses; and the sustainable location of the site, indicate in favour of the proposal and justify a recommendation of approval.
- 1.6 Officers are seeking authority to approve, subject to securing the per-dwelling financial contribution to the Suffolk Coast Recreational Avoidance Mitigation Strategy.

## **2. Site description**

- 2.1 The proposal site is located to the south of Blackheath Road. It is a section of land to the west of the junction between Blackheath Road and Hall Road.
- 2.2 The site lies to the east of Glen House, where four dwellings were granted consent in February 2019 (reference DC/18/4313/FUL). These four dwellings are to be open market properties.
- 2.3 The dwellings on the opposite side of the road from the application site and on both sides of the road to the west, are a mixture of sizes, ages and styles.
- 2.4 The application site immediately abuts the settlement boundary and is directly opposite other residential properties. Whilst the site is technically in the countryside, for planning purposes, the prevailing character of the immediate area is evidently one of residential development.
- 2.5 The site was formally occupied by a garden centre and it is 'greenfield' in nature (by definition in the National Planning Policy Framework). However, there is hardstanding on the land associated with its former use. The nursery use could recommence at any time and could be populated with buildings and ancillary structures, and generate the associated vehicular activity.
- 2.6 The site benefits from planning permission ("The Extant Permission") for the development of six dwellings (reference DC/18/3899/FUL). This permission would include 4 affordable homes and 2 open market dwellings.
- 2.7 The site lies within the Wenhaston Neighbourhood Plan (WNP) Area which has been 'made' and is therefore part of the Development Plan for the purposes of determining planning applications.



### **3. Proposal**

- 3.1 The application seeks full planning permission for the development of eight dwellings: four affordable dwellings and four open market dwellings.
- 3.2 Access to the site would be from the western end of the site frontage onto Blackheath Road, and a shared driveway through the site would provide access to the dwellings. A total of 14 parking spaces would be provided within the site.
- 3.3 Plots 1 and 2 are to contain two bedrooms in each of the properties and Plots 3 and 4 are to be flats containing one bedroom. An area of amenity space is to be provided to the rear of the buildings. These are the proposed affordable units.
- 3.4 In the extant permission, plots 5 and 6 were a 3-bedroom and a 5-bedroom dwelling, respectively. As proposed, plots 5 and 6 would be omitted to be replaced by four plots: two pairs of semi-detached, 3-bedroom dwellings. These would be open market dwellings, two storeys in scale and built from brick.
- 3.5 The proposed layout essentially continues the ribbon of development along Blackheath Road, and then plots 7 and 8 at the eastern end of the site turn and face east to face toward Hall Road.
- 3.6 During the consideration of the proposals, officers have sought a minor design change to plots 7 and 8, so that the first floor windows to the rear wall have been omitted, and re-located to the flank (north or south) walls. This is to ensure that residents of plots 7 and 8 cannot overlook the rear gardens of plots 5 and 6.

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

- 4.1 Nine letters of objection have been received that raise the following key concerns (inter alia):
  - The site is outside the settlement limits.
  - No more houses needed in Wenhaston.
  - The proposal is contrary to the Local Plan and Neighbourhood Plan so must be refused.
  - Support the concerns of the Parish Council.
  - Local infrastructure cannot cope with additional development.
  - Visitors to the site will have to park on the road.
  - Extra traffic onto a narrow road with poor visibility.
  - Proposal will spoil the character of the village.
  - No footway for pedestrians to use.
  - The proposal will detract from the character of the Special Landscape Area.
  - The site is of ecological value and should be assessed fully.

**Consultees**  
**Parish Council**

Consultee	Date consulted	Date reply received
Wenhaston With Mells Hamlet Parish Council	8 November 2019	22 November 2019
<p>Summary of comments:</p> <p>“Objection to Application for Planning Ref DC/19/4128/FUL</p> <p>Neighbourhood Development Plan (NDP)</p> <p>The Wenhaston with Mells Neighbourhood Development Plan was formally ‘Made’ by Suffolk Coastal District Council on 17th July 2018 and is now part of the Statutory Development Plan for the district. Planning Law requires that applications for planning permission must be determined in accordance with the development plan, ‘unless material conditions indicate otherwise’.</p> <p>The planning application ref: DC/19/4128/FUL falls outside the Wenhaston with Mells Hamlet physical limits boundary. (Ref: Neighbourhood Development Plan (NDP) Section 3 – Policies, Page 27, Map 2.)</p> <p>Local Plan Special Landscape Area</p> <p>The new development as proposed falls within the Local Plan Special Landscape Area (SLA) (NDP Page 66 – Appendices) and would produce more noise, light pollution, air pollution and increased traffic. The application expects an additional 14 motor vehicles to be employed by the new residents.</p> <p>Access to the existing site is restricted along a narrow lane, in places a single track, and is without footpaths. The lane is already heavily burdened by agricultural vehicles and holiday traffic. There is also no footpath access to the village and therefore pedestrians, including any children attending the local school would face a walk along narrow, busy and unlit roads if undertaking this journey. This has obvious inherent danger.</p> <p>Housing quota</p> <p>Wenhaston has met its quota for new builds. With the establishment of 26 new houses on an estate within the village in 2017 the local Planning Authority acknowledges that the parish has exceeded its 15-year quota and has stated that ‘no further development is required’.</p> <p>No Local Support or Need</p> <p>There is no local support or need for this development. It is in clear conflict with the adopted Neighbourhood Development Plan for the Parish which sets out that housing should be related to employment, transport and infrastructure, thereby reducing the need to travel. Public transport is poor to very poor and there are few opportunities for employment in the local area.</p> <p>Arboricultural Impact</p> <p>According to the comprehensive assessment by Skilled Ecology Consultancy Ltd, the development would demand the removal of some hedgerows and the modification of Root Protection Areas and crown reduction (pruning) of mature trees. Residents are very concerned that such treatment presents significant risks to tree life and to wildlife habitats. The village supports dedicated groups of volunteers, together with the Suffolk Wildlife Trust, in the conservation of the heath commons and woodland in the area.”</p>		

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	26 November 2019
Summary of comments: Conditions recommended to secure ground investigation.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	8 November 2019	4 December 2019
Summary of comments: Holding objection for more information on vehicular access.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	8 November 2019	11 November 2019
Summary of comments: Conditions recommended to secure further investigation of ground contamination.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	8 November 2019	4 December 2019
Summary of comments: Internal consultee; see report.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	8 November 2019	5 December 2019
Summary of comments: Internal consultee; see report.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Departure	27 February 2020	19 March 2020	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: New Dwelling; Contrary to Development Plan

Date posted: 12 November 2019

Expiry date: 13 December 2019

## 6. Planning policy

National Planning Policy Framework (2019)

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))

SP27 - Key and Local Services Centres (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))

SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

DM1 - Affordable Housing on Exception Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM2 - Affordable Housing on Residential Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (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))

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))

DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SSP32 - Visitor Management -European Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

SSP1 - New Housing Delivery 2015 - 2027 (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

SSP38 - Special Landscape Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

WwM P1 - Residential Development Management (Wenhaston with Mells Hamlet Neighbourhood Plan - 'Made' July 2018)

WwMP6 - Biodiversity (Wenhaston with Mells Hamlet Neighbourhood Plan - 'Made' July 2018)

WwMP7 - Local Landscape Value (Wenhaston with Mells Hamlet Neighbourhood Plan - 'Made' July 2018)

WwMP9 - Areas of Special Village Character (Wenhaston with Mells Hamlet Neighbourhood Plan - 'Made' July 2018)

WwMP11 - Drainage, Flood Risk and Energy (Wenhaston with Mells Hamlet Neighbourhood Plan - 'Made' July 2018)

## **7. Planning considerations**

### Principle of Development, Affordable Housing and Housing Mix

- 7.1 It is accepted that the application site lies outside the physical limits boundary adopted within the Wenhaston with Mells Neighbourhood Plan (WNP) which was 'made' in July 2018, and any application must therefore be tested against policies relating to residential development in such locations in both the Local Plan and Neighbourhood Plan.

- 7.2 In instances where the Council is able to demonstrate a five year supply of housing (as is currently the case), there is a policy of restraint for housing development (Policies SP29, DM3 and WwMP1) which should generally be directed to sites located within the settlement boundary.
- 7.3 Notwithstanding these policies, Policy DM1 of the Local Plan recognises the importance of the Council being an 'enabler' for the delivery of affordable homes. As such, it is recognised that a way of achieving affordable housing is to deliver sites outside the settlement boundaries, and to incentivise such there should be an element of market housing to enable the affordable housing to be delivered at a rate of one market house per three affordable houses.
- 7.4 The extant permission was supported by this policy completely as an exception site proposal fully in accordance with Policy DM1. The extant permission has established the principle of residential development on the land, and that represents the fallback position for this site.
- 7.5 The proposal now represents a departure from Policy DM1 as the development would comprise four open market dwellings and four affordable dwellings, going beyond the 1in3 allowances of the policy. That being said, there is benefit to the proposal beyond the extant permission: it would represent a more efficient use of the land at approximately 40 dwellings per hectare; and the large 5-bedroom dwelling would be omitted, with three additional 3-bedroom dwellings being provided instead.
- 7.6 The housing mix now proposed would be 50% as 3-bedroom dwellings; 25% as 1-bedroom dwellings; and 25% as 2-bedroom dwellings. That is a mix that broadly accords with the objectives of Local Plan policy SP3, and would provide a number of small and medium sized units for both affordable and open market housing.
- 7.7 Setting aside that the site is in the countryside, for planning purposes, it is of note that the development site is well related to settlement boundary, and would be read as a natural extension to the existing urban form. Wenhasston is a higher order settlement (Local Service Centre) and the site is within easy access of its services and facilities and is therefore considered to be a sustainable location. This also weighs in favour of the principle of development.
- 7.8 Whilst there is some conflict with Policy DM1, officers consider that the principle of residential development on the site is established by the extant permission, which represents a very realistic fallback position for the applicant. The proposal to increase the number of open market dwellings to four delivers a better housing mix and a more efficient use of land. That the site is adjacent the settlement boundary and sustainably located only indicates in favour of the proposals. Thus, whilst officers acknowledge that the proposal represents a departure from Policy DM1, it is considered that there are material grounds to support the principle of development despite that policy conflict.

#### Design and Impact on the Character and Appearance of the Area

- 7.9 The site lies adjacent an area of special village character, identified in the Wenhasston Neighbourhood Plan Policy WwM P9, which states that areas defined within the Proposal

map will be given special attention to their relationship with new development. Area 4 Blackheath Settlement, Blackheath Road is located within the Proposal map.

- 7.10 The current proposals respond to the eclectic mix of property sizes, and styles within the vicinity. Once developed officers consider that the design and appearance of the development would sit as a comfortable addition to the village. Furthermore, it could be argued that a well-designed scheme could improve the current appearance of the site which still contains remnants from its former use.
- 7.11 The development would be seen as an adjoin to the existing residential development, a logical extension to the urban form, which is located immediately adjacent and opposite and would not be read as a discordant feature. The proposed buildings are traditional in form and not out of character with the context. Their scale is appropriate, and the proposal would not be an overdevelopment of the site. Compared to the extant permission, it is actually a more efficient use of land and arguably the semi-detached 'cottage' style dwellings (plots 5-8) are better related to the prevailing property size in the vicinity. Accordingly, it is considered that the site is well designed and compliant with the objectives of WwMP9, DM21, DM22 and SP15.

#### Residential Amenity

- 7.12 Policy DM23 of Local Plan and the NPPF both seek to ensure that there would be no significant or demonstrable impact on the amenity of neighbouring and future occupants of residential dwellings.
- 7.13 The north facing windows of the proposed development would be at least 25 metres from the front walls of dwellings to the opposite side of Blackheath Road. The private sides of existing residential properties would not be overlooked by development and, given the scale of the proposed buildings and separation distances (including an intervening highway), it is considered that there would not likely be any direct harmful impact from the built development on the amenities of local residents. Whilst there would be some traffic generation from the proposal, that would not likely be so significant as to cause harm to local living conditions, and the extant permission or the authorised nursery use could create similar activity, in any case. As the site context is predominantly residential in nature, the proposed use would form part of that and not be at odds with it, in terms of amenity.
- 7.14 The proposal site would make efficient use of land but the gardens to each plot would be acceptable with parking areas provided. Plots 7 and 8 have been amended during the application to make sure that first floor windows do not directly overlook plots 5 and 6, with their respective outlooks now to the south and north. Whilst there would be a relatively tight relationship between proposed buildings, it is not considered to be cramped or at the detriment to future occupiers living conditions.

- 7.15 The proposal accords with the residential amenity objectives of policy DM23 and the NPPF.

#### Highways Safety

- 7.16 It is proposed that this site is to be accessed from Blackheath Road to the north west of the site. Car parking and garaging is to be provided on the site.

- 7.17 Comments have been received from the Suffolk County Council Highways Officers registering a holding objection asking for further details on the proposed site access. This response does not acknowledge that access has already been approved under the extant permission, and in this application that access arrangement is again proposed. Whilst the two additional dwellings now proposed would generate some additional vehicle traffic, it is unlikely to be a considerable increase beyond the traffic arising from the extant permission for 6 dwellings if that were to be implemented.
- 7.18 It is also important to note that the former use of a nursery could be re-commenced lawfully with limited recourse to the local planning authority (save for the design and appearance of any buildings). The use of the site as a nursery, utilising the same access point, has the real potential to generate significantly more vehicular activity than the proposal.
- 7.19 In any case, the site is in a 30mph zone and Blackheath Road is relatively narrow. The site access is near to the Blackheath Road/Hall Road junction and, therefore, cars are likely to be travelling at a lower speed as they either approach the junction or leave it to travel along Blackheath Road.
- 7.20 Given the fallback positions (the extant permission for 6 dwellings or the lawful nursery use), in addition to the nature of the immediate road layout where vehicle speeds are quite low, the proposal is deemed to be acceptable, in highways terms, in accordance with the objectives of policy DM22 and the sustainable transport objectives of NPPF paragraph 109, which seeks to secure safe and suitable access for all users of development.

#### Flooding

- 7.21 The proposal site is located within flood zone 1, the lowest risk area sequentially preferable for residential development. The proposal accords with the flood risk prevention objectives of Policy DM28 of the Core Strategy.

#### Ecology

- 7.22 The site is part of a former nursery and from the information provided is predominantly comprised of hardstanding/bare ground with some colonisation by ruderal vegetation. The north, south and east boundaries are formed of hedgerows and there are a number of mature and semi-mature trees on the northern boundary, as well as on the eastern and western sides of the site.
- 7.23 The southern boundary hedgerow is not shown on the layout plan, although it is shown on the plans within the Tree Survey Report (Skilled Ecology, October 2019). This hedgerow separates the application site from Merton Wood and must be protected from any development impacts and retained for its landscape and biodiversity value.
- 7.24 Merton Wood and the site boundaries (particularly the southern boundary) will provide suitable habitat for nocturnal species such as bats, therefore should permission be granted a condition controlling external lighting must be applied to ensure that there is no illumination of the habitats within the neighbouring site.



- 7.25 In addition to the above, the site is within the Suffolk Coast Recreational Avoidance Mitigation Strategy (RAMS) Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) would be required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This must be secured prior to the application being determined as it was on the extant permission. Officers have carried out an Appropriate Assessment and consider that, with this mitigation secured, planning permission could be granted without a likely significant effect on the integrity of any designated European sites within the 13km zone of influence. Any recommendation to approve would be subject to the RAMS contribution being secured before a permission is issued.

### Landscape and Trees

- 7.26 The proposal site is located in a special landscape area (SLA) therefore Policy SSP38 is relevant. This policy states that development will not be permitted in the SLAs where it would have an adverse impact on the qualities of the landscape that make it special.
- 7.27 There are five key trees affected by this development including the Oak just inside the former nursery entrance and the maturing Beech inside the corner of Blackheath Road and Hall Road. These together with the oak and field maples on the northern boundary can be retained provided that the various tree protection measures described in the submitted report are fully implemented. These include the usual protective fencing together with specialist driveway construction methods. Provided the described measures are fully implemented it is not anticipated that there will be any significant impacts on retained trees.
- 7.28 The site falls within an SLA and within the setting of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB), the boundary of which is on the opposite side of Hall Road. To the north and west the site forms part of the existing village landscape. To the south there will be a degree of exposure to the open meadow area that forms part of Mertons Wood, although it should be noted that, unlike previous applications for this site, the southern site boundary hedge is now indicated in the supporting documents for removal, leaving this sensitive site boundary exposed to open countryside. Officers do not support the removal of this hedgerow, and therefore two recommended conditions require the submission of a tree/hedge protection strategy and landscaping proposals to be submitted and approved prior to commencement of development.
- 7.29 To the eastern edge of the site is also an existing hedge that is shown for retention. In the wider landscape, Mertons Wood will screen views from the south within the SLA. Mertons Wood young trees will also largely screen views from the east apart from a small gap directly east of the proposed building line. This will be partially screened by the existing hedge, and where there is visibility of the new development, it will be seen against the backdrop of the existing village built area.
- 7.30 The current appearance of the site is relatively unkempt and not of the prevailing landscape or settlement character. A well-designed housing scheme, such as that proposed, will appear as a logical semi-urban extension, and cause no harm to the SLA or setting of the AONB. Officers consider it necessary to control tree protection and site landscaping by

condition but, with those conditions applied, the scheme is acceptable in the context of policies SSP38 and SP15, in addition to WNP policies WwMP7 and WwMP9.

## **8. Conclusion**

- 8.1 The site benefits from an extant planning permission (ref. DC/18/3899/FUL) for the development of six dwellings, to include four affordable homes and two open market dwellings, and the proposed scheme would result in no additional harm to the local residential environment. The design of development is acceptable, and the proposal would utilise a highways access already approved under the extant permission. The site is sustainably located adjacent the settlement boundary and forms part of a residential context.
- 8.2 Officers consider that, whilst the proposal represents a departure from Policy DM1 in terms of the ratio of affordable housing to open market housing, the more efficient use of land; the provision of additional smaller dwellinghouses; and the sustainable location of the site, indicate in favour of the proposal. There would also be benefits including (but not limited to): provision of four affordable homes; 8-dwelling contribution to housing supply; creation of short-term construction jobs; and spend by future occupants in the local economy. Those are benefits that, collectively, attract considerable weight and far outweigh any negatives, including the conflict with Policy DM1. The proposal therefore represents a sustainable form of development and officers recommend that planning permission be granted.

## **9. Recommendation**

- 9.1 Authority to Approve, subject to officers securing the per-dwelling financial contribution to fund the Suffolk (Coast) RAMS, and with the recommended conditions.

### **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 shall be carried out in accordance with Drawing Nos. P1002 revB, P1005 and P1004 rev, received 26 May 2020; and P1001 & P1003, received 22 October 2019.

Reason: For the avoidance of doubt and to secure a properly planned development.

3. The materials and finishes shall be as indicated within the submitted application unless otherwise approved by the local planning authority.

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

4. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall be retained in perpetuity. The scheme shall include:

- i. the tenure of the affordable housing provision to be made, which shall consist of not less than 4 affordable dwellings;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policies DM1 and DM2 of the Core Strategy to secure the appropriate provision of affordable housing on the site.

5. No other part of the development hereby permitted shall be occupied 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 4.5 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.

6. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of five metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

7. Before the development is constructed above ground level, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

8. The use shall not commence until the area(s) within the site shown on Drawing No. 1002 A for the purposes of loading, unloading and manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes unless otherwise approved by the local planning authority.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in the interests of highways safety.

9. No development shall take place within the area indicated [the whole site] 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 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.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved 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 SP15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the heritage objectives of the National Planning Policy Framework.

10. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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.

11. No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to prevent damage to trees during construction

12. No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved by the Local Planning Authority. The scheme shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity to ensure an appropriately designed landscaping scheme is agreed at an early stage and implemented in a timely manner.

13. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 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.

14. Prior to any occupation or use of the approved development the RMS approved under condition 10 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

15. A validation report must be submitted to and approved by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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.

16. 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.

17. 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 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.

### **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:

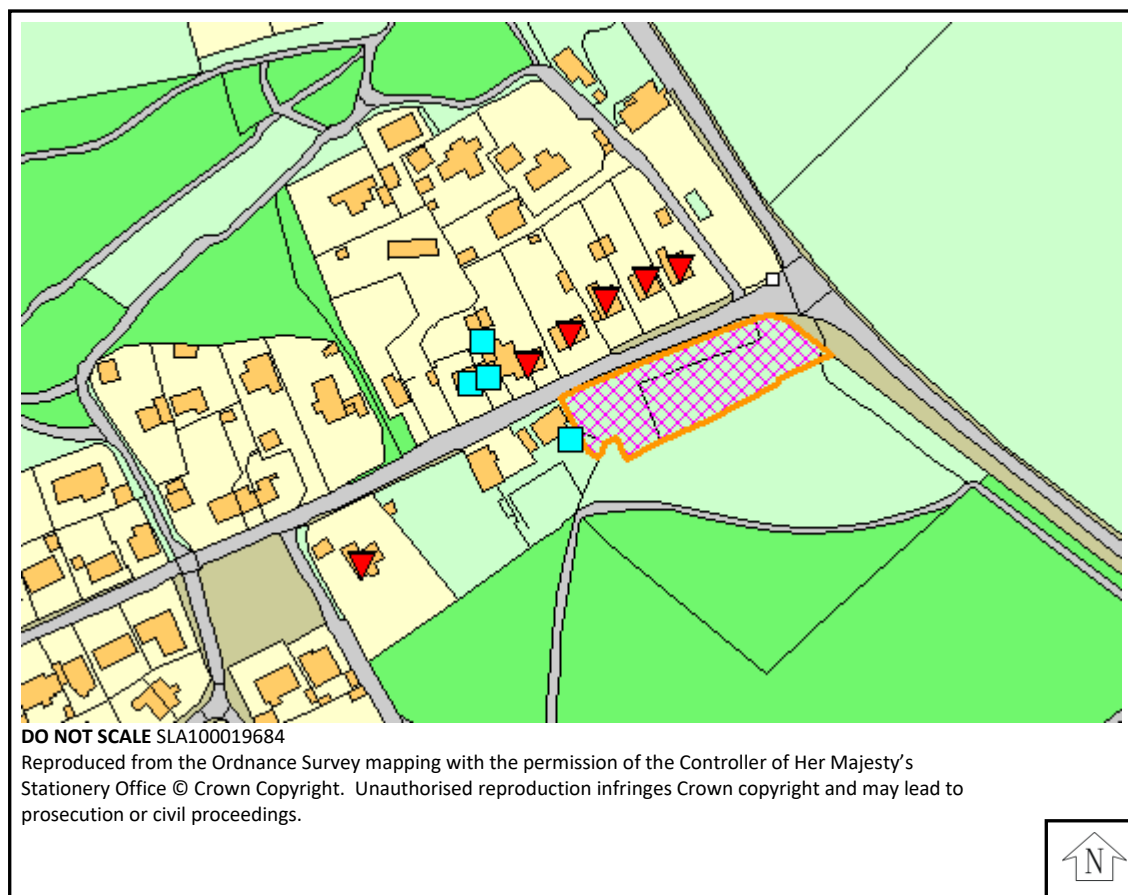
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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





### **Background Papers**

See application reference DC/19/4128/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZS6THQXFKL00>

## Map



## Key

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



## **Committee Report**

**Planning Committee – 9 June 2020**

**Application no DC/19/5008/FUL**

**Location**

Land Adjoining Hilltop  
Carlton Road  
Kelsale Cum Carlton  
Suffolk

<b>Expiry date</b>	1 March 2020
<b>Application type</b>	Full Application
<b>Applicant</b>	Messrs P & A Smith & Bird
<b>Parish</b>	Kelsale Cum Carlton
<b>Proposal</b>	New Detached dwelling
<b>Case Officer</b>	Charlie Bixby 01394 444572 <a href="mailto:charlie.bixby@eastsoffolk.gov.uk">charlie.bixby@eastsoffolk.gov.uk</a>

### **1. Summary**

- 1.1 Full planning permission is sought for the erection of a detached dwelling with attached garage.
- 1.2 The item has come before members because the development proposal is a departure from the local plan and the recommendation is for approval. It is a departure because the application site lies outside, but is adjoining the physical limits boundary, so the site is 'countryside' for planning purposes and none of the exceptions for a new dwelling in the countryside defined in local planning policy are met.
- 1.3 The application site has outline consent for two dwellings and garages approved 18 October 2018 (reference DC/18/2907/OUT), and previously outline consent for one dwelling allowed on appeal (reference DC/17/0994/OUT).
- 1.4 Officers consider that the principle of development on the site is established and the proposal is acceptable in all regards in accordance with the Local Plan and, therefore, approval is recommended.

## **2. Site description**

- 2.1 The application site is outside of the defined physical limits of Kelsale-cum-Carlton and forms part of a section of undeveloped land separating the two settlement boundaries. However, the application site does abut the settlement boundary of Kelsale.
- 2.2 The application site forms part of a large grass field with a high hedgerow and ditch to the front boundary of the application site which fronts onto Carlton Road, there is no boundary to the rear where the land slopes to the south.
- 2.3 To the east of the application site is a neighbouring property Hill Top, which is single storey and detached.
- 2.4 To the west of the application site is more unoccupied grass field and a track which is a Public Right of Way with access to St Peters Church; the track is separated by a low wire fence.
- 2.5 The application site and the adjacent land to the south is identified on the proposals map within the Site Specific Policies adopted document, through Policy SSP37 (Parks and Gardens of Historic or Landscape Interest), and Supplementary Planning Guidance 6 (Historic Parks and Gardens) as part of the historic parkland 'Carlton Park'.
- 2.6 An application for one dwelling was refused by the Local Planning Authority in 2017 (reference DC/17/0994/OUT) on the basis that the principle of development was contrary to the development plan, and would be development within the historic parkland. However, that proposal was allowed at appeal stage. The inspector considered the application to be a sustainable form of development (reference APP/J3530/W/17/3187529) and a copy of that decision can be read at appendix 1.
- 2.7 A previous outline consent for two dwellings and garages was subsequently approved on 18 October reference DC/18/2907/OUT.

## **3. Proposal**

- 3.1 The application seeks full planning permission for one detached dwelling with an attached garage, the proposed dwelling is part of a two dwelling scheme and will share the proposed access, however the other dwelling does not form part of this application.
- 3.2 The proposed dwelling would have an L-shaped ground footprint with an attached garage to the front. The dwellings would be one-and-a-half storeys in scale with single storey wings. The walls would be clad in black stained weatherboarding and the roof covered in pantiles.

## **4. Consultations/comments**

- 4.1 No third party representations have been received.

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

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	7 January 2020	31 January 2020
Summary of comments: Kelsale-cum-Carlton Parish Council had no objection to this planning application.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	7 January 2020	7 January 2020
Summary of comments: A noise assessment should therefore be submitted to include all proposed plant and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Also recommends standard unexpected contamination condition.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	7 January 2020	14 January 2020
Summary of comments: Highways have no objections but recommend 9 standard conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	7 January 2020	8 January 2020
Summary of comments: Requires ecological assessment and RAMs payment.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	7 January 2020	9 January 2020
Summary of comments: No objections and no further investigative work required.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	7 January 2020	28 January 2020
Summary of comments: Requires ecological assessment and RAMs payment.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	7 January 2020	13 January 2020
Summary of comments: Objects in principle to the principle but recognises this has been established, recommends condition.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	6 February 2020	27 February 2020	East Anglian Daily Times
Category	Published	Expiry	Publication
Archaeological Site	16 January 2020	6 February 2020	East Anglian Daily Times

## 6. Site notices

General Site Notice	Reason for site notice: May Affect Archaeological Site Contrary to Development Plan Date posted: 6 February 2020 Expiry date: 27 February 2020
General Site Notice	Reason for site notice: May Affect Archaeological Site Date posted: 9 January 2020 Expiry date: 30 January 2020

## 7. Planning policy

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning decision-taking shall be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies are listed below, but the East Suffolk (Suffolk Coastal) Final Draft Local Plan is at a fairly advanced stage of examination and, where relevant, emerging policies can be given some weight and will be addressed in this report.

The following are the relevant Development Plan policies:

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))

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP3 - New Homes (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))

SP17 - Green Space (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))

SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing 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))

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))

SSP37 - Parks and Gardens of Historic or Landscape Interest (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

National Planning Policy Framework

SPG6 – Historic Parks and Gardens

## **8. Planning considerations**

### Principle of Development

- 8.1 The application site forms part of an open space between Kelsale and Carlton which together form Kelsale cum Carlton, the site falls outside the defined settlement boundaries of both Kelsale and Carlton but is considered to be in close proximity to the continuous built up frontage to the east.
- 8.2 An initial application was refused by the Local Planning Authority on the grounds of housing in the countryside (DM3) and impact upon the Historic Parkland, but this was then allowed by appeal as the Planning Inspectorate found the proposal site to be a sustainable form of development abutting the physical limit boundaries which also caused insignificant to the Historic Parkland.
- 8.3 An outline planning application was subsequently approved on 18 October 2018 by the Local Planning Authority for two dwellings and garages, reference DC/18/2907/OUT.
- 8.4 Whilst the application site is outside the defined physical limits boundaries as per the settlement hierarchy (SP19), and therefore is considered to be in the countryside (SP29) where there is a presumption against development, the principle of one dwelling has been established through appeal and two dwellings through the previous application. Therefore, the current application cannot be refused on matters of principle. In any case, the site is adjacent the settlement boundary and therefore reasonably sustainable, in terms of location.

### Highway Safety

- 8.5 The initially refused application for one dwelling found the application site large enough to accommodate off-street parking and highways has no objections to the visibility splays subject to condition.
- 8.6 The approved application for two dwellings again found the site suitable for the above reasons but sought details via condition in relation to surface water drainage and parking.
- 8.7 The submitted application is for one dwelling for what appears to be a two dwelling scheme with a shared access, details of which are very similar to the previously approved application and are considered to be acceptable subject to condition. The proposal is acceptable in terms of Local Plan policy DM22 and the sustainable transport objectives of NPPF Paragraph 109 and emerging Local Plan Policy SCLP7.1.

### Visual Amenity and Streetscene

- 8.8 The proposal is for a one and a half storey dwelling with an attached garage; the proposal is similar to the previous applications other than the provision of a first floor. However that first floor accommodation is not considered to be out of character with the nearby surrounding properties in Kelsale and Carlton.

- 8.9 The proposed materials to be used are sympathetic and are unlikely to have any additional adverse impact upon the character of the area or historic parkland, the exact proposed materials will be confirmed via condition but the indicative external details and are suitable.
- 8.10 The proposal is good design and will not cause harm to the character and appearance of the area. Thus, the proposal accords with Local Plan policies SSP37, SP15, DM21 and emerging policy SCLP11.1.

#### Residential Amenity

- 8.11 This proposed application is for a one and a half storey dwelling; the dwelling is taller than the previously approved dwellings with a first floor provided, the first floor will only have windows facing to the front and rear of the plot and the windows on the side gables facing the neighbouring property and future dwelling will be high level windows that will not have any adverse impact in terms of overlooking. Given the relationship with neighbouring land uses, there is not likely to be any material adverse amenity impact arising, and no objections to the proposal have been received. The proposal accords with Local Plan policy DM23 and emerging policy SCLP11.2.
- 8.12 Environmental Protection has commented stating they would like to see a Noise Assessment due to the air source heat pumps proposed; however given the principle of dwellings on site have been considered acceptable and that heat pumps are usually permitted development, a noise assessment is considered to be unreasonable in this instance and the proposal is unlikely to result in any adverse noise impacts.

#### Green Space/Historic Parklands

- 8.13 The proposed dwelling and application site is to be located on the grass field that forms part of a green space identified as 'Parks and Gardens of Historic or Landscape Interest'.
- 8.14 The allowed appeal decision stated that the proposed development and its encroachment would be of a 'very limited extent' and the development south of Carlton Road has 'destroyed all parkland characteristics' as stated in the Council's Supplementary Planning Guidance 6 (Historic Parks).
- 8.15 Similar to the previous approved application; this proposed development will cause some harm to the area of Historic Park. However there is a clear fallback in place for the site to be developed for housing therefore such limited harm would not indicate permission be refused.

#### Ecology/RAMs

- 8.16 The proposal involves a large element of the hedgerow along the street boundary to be removed to facilitate the new proposed access, both the Council's Ecologist and Suffolk Wildlife Trust have commented stating an ecological assessment should be carried out to determine the impact. This has been carried out and the report outlines the need for further surveys in relation to Great Crested Newts (GCNs) which has been since carried out. Conditions are recommended based on the findings of those reports.

8.17 A RAMs payment has been received and the correct HRA template completed.

Community Infrastructure Levy

8.18 The application seeks full planning permission for one dwelling, it is therefore CIL liable.

**9. Conclusion**

9.1 Although the proposed development is contrary to the housing and countryside protection policies of the Local Plan, the principle of one dwelling on the site has already been established through the appeal decision and previously approved outline permission.

9.2 The proposed changes from the approved outline consent are not considered to cause additional harm to the Historic Parkland of character of the area, and the proposal is considered acceptable on planning balance.

9.3 The application is recommended for approval subject to conditions.

**10. Recommendation**

10.1 Recommendation of approval subject to conditions.

**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 1997.01 & 1997.02 received 23/12/2019, 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) All external materials (including external walls, roof material and windows)
  - (ii) rainwater goods (including material and colour)
  - (iii) fence and gates (on boundary with adjacent neighbours) (full details of location, height, appearance, materials and finish).

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: the application does not include the necessary details for consideration.

4. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority.

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

5. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County Council's Standard Access Drawing No DM01; with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety

6. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. 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. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

8. The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

9. Prior to the development 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, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

10. Before the access is first used visibility splays shall be provided as shown on Drawing No.02 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country

Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure suitable visibility from the access site is secured.

11. 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 ORLB URNS 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.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Mitigation Method Statement for great crested newts (based on appropriate survey information) has been submitted to and approved by the local planning authority.

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

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

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

14. 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.

#### **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. 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.

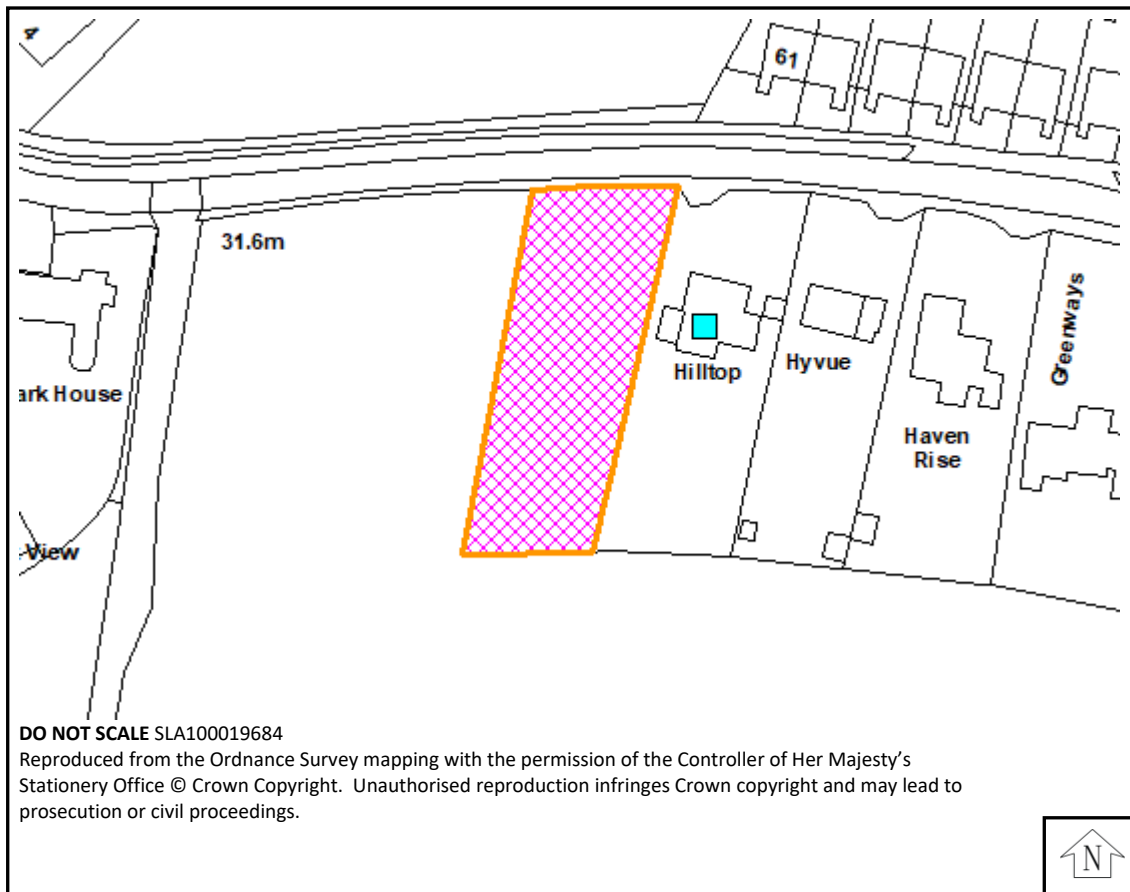
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

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 Papers**

See application reference DC/19/5008/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2Z05BQXGRP00>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 9 June 2020

**Application no** DC/20/1275/FUL

**Location**

Council Offices  
1A Broad Street  
Bungay  
NR35 1EE

**Expiry date** 14 May 2020

**Application type** Full application

**Applicant** Cardtronics UK Ltd, Trading As CASHZONE

**Parish** Bungay

**Proposal** The installation of an Automated Teller Machine and Non-Illuminated logo panel

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks Planning Permission for the installation of an Automated Teller Machine (ATM) within the front façade of this Grade II listed building and is accompanied by an application for Listed Building Consent (Ref: DC/20/1050/LBC) and Advertisement Consent (Ref: DC/20/1276/ADN).
- 1.2. The proposal is considered to harm the significance of the designated heritage asset of the Grade II listed building and the Bungay Conservation Area due to the prominence and appearance of the modern equipment proposed, this harm is considered to be less than substantial in terms of the National Planning Policy Framework (NPPF).
- 1.3. However, recent bank closures in Bungay have resulted in the loss of many ATM's and there is currently no 24/7 access to an ATM with the Town Centre. The loss of such facilities has an adverse impact on the local economy, and it is therefore considered that

the harm to the Heritage Assets would be outweighed by the public benefit of the proposal and the application can therefore be recommended for approval.

- 1.4. This application is before the Planning Committee as the building subject of this application is in the ownership of East Suffolk Council.

## **2. Site description**

- 2.1. Listed together with 10 Earsham Street, the application property is Grade II Listed; Historic England state that:

*"it is a good example of a late C18/ early C19 townhouse with an elegant stair; it has an opulently designed billiard room extension which is unusual for a town house of fairly modest size; the hand of the architect is apparent in every detail of the highly decorative treatment, creating a richly appointed and finely crafted billiard room of architectural distinction; the billiard room has survived with a remarkable degree of intactness. The house is located in the historic centre of Bungay and is surrounded by a large number of listed buildings with which it has strong group value, particularly 12 Earsham Street "*

- 2.2. This building is very prominent within the Conservation Area on the approach into Bungay along Broad Street. The building has some unusual features externally, particularly at first floor level, not least the cornice which is delicately dentilled and the wide plaster band below is decorated with elaborate strapwork incorporating figures and masks, and a narrow band of egg-and-dart.
- 2.3. The ground floor of this building has been altered in the 20th Century to provide the three windows and modern porch detail that can be seen today.

## **3. Proposal**

- 3.1. The proposal is for the installation of an Automated Teller Machine (ATM) and Non-Illuminated logo panel, location in the central window opening in the front façade of this building. The proposal would also require the lowering of the cill level of this window opening.

## **4. Consultations/comments**

- 4.1. Four representations of Support raising the following material planning considerations have been received:
  - Trade has fallen in the Town since the loss of the last bank and lack of 24/7 ATM is affecting local traders, it is not considered that the fact that this is an historic building should prevent its much-needed installation.
  - Essential to have an ATM - The grandeur of the first-floor element of this building will not be affected by this proposal.
  - At ground floor are not original openings, the window can be reinstated when the ATM is no longer required.

- Harm to the listed building should be outweighed by the benefit.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Bungay Town Council	26 March 2020	31 March 2020
<p>Summary of comments:</p> <p>I confirm that the Bungay Town Councillors of the Planning, Environment &amp; Highways Committee have agreed to recommend Approval of this Planning Application DC/20/1050/LBC with the comment that the Councillors have a non - pecuniary interest as Bungay Town Council is involved with this application process and currently rent this building from ESC.</p>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	30 March 2020	No response
<p>Summary of comments:</p> <p>No comments received.</p>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	26 March 2020	6 April 2020
<p>Summary of comments:</p> <p>Internal - Comments included in body of report.</p>		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	N/A	28 April 2020
<p>Summary of comments:</p> <p>Object - The proposal would cause serious harm to the architectural cohesion of the principle elevation. The highly ornate oriel window is a key decorative element and makes a strong contribution to the special interest of the heritage asset. The introduction of the ATM immediately below this feature, in the centre of the tripartite window, would appear incongruous and detract from the cohesion and architectural quality of this very attractive elevation. Furthermore, the lowering of the cill and alteration of the frame would involve a loss of historic fabric and be visually</p>		

disruptive to the strong rhythm of the ground floor fenestration. The public benefit would not outweigh this harm.

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	3 April 2020	28 April 2020	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	3 April 2020	28 April 2020	Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: Conservation Area May Affect Archaeological Site Listed Building Date posted: 1 May 2020 Expiry date: 26 May 2020
---------------------	--

## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states that in exercise of planning functions as respects listed buildings the local planning authority shall have *“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Section 72 states that with regard to Conservation Areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 6.3. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP8.29 – “Design”
  - WLP8.37 – “Historic Environment”
  - WLP8.39 – “Conservation Areas”
- 6.4. The National Planning Policy Framework (NPPF) (2019) and National Planning Policy Guidance (NPPG) are material considerations.



## 7. Planning considerations

### Heritage Impact

- 7.1. Policy WLP8.37 – “Historic Environment” requires that proposals for development should seek to conserve or enhance Heritage Assets and their settings.
- 7.2. The highly ornate oriel window at first floor level is a key decorative element of this building which makes a strong contribution to the special interest of the heritage asset. The proposed ATM would be located directly beneath it and would cause harm to the architectural cohesion of the principal elevation. In terms of the historic importance of the three ground floor windows it has been shown that these openings are 20th century additions.
- 7.3. This proposal to insert an ATM in the central window opening is deemed to cause less than substantial harm as set out in clause 196 of the NPPF, but this harm is considered to be high on that scale.
- 7.4. The NPPF and the Local Plan give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.

### Justification and Public Benefit

- 7.5. Paragraph 194 states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 7.6. In respect to this proposal it has been highlighted within the application and by supporters of this proposal that there are no longer any banks within Bungay which has resulted in the loss of 24/7 access to an ATM machine. This is having a significant impact on the traders and residents within the town due to the lack of facilities for the general public to access cash. The public benefit of the proposal is therefore considered to be very significant, particularly in the current Covid-19 situation where movement restrictions mean residents rely on access to local facilities to meet their day-to-day needs.
- 7.7. Paragraph 196 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal"*.
- 7.8. Whilst it could be argued that there may be a less harmful solution elsewhere within the Town centre, the options for such facilities in terms of owner consent will be limited; furthermore, the majority of the buildings in the centre of Bungay are listed buildings also, so finding a suitable building that is not of heritage value seems unlikely.

- 7.9. The harm to the significance of the heritage assets should be weighed against the public benefits of the proposal as required by paragraph 196 of the NPPF. In this case the significant public benefit of this proposal is considered to outweigh the harm identified and would meet the requirements of the NPPF and relevant Local Plan Policies. Due regard has been given to the requirements of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **8. Conclusion**

- 8.1. The importance of providing a 24/7 ATM with Bungay cannot be underestimated. It is acknowledged that there would be harm to the heritage significance of the Listed building and the Conservation Area due to the impact of the proposal on the architectural cohesion of the principal elevation. However, the ground floor window openings are not original features of the building and the works would be reversible.
- 8.2. In terms of the NPPF the harm would be less than substantial, and, in this instance, it is considered that the harm would be outweighed by the significant public benefits of the proposal with the provision of an essential facility for the residents of Bungay.
- 8.3. Accordingly, it is recommended that the application is approved.

## **9. Recommendation**

- 9.1. Approve, subject to the following conditions:

## **10. Conditions:**

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing Proposed ATM Rev: 01 received 27 March 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:**

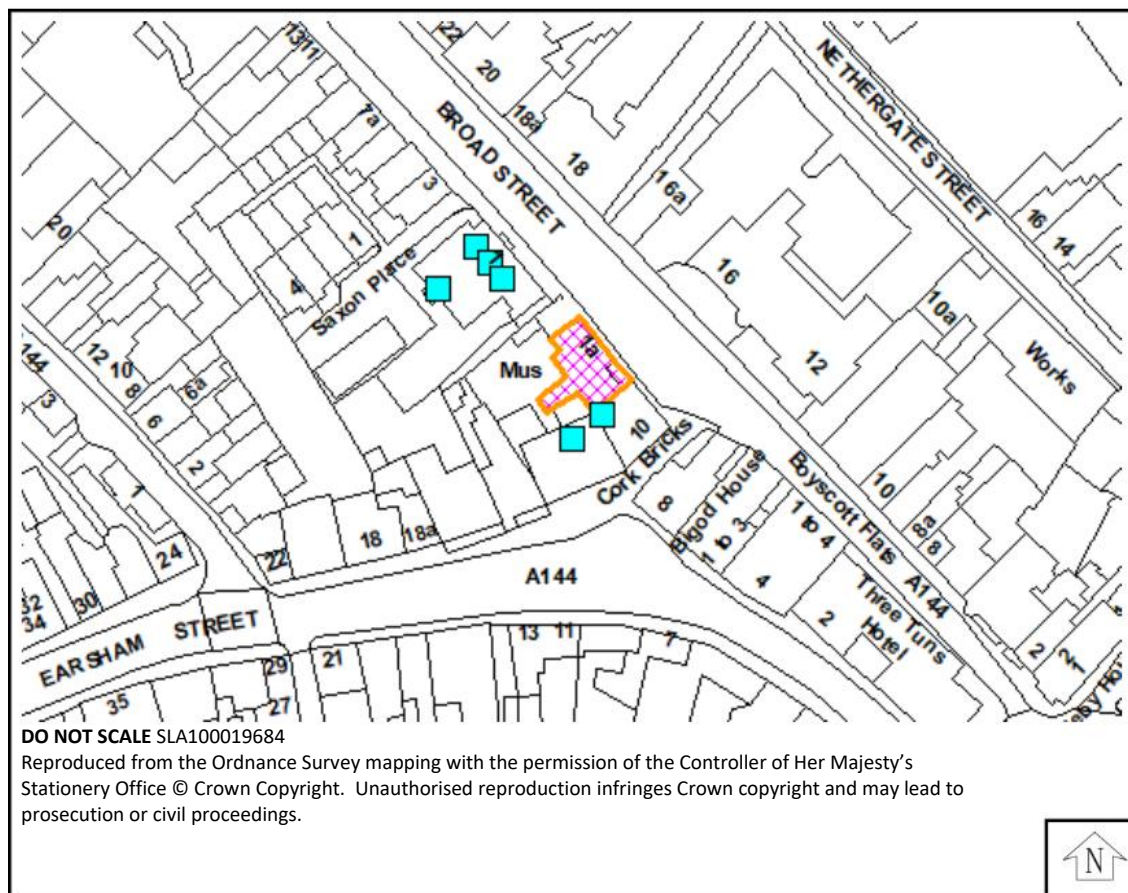
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning

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





## Background Papers

See application reference DC/20/1050/LBC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q60EZGQXI7100>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 9 June 2020

**Application no** DC/20/1050/LBC

**Location**

Council Offices  
1A Broad Street  
Bungay  
NR35 1EE

**Expiry date** 20 May 2020

**Application type** Listed Building Consent

**Applicant** Cardtronics UK Ltd, Trading As CASHZONE

**Parish** Bungay

**Proposal** Listed Building Consent - The installation of an Automated Teller Machine and Non-Illuminated logo panel

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks Listed Building Consent for the installation of an Automated Teller Machine (ATM) within the front façade of this Grade II listed building and is accompanied by an application for Planning Permission (Ref: DC/20/1275/FUL) and Advertisement Consent (Ref: DC/20/1276/ADN).
- 1.2. The proposal is considered to harm the significance of the designated heritage asset of the Grade II listed building due to the prominence and appearance of the modern equipment proposed; this harm is considered to be less than substantial in terms of the National Planning Policy Framework (NPPF).
- 1.3. Recent bank closures in Bungay has resulted in the loss of many ATM's and there is currently no 24/7 access to an ATM with the Town Centre. The loss of such facilities has an adverse impact on the local economy and it is therefore considered that the harm to the significance of the Listed Building would be outweighed by the public benefit of the proposal and the application can therefore be recommended for approval.

- 1.4. This application is before the Planning Committee as the building subject of this application is in the ownership of East Suffolk Council.

## **2. Site description**

- 2.1. Listed together with 10 Earsham Street, the application property is Grade II Listed; Historic England state that:

*"it is a good example of a late C18/ early C19 townhouse with an elegant stair; it has an opulently designed billiard room extension which is unusual for a town house of fairly modest size; the hand of the architect is apparent in every detail of the highly decorative treatment, creating a richly appointed and finely crafted billiard room of architectural distinction; the billiard room has survived with a remarkable degree of intactness. The house is located in the historic centre of Bungay and is surrounded by a large number of listed buildings with which it has strong group value, particularly 12 Earsham Street".*

- 2.2. This building is very prominent on the approach into Bungay along Broad Street. The building has some unusual features externally, particularly at first floor level, not least the cornice which is delicately dentilled and the wide plaster band below is decorated with elaborate strapwork incorporating figures and masks, and a narrow band of egg-and-dart.
- 2.3. The ground floor of this building has been altered in the 20th Century to provide the three windows and modern porch detail that can be seen today.

## **3. Proposal**

- 3.1. The proposal is for the installation of an Automated Teller Machine (ATM) and Non-Illuminated logo panel, location in the central window opening in the front façade of this building. The proposal would also require the lowering of the cill level of this window opening.

## **4. Consultations/comments**

- 4.1. Four representations of Support raising the following material planning considerations have been received:
- Trade has fallen in the Town since the loss of the last bank and lack of 24/7 ATM is affecting local traders, it is not considered that the fact that this is an historic building should prevent its much-needed installation.
  - Essential to have an ATM - The grandeur of the first-floor element of this building will not be affected by this proposal.
  - At ground floor are not original openings, the window can be reinstated when the ATM is no longer required.
  - Harm to the listed building should be outweighed by the benefit.

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

Consultee	Date consulted	Date reply received
Bungay Town Council	26 March 2020	31 March 2020
<p>Summary of comments:</p> <p>I confirm that the Bungay Town Councillors of the Planning, Environment &amp; Highways Committee have agreed to recommend Approval of this Planning Application DC/20/1050/LBC with the comment that the Councillors have a non - pecuniary interest as Bungay Town Council is involved with this application process and currently rent this building from ESC.</p>		

**Non statutory consultees**

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	26 March 2020	6 April 2020
<p>Summary of comments:</p> <p>Internal - Comments included in body of report.</p>		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	N/A	28 April 2020
<p>Summary of comments:</p> <p>Object - The proposal would cause serious harm to the architectural cohesion of the principle elevation. The highly ornate oriel window is a key decorative element and makes a strong contribution to the special interest of the heritage asset. The introduction of the ATM immediately below this feature, in the centre of the tripartite window, would appear incongruous and detract from the cohesion and architectural quality of this very attractive elevation. Furthermore, the lowering of the cill and alteration of the frame would involve a loss of historic fabric and be visually disruptive to the strong rhythm of the ground floor fenestration. The public benefit would not outweigh this harm.</p>		

**5. Publicity**

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	3 April 2020	28 April 2020	Beccles and Bungay Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	3 April 2020	28 April 2020	Lowestoft Journal

## Site notices

### General Site Notice

Reason for site notice:  
Conservation Area  
May Affect Archaeological Site  
Listed Building  
Date posted: 1 May 2020  
Expiry date: 26 May 2020

## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the Local Planning Authority shall have *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.
- 6.3. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP8.29 – "Design"
  - WLP8.37 – "Historic Environment"
- 6.4. The National Planning Policy Framework (NPPF) (2019) and National Planning Policy Guidance (NPPG) are material considerations.

## 7. Planning considerations

### Heritage Impact

- 7.1. Policy WLP8.37 – "Historic Environment" requires that proposals for development should seek to conserve or enhance Heritage Assets and their settings.
- 7.2. The highly ornate oriel window at first floor level is a key decorative element of this building which makes a strong contribution to the special interest of the heritage asset. The proposed ATM would be located directly beneath it and would cause harm to the architectural cohesion of the principle elevation. In terms of the historic importance of the three ground floor windows it has been shown that these openings are 20th century additions.

- 7.3. This proposal to insert an ATM in the central window opening is deemed to cause less than substantial harm as set out in clause 196 of the NPPF, but this harm is considered to be high on that scale.
- 7.4. The NPPF and the Local Plan give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.

#### Justification and Public Benefit

- 7.5. Paragraph 194 states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 7.6. In respect to this proposal it has been highlighted within the application and by supporters of this proposal that there are no longer any banks within Bungay which has resulted in the loss of 24/7 access to an ATM machine. This is having a significant impact on the traders and residents within the town due to the lack of facilities for the general public to access cash. The public benefit of the proposal is therefore considered to be significant, particularly in the current Covid-19 situation where movement restrictions mean residents rely on access to local facilities to meet their day-to-day needs.
- 7.7. Paragraph 196 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal"*.
- 7.8. Whilst it could be argued that there may be a less harmful solution elsewhere within the Town centre, the options for such facilities in terms of owner consent will be limited; furthermore the majority of the buildings in the centre of Bungay are listed buildings also, so finding a suitable building that is not of heritage value seems unlikely.
- 7.9. The harm to the significance of the heritage assets should be weighed against the public benefits of the proposal as required by paragraph 196 of the NPPF. In this case the significant public benefit of this proposal is considered to outweigh the harm identified and would meet the requirements of the NPPF. Due regard has been given to the requirements of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **8. Conclusion**

- 8.1. The importance of providing a 24/7 ATM with Bungay cannot be underestimated. It is acknowledged that there would be harm to the heritage significance of the Listed building due to the impact of the proposal on the architectural cohesion of the principal elevation. However, the ground floor window openings are not original features of the building and the works would be reversible.



- 8.2. In terms of the NPPF the harm would be less than substantial and, in this instance, it is considered that the harm would be outweighed by the significant public benefits of the proposal with the provision of an essential facility for the residents of Bungay.
- 8.3. Accordingly, it is recommended that the application is approved.

## **9. Recommendation**

- 9.1. Approve, subject to the following conditions:

## **10. 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 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing Proposed ATM Rev: 01 received 27 March 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.

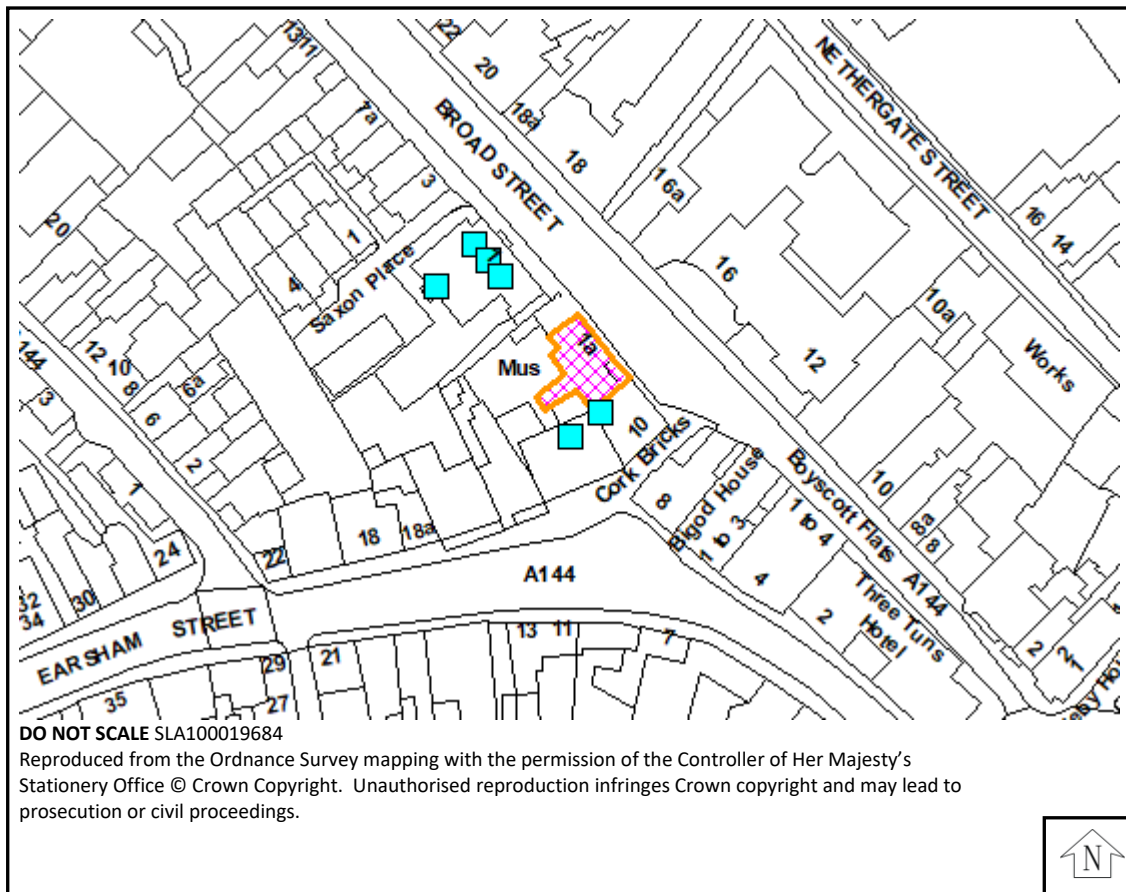
## **Informatives:**

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.

## **Background Papers**

See application reference DC/20/1050/LBC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6OEZGQXI7100>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 9 June 2020

**Application no** DC/20/1276/ADN

**Location**

Council Offices  
1A Broad Street  
Bungay  
NR35 1EE

**Expiry date** 14 May 2020

**Application type** Non-Illuminated Advertisement Consent

**Applicant** Cardtronics UK Ltd, trading as Cashzone

**Parish** Bungay

**Proposal** Non Illuminated Advertisement Consent - The installation of an Automated Teller Machine and Non-Illuminated logo panel

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The application seeks Express Consent for a non-illuminated logo sign within an Automated Teller Machine (ATM) which is proposed to be installed within the front façade of this Grade II listed building as shown in the accompanying applications for Planning Permission (Ref: DC/20/1275/FUL) and Listed Building Consent (Ref: DC/20/1050/LBC).
- 1.2. The proposal is integral to the applications for planning permission and Listed Building Consent; the sign in itself would have minimal additional impact on the significance of the designated heritage assets of the Grade II listed building and the Bungay Conservation Area and it could not be installed without approval of the above applications.
- 1.3. Recent bank closures in Bungay has resulted in the loss of many ATM's and there is currently no 24/7 access to an ATM with the Town Centre. The loss of such facilities has an adverse impact on the local economy and the inclusion of a small logo panel is considered to be necessary and an integral part of such installations. The application can therefore be recommended for approval.

- 1.4. This application is before the Planning Committee as the building subject of this application is in the ownership of East Suffolk Council.

## **2. Site description**

- 2.1. Listed together with 10 Earsham Street, the application property is Grade II Listed; Historic England state that:

*"it is a good example of a late C18/ early C19 townhouse with an elegant stair; it has an opulently designed billiard room extension which is unusual for a town house of fairly modest size; the hand of the architect is apparent in every detail of the highly decorative treatment, creating a richly appointed and finely crafted billiard room of architectural distinction; the billiard room has survived with a remarkable degree of intactness. The house is located in the historic centre of Bungay and is surrounded by a large number of listed buildings with which it has strong group value, particularly 12 Earsham Street".*

- 2.2. This building is very prominent within the Conservation Area on the approach into Bungay along Broad Street. The building has some unusual features externally, particularly at first floor level, not least the cornice which is delicately dentilled and the wide plaster band below is decorated with elaborate strapwork incorporating figures and masks, and a narrow band of egg-and-dart.
- 2.3. The ground floor of this building has been altered in the 20th Century to provide the three windows and modern porch detail that can be seen today.

## **3. Proposal**

- 3.1. The application seeks Express Consent for a non-illuminated logo sign within an Automated Teller Machine (ATM) which is proposed to be installed within the front façade of this Grade II listed building. The sign would comprise of a green perspex sheet with white lettering and bank symbols. The sign would measure 466 mm x 120 mm and would be situated on the panel above the ATM.

## **4. Consultations/comments**

- 4.1. One representations of Support raising the following material planning considerations have been received:

- Much needed facility for the community of Bungay.

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

Consultee	Date consulted	Date reply received
Bungay Town Council	30 March 2020	31 March 2020
<p>Summary of comments:</p> <p>I confirm that the Bungay Town Councillors of the Planning, Environment &amp; Highways Committee have agreed to recommend Approval of this Planning Application DC/20/1276/ADN with the comment that the Councillors have a non - pecuniary interest as Bungay Town Council is involved with this application process and currently rent this building from ESC.</p>		

## 5. Publicity

None

### Site notices

None required

## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP8.29 – “Design”
  - WLP8.37 – “Historic Environment”

## 7. Planning considerations

- 7.1. Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account:
  - (a) the provisions of the development plan, so far as they are material; and
  - (b) any other relevant factors.
- 7.2. Factors relevant to amenity including the presence of any feature of historic, architectural interest which is of relevance in this case. There would be no impact on public safety arising from this proposal.

### Heritage Impact:

- 7.3. Policy WLP8.37 - "Historic Environment" requires that proposals for development should seek to conserve or enhance Heritage Assets and their settings.

- 7.4. As has been highlighted within the accompanying applications for planning permission and Listed Building Consent; the installation of the ATM would cause harm to the architectural cohesion of the principle elevation of the Listed Building and would therefore harm the significance of the heritage Assets of the Listed Building and the surrounding Conservation Area. The addition of a small non-illuminated sign within the proposed ATM as shown on the proposed plans would cause negligible additional harm. This could not be displayed without the approval for the installation of the ATM in any case.
- 7.5. It is therefore considered that in this regard when considered within the context of the main installation of the ATM this sign, which is the subject of this application, would not impact on amenity in terms of the historic or architectural interest of the building and the surrounding area.
- 7.6. It is therefore considered that the proposed sign would accord with the provisions of the development plan and any other relevant factors as required by Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## **8. Conclusion**

- 8.1. The importance of providing a 24/7 ATM with Bungay cannot be underestimated and the inclusion of a small sign within this installation is integral to such installations and would not cause additional harm to the heritage significance of the Listed building or the surrounding Conservation Area.
- 8.2. Accordingly, it is recommended that the Express Consent is approved.

## **9. Recommendation**

- 9.1. Approval of express consent subject to the following Conditions.

## **10. Conditions:**

1. This consent shall be for a period of five years.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

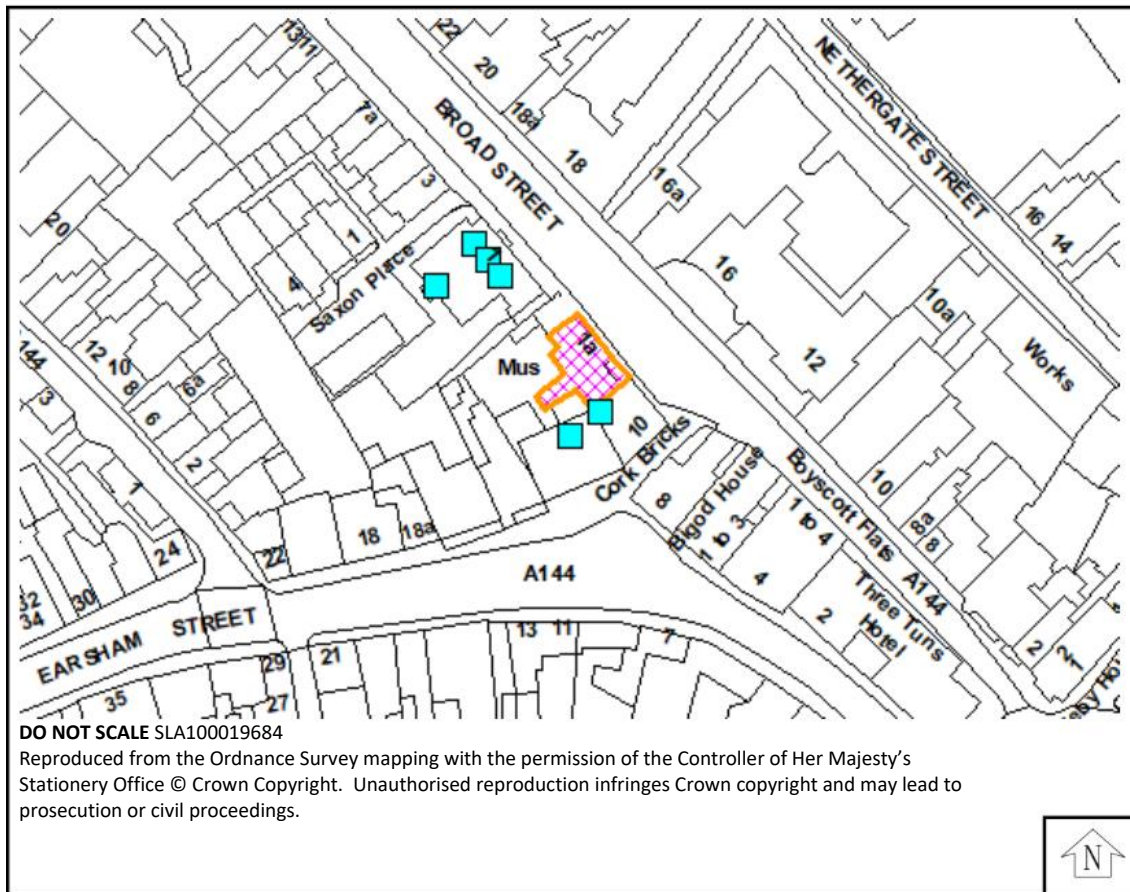
2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing NW0094 received on 20 March 2020 and Proposed ATM Rev: 01 received 27 March 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning 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.





## Background Papers

See application reference DC/20/1276/ADN at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7I1MRQXIIM00>

## Map



## Key

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

## **Committee Report**

**Planning Committee – 9 June 2020**

**Application no** DC/20/1369/FUL

**Location**

40 High Street  
Saxmundham  
IP17 1AB

**Expiry date** 27 May 2020

**Application type** Full Application

**Applicant** Mr John Fisher

**Parish** Saxmundham

**Proposal** Conservatory to rear of property

**Case Officer** Rachel Smith  
01394 444628

[rachel.smith@eastssuffolk.gov.uk](mailto:rachel.smith@eastssuffolk.gov.uk)

### **1. Summary**

- 1.1 The application site is a mid-terrace dwelling located within Saxmundham. The application proposes a single-storey rear extension.
- 1.2 The application is to be determined by Planning Committee as the applicant is a Member of the Council.
- 1.3 The design of the proposed extension is acceptable, and it would not harm neighbours' amenity. The recommendation is therefore to approve.

### **2. Site description**

- 2.1 40 High Street is a two-storey mid-terraced residential property situated within Saxmundham Town Centre. The property is also situated within the Saxmundham Conservation Area and is an unlisted building that makes a positive contribution. In the Conservation Area Appraisal, it sets out how, in the row of cottages numbered Nos. 38 to 44, those to the south (Nos. 40 to 44) exist in a better state of preservation than the



rendered pair to the north end. Where unspoilt, the cottages are attractive and provide an interesting domestic character to a predominantly commercial streetscape.

### **3. Proposal**

- 3.1 Planning permission is sought for the erection of a conservatory to the rear of 40 High Street. The conservatory would extend out from the existing rear wall of the dwelling by 3 metres and be 2.4 metres wide. The proposed extension will have a common boundary with the south wall of No.42. The conservatory would have a lean-to style polycarbonate roof above an oak frame with glazing on a red brick plinth.

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

- 4.1 No third-party comments received.

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

Consultee	Date consulted	Date reply received
Saxmundham Town Council	8 April 2020	22 April 2020
Summary of comments: The town council supports this planning application having checked that it should not affect light to adjoining gardens.		

#### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	8 April 2020	No response
Summary of comments: None received.		

#### **Non statutory consultees**

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	8 April 2020	No response
Summary of comments: None received - relevant issues considered in report.		

## Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	16 April 2020	8 May 2020	East Anglian Daily Times

## Planning policy

National Planning Policy Framework

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))

SPG 10.22 - Guide to the Saxmundham conservation area (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

## 5. Planning considerations

### Design

- 5.1 The proposed extension will be situated to the rear of the property; therefore, it would have no impact on the street scene. The conservatory will be modest in scale compared to the existing dwelling and the design of the extension would be of a traditional form and not detract from the character or appearance of the original property or the wider Conservation Area. The proposal is therefore considered to be in keeping with DM21 - Design: Aesthetics.

### Residential Amenity

- 5.2 The maximum height of the proposed conservatory would sit below the eaves height of the existing property and that of the neighbouring property (No. 42) to which it would be attached. As it would be attached to the side wall of the neighbouring dwelling and not extend out as far as No. 42, it would have no impact on the residential amenity currently enjoyed by the occupiers of this dwelling by means of loss of light to or outlook from any windows. Similarly, it would not result in any overlooking of this property.
- 5.3 The proposed conservatory would be set off the shared boundary with the property to the south by 1.2 metres and at its closest point, be 2.5 metres in height. Although the proposed extension would extend further into the rear garden than the neighbouring dwelling to the south (no. 38), given its modest size and scale, location off the shared boundary, its location to the north of this dwelling and the existing boundary fence, it would have little impact in terms of loss of light or privacy to the property or outlook from the rear. The proposal is therefore considered to comply with DM23 - Residential Amenity.

## **6. Conclusion**

- 6.1 The proposed development is considered to be in keeping with the character and appearance of the property, the wider area and would not result in an adverse impact on neighbours' amenity or the designated conservation area. The proposal is therefore considered to comply with Policies DM21 and DM23 of the Suffolk Coastal Local Plan

## **7. Recommendation**

- 7.1 Approve subject to controlling conditions listed below.

### **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. P-01, P-02 and P-03 received 1 April 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.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.  
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

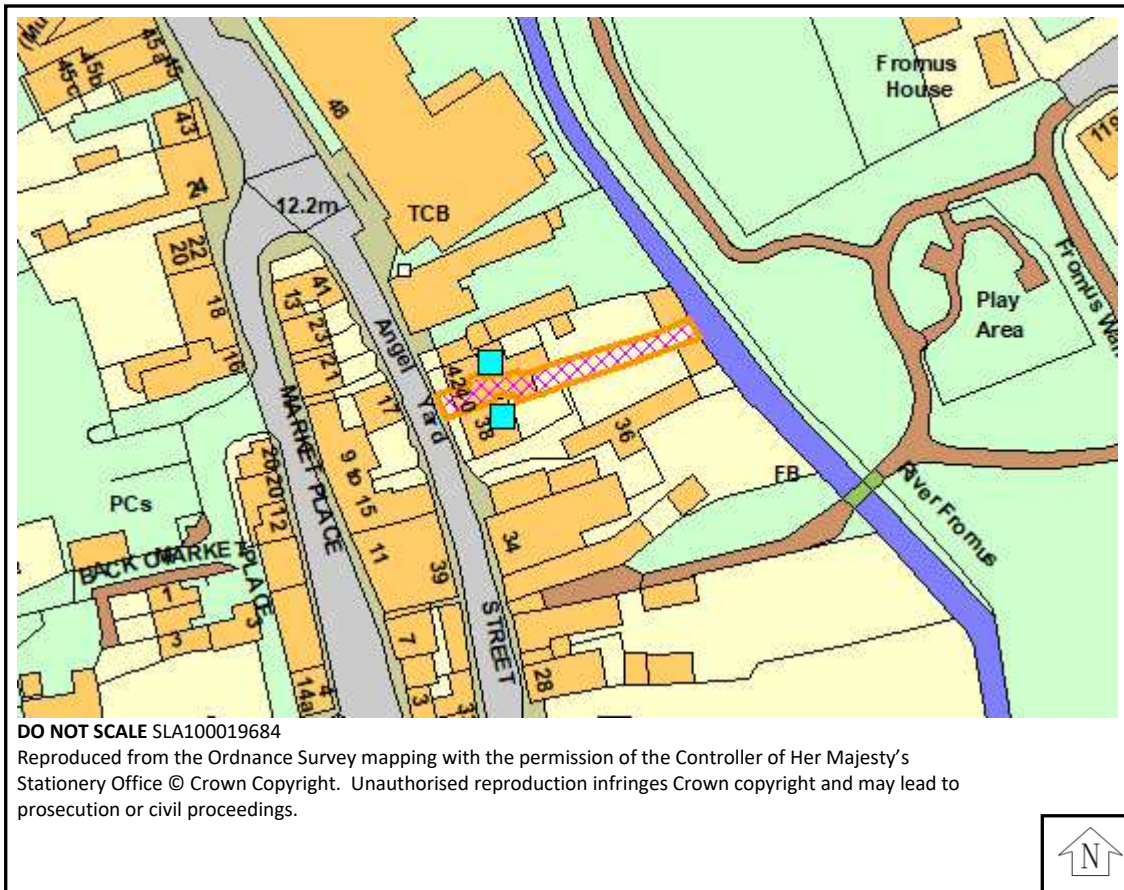
### **Informatives:**

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

### **Background Papers**

See application reference DC/20/1369/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q85F9CQXIPZ00>

## Map



## Key

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



## PLANNING COMMITTEE

Title of Report:

**Woods Meadow Development Phase 2 – Section 106 Update**

Meeting Date

**9 June 2020**

Report Author and Tel No

Phil Perkin

Principal Planner (Major Sites)

[Phil.Perkin@eastsoffolk.gov.uk](mailto:Phil.Perkin@eastsoffolk.gov.uk)

01502 523073

Is the report Open or Exempt?

Open

## REPORT

At the May meeting of Planning Committee North, Members requested an update on the resolution of outstanding matters in respect of the Section 106 Agreement for the Woods Meadow development.

Very briefly, the background to the Woods Meadow development is that outline planning permission for a mixed use development comprising of approximately 800 houses, neighbourhood shopping centre, community hall, primary school, play areas and country park was granted in July 2013 subject to conditions and a S106 Agreement. Phase 1 of the development (246 dwellings) is complete and the primary school opened in September 2018. Phase 2 (220 dwellings) was approved in October 2019 following the transfer of the Country Park land to the Council in February 2019, which was a requirement of the S106 Agreement. Construction on Phase 2 commenced earlier this year.

The Section 106 Agreement requires the developer to make of financial contributions to Suffolk County Council in respect of the following:

- Education facilities

- Libraries contribution
- Bus stop provision
- Waste and Refuse contribution
- Cycle and Footpath contributions

It is understood that the developer is currently up to date with the contributions to Suffolk County Council (which are required to be made upon completion of every 40<sup>th</sup> dwelling)

The Section 106 Agreement also requires the developer to make a total Strategic Transport Contribution of £500,000 to Suffolk County Council for improvements to the highway infrastructure of Lowestoft. It will be for Highway Authority to determine where and how this money will be spent.

In addition, the developer is required, upon completion of the 400<sup>th</sup> dwelling, to undertake a highway review in consultation with the County Council as Highway Authority. The Section 106 Agreement secures a Highway Review Bond of £1,000,000 for any works the Highway Authority consider necessary due to increased development resulting from the development. This trigger point of 40 dwellings has not been reached yet.

With regards to the provision of shopping facilities the Section 106 Agreement states that the Developers shall agree the location of the Neighbourhood Shopping Area with the Reserved Matters. To date there has been no Reserved Matters application that includes the Neighbourhood Shopping Area.

The S106 Agreement also states that the Developers will provide the Neighbourhood Shopping Area and thereafter this area will be marketed by the Developers for a period of 5 years from the completion of the development. The trigger point for providing it is before occupation of any private dwelling on the Reserved Matters phase that includes the shopping land or on completion of the 350<sup>th</sup> dwelling, whichever is the earlier. If, at the end of the aforementioned 5 year period, no demand exists for the provision of the Neighbourhood Shopping Area then the Developers may, subject to obtaining planning permission, use the Neighbourhood Shopping Area for any use so authorised by such planning permission.

With regards to the provision of a community centre, the S106 Agreement requires the developer to provide by completion of the 350<sup>th</sup> dwelling a means of vehicular and pedestrian access and all available services to the boundary of the community centre land which will be located close to the Primary School in accordance with the approved Masterplan. Once the land has been laid out the S106 Agreement also requires the developer to convey the land to the District Council (or to whom they may direct) together with all necessary rights and easements. The S106 Agreement also requires a total community centre contribution of £280,000 from the developer. It is understood that the services for the community centre site are in the process of being provided.

Other obligations within the S106 Agreement include the provision of affordable housing which has been provided within Phase 1 and which will also be provided within Phase 2.

To summarise, the developer is either currently meeting the obligations that are required by the S106 agreement; or the trigger points for compliance, such as with the highway review, have not yet been reached.

## **RECOMMENDATION**

That the report be received.

## **BACKGROUND PAPERS**

See Planning Application reference DC/01/0977/OUT