



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

# Planning Committee South

## Members:

Councillor Debbie McCallum (Chairman)  
Councillor Stuart Bird (Vice-Chairman)  
Councillor Chris Blundell  
Councillor Tony Cooper  
Councillor Tom Daly  
Councillor Mike Deacon  
Councillor Colin Hedgley  
Councillor Mark Newton  
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House,  
Melton, on **Tuesday, 28 June 2022 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube  
Channel at <https://youtu.be/lurzrHyPtPA>.

An Agenda is set out below.

## Part One – Open to the Public

## Pages

### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

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

<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 24 May 2022	<b>1 - 25</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/1186</b> Report of the Head of Planning and Coastal Management	<b>26 - 45</b>
<b>6</b>	<b>DC/21/5748/FUL - 10-12 Market Hill, Woodbridge, IP12 4LU ES/1187</b> Report of the Head of Planning and Coastal Management	<b>46 - 61</b>
<b>7</b>	<b>DC/22/1162/FUL - Woodside, Martlesham Road, Little Bealings, Woodbridge, IP13 6LX ES/1188</b> Report of the Head of Planning and Coastal Management	<b>62 - 71</b>
<b>8</b>	<b>DC/22/0915/FUL - 46 Dobbs Lane, Kesgrave, IP5 2PX ES/1189</b> Report of the Head of Planning and Coastal Management	<b>72 - 77</b>

## **Part Two – Exempt/Confidential**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

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

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

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

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

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

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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 24 May 2022 at 2.00pm**

**Members of the Committee present:**

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Tom Daly, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

**Other Members present:**

Councillor Paul Ashdown, Councillor Maurice Cook

**Officers present:**

Sarah Davis (Democratic Services Officer), Marianna Hall (Principal Planner), Rachel Lambert (Planner (Major Sites)), Matt Makin (Democratic Services Officer), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management))

**1 Apologies for Absence and Substitutions**

No apologies for absence were received.

**2 Declarations of Interest**

No declarations of interest were made.

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

Councillors Bird, Blundell, Cooper, Daly, Deacon, Hedgley, McCallum, Newton and Yule all declared that they had been lobbied on item 6 of the agenda and had not responded to correspondence received; Councillor Hedgley noted that he had responded to acknowledge the first two pieces of correspondence he received but due the volume received, had not acknowledged any other correspondence after that point.

**4 Minutes**

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

**RESOLVED**

That the Minutes of the Meeting held on 19 April 2022 be agreed as a correct record and signed by the Chairman.

## **5 Enforcement Action - Case Update**

The Committee received report **ES/1157** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 22 April 2022. At that time there were 13 such cases.

The Chairman invited questions to the officers.

In response to a question on the status of possible enforcement action at Sandy Lane, Martlesham, the Assistant Enforcement Officer advised that there were several issues on the site, and he was working alongside other agencies who were also involved, in order to ascertain who was most appropriate to take action on each issue. The Assistant Enforcement Officer summarised the enforcement issues on the site as residential use of land, expansion of industrial units and activities, storage of waste and signage.

The Assistant Enforcement Officer confirmed that he would investigate when land recovery charges would be finalised at Pine Lodge Caravan Park, Hazels Lane, Hinton and update the Committee outside of the meeting. The Planning Manager (Development Management) noted that a report would be presented to the Strategic Planning Committee at its meeting on 6 June 2022 on improving the way enforcement information is presented to the Council's planning committees.

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

### **RESOLVED**

That the outstanding enforcement matters up to 22 April 2022 be received.

### **Announcement**

The Chairman announced that item 8 of the agenda had been withdrawn and would be considered at a future meeting of the Committee.

## **6 DC/20/3326/OUT - Land at Victoria Mill Road, Framlingham**

The Committee received report **ES/1158** of the Head of Planning and Coastal Management, which related to planning application DC/20/3326/OUT.

The application sought outline planning permission with all matters reserved apart from access, for a phased development comprising: the erection of up to 49 custom/self-build homes (plots), including 16 affordable homes; public open space; a neighbourhood equipped area of play (NEAP), comprising a multi-use games area (MUGA); landscaping, and other associated infrastructure.

The application was considered by the Committee at its meeting of Tuesday 25 January 2022; at this meeting, the Committee resolved to delegate authority to the Head of Planning and Coastal Management to approve the outline planning application as per the officer's recommendation in the committee report.

On 7 February 2022 the East Suffolk Communities Team determined a revised community bid for two areas of grass verge to be listed as an Asset of Community Value (ACV) and this status was agreed. Because of this change in circumstance, officers determined that it would be necessary to refer the application back to the Committee to consider the policy effects of this ACV status affecting the application.

The Committee received a presentation on the application; the Planning Manager (Development Management) opened the presentation and gave an overview of the ACV process and detailed the ACV submission that had been made for the two grass verges. The Committee was advised that the new policy consideration related to policy SCLP8.1 of the Suffolk Coastal Local Plan (the Local Plan), which stated that proposals to change the use, or redevelop for a non-community use, a facility registered as an ACV, would not be permitted.

The Committee was shown satellite images of the two grass verges that had been given ACV status.

The Planning Manager provided a summary of the planning application's history and noted the most recent letter received from Leigh Day acting on behalf of Framlingham Town Council which set out three grounds that the application failed on, as well as a summary of the Counsel opinion sought by the Council in response to the letter from Leigh Day, which dismissed the grounds for failure set out by Leigh Day.

The Planning Manager confirmed that the application was before the Committee to be considered in its entirety and that members of the Committee were not bound by the vote on the application at the meeting held on 25 January 2022.

The Chairman invited questions to the officers on the ACV status issues relating to the application.

Officers were of the opinion that although one of the verges with ACV status would be lost as a result of the proposed highways works outside the application site, comparable green space was provided by the application.

The presentation was continued by the Planner (Major Sites), who was the case officer for the application. The Planner summarised the amendments to the report detailed in the update sheet which had been published on Monday 23 May 2022.

The site's context was outlined, and the Planner confirmed that the site was allocated for housing development by policy FRAM25 of the Framlingham Neighbourhood Plan (the Neighbourhood Plan). The Committee was provided with an overview of the site's relationship to its surrounding environment, the site's topography, its flood risk and that a nearby Public Right of Way, Footpath 50, linked to the site at its north-western corner.

The Planner recapped the Committee's visit to the site on 6 December 2021, noting the route taken by Members. The site visit had been conducted as the Committee had considered it necessary to view the site in terms of its context with particular reference to the proposed road realignment and highway matters.

The Committee was shown photographs of views looking north-east from Victoria Mill Road, looking east along Victoria Mill Road, looking south from the north-west corner of the site, looking south-west from the north-west corner of the site, looking north-west from the north-east corner of the site and looking west from the north-east corner of the site.

The Planner highlighted that the site was both within the Framlingham settlement boundary and allocated for housing development within the Framlingham Neighbourhood Plan and therefore the principle of development had been established.

The Committee received the indicative masterplan and indicative phasing plan, along with computer-generated images of expected views towards the site and proposed features of the site.

The Planner summarised the proposed highways works outside the application site including the realignment of Victoria Mill Road, the provision of crossing points, new footways and the widening of existing footways.

The Committee was shown comparison images of the existing and proposed alignments of Victoria Mill Road and the Planner noted that the five matters of consideration to be addressed in relation to these works were the highway extent and land ownership, road width, footway width at pinch-point, heritage impact and the impact on Assets of Community Value.

The Committee was shown photographs demonstrating the current alignment of Victoria Mill Road.

The Planner noted that consultation responses had suggested that the realignment works were not possible as land fell in private ownership rather than the highway extent; the applicant had provided additional land registry details and had served notice on both affected parties, the Highways Authority and Flagship Housing.

The Committee was advised that it was understood that all proposed realignment works fell within the current extent of the highway. Neighbour responses also noted that land within the realignment works fell within third-party ownership, but Land Registry title plans for "The Granary" and "Victoria Mill House" had demonstrated this was not the case.

The Planner demonstrated the proposed road widths and noted that the Highways Authority considered the five-metre width sections to be acceptable. The Committee was provided with examples of the changing dimensions as a result of the realignment, highlighting where the road would be either widened or narrowed.



The Committee was advised that the proposed highways works would result in an overall loss of 57 square metres of green verge on Victoria Mill Road.

The Planner addressed the proposed footway widths and reiterated the advice from the Highways Authority that the use of "generally" in the Manual for Streets meant the figures in the guidance were not absolute. In regard of the pinch-point highlighted, it was highlighted to be 1.713 metres in width and less than 6 metres in length, with its narrowest section being 1.5 metres wide.

The Committee was reminded that although the Council's Principal Design and Conservation Officer had commented that it was disappointing to lose the historical dog-leg layout of Victoria Mill Road he had not raised a formal objection to the application.

The Planner highlighted the proximity of the three verges given ACV status to the application site. The Planner outlined the definition of an ACV and considered that the verges were mixed use as both highway extent and community use.

The Committee was advised that the impact of the realignment works on the verges could be interpreted as a partial change of use and therefore contrary to policy SCLP8.1 of the Local Plan; the Planner noted that a breach of policy was not necessarily a reason for refusal and highlighted that the right to bid process afforded to the verges by their ACV status was unlikely to be triggered.

The Committee was shown images of the proposed NEAP within the site and its proximity to the green verges on Victoria Mill Road that would be created by the road realignment. The Planner commented that given there was a minimal loss of green verge on Victoria Mill Road in comparison to the creation of additional green space and housing by the development, more weight had been given to the latter by officers when considering the proposals.

The Planner displayed the swept path analysis drawings provided by the applicant, which had been revised in response to concerns raised. The Committee was advised of the final comments of the Highways Authority, which remained satisfied that the proposed road layout could accommodate the vehicles to construct and serve the proposed development.

The Chairman invited questions to the officers on highways matters.

The Planning Manager confirmed that the highways works proposed remained the same as when the application had previously been considered by the Committee and that the only change to the application since that time was the policy consideration in relation to the verges granted ACV status.

The Committee was advised that verge 3 would be most impacted by the proposed highways works and that ACV status would not automatically be transferred to the new verge created. The Planning Manager noted that any of the new green spaces created by the road realignment could be given ACV status in the future but would remain part of the extent of the highway.

The Planning Manager confirmed that officers, when considering the application against policy SCLP8.1 of the Local Plan, had considered that on balance the benefits of the application would offset the breach of the policy.

The Planner continued her presentation, and the Committee was shown an artist's impressions of aerial views of the site from both the south-east and north-east.

The Planner outlined the application against the clauses of policy FRAM25 of the Neighbourhood Plan. The Committee was advised that proposed Grampian condition would result in a phased development commencing near to 2025, which would meet the time constraints of the policy.

The Planner noted that based on a conservative interpretation, the application for "up to 49" dwellings would be 14 more than an approximate upper limit of 35 but highlighted that the density of the site would be broadly similar to areas north of the site and would be lower than the neighbouring Hopkins Homes development.

The Planner considered that although it was disappointing that the proposed development did not meet the target set in policy FRAM3 of the Neighbourhood Plan for one-bedroom properties, the exceedance of the target for two-bedroom properties was a positive outcome and mitigated the lower number of one-bedroom properties. The Committee was informed that final details would be approved as part of any reserved matters application.

The Committee was provided with information on the proposed building types on the site, which would be self-build, custom-build and custom-choice and how affordable housing would be delivered on the site. The design detail would be approved as part of any reserved matters application, but a design code would be secured via condition at the outline stage.

The Committee received the building heights parameter plan and an indicative affordable housing phases plan. Affordable housing would compromise 32.7% of the site, of which 25% of this figure would be first homes, 25% shared ownership and 50% affordable rent.

The proposed NEAP provision for the site was outlined and the Committee was shown an indicative plan of this area. The Planner highlighted that the NEAP would be a 0.61-hectare area of landscaped public open space including a play area, central green and wetland garden. The Committee was informed that in response to policy FRAM10 of the Neighbourhood Plan, the applicant had stated that they were willing to explore with the community the potential for inclusion of a community growing space should this considered to be of particular merit.

The details of the proposed vehicle access were outlined, and the Planner noted that the most recent comments of the Highways Authority did not raise any objections to the proposals. The Committee was also shown visibility splay and swept path analysis drawings submitted by the applicant.

The Committee was advised that the proposed pedestrian access was in accordance with policy FRAM14 of the Neighbourhood Plan; details of the proposed connections to

the existing footpath network and a footpath on the perimeter of the site were outlined to members of the Committee.

A transport assessment had been submitted with the application and the Committee was informed that no objections had been received from the Highways Authority.

The Planner noted the comments of the Suffolk County Council Archaeology Service, which had stated that it did not recommend refusal of the application as preservation on the site could be achieved 'in situ'; it had recommended that any planning permission include a condition to record and advance the understanding of any heritage assets found on the site during development.

The Planner summarised the material planning considerations along with the positives and negatives of the application.

The recommendation to delegate authority to approve the application with conditions to the Head of Planning and Coastal Management was outlined to the Committee.

There being no further questions to the officers the Chairman invited Mr Fitzhigham, who objected to the application, to address the Committee.

Mr Fitzhigham considered that Members had been asked to go against the Council's own policies and noted that the application had returned to the Committee to consider the material consideration of the ACVs. Mr Fitzhigham was of the view that the ACV status of the verges was inviolate, and the Committee should not go against this by approving the application. Mr Fitzhigham said that the verges were recreational and not ancillary.

Mr Fitzhigham said that policy SCLP8.1 was clear that the loss of an ACV should not be permitted and said it was unbelievable that the recommendation was against this. Mr Fitzhigham pointed out that the ACV status could not be moved to any new verge and considered that the public would not be able to trust the Council if the application were approved.

Mr Fitzhigham considered that Dr Dan Poulter MP, whose constituency the application site sat in, writing to the Committee to object to the application was an extraordinary step. Mr Fitzhigham said it was up to Members to determine the application and not Planning officers, quoting relevant comments from Dr Poulter's letter on integrity which he pointed out was the second of the Nolan Principles that all elected representatives were required to uphold.

Mr Fitzhigham concluded that the case officer had acknowledged in their report that to approve the application would be a breach of policy SCLP8.1 and urged the Committee to refuse the application.

There being no questions to Mr Fitzhigham the Chairman invited Councillor Garrett, representing Framlingham Town Council, to address the Committee.

Councillor Garrett highlighted that this was the third time the application had been presented to the Committee and four different versions of the officer's report had been produced, each with different grounds for approval.

Councillor Garrett advised that Framlingham Town Council did not consider that its legal objections had been fully addressed and that two had been dismissed with no merit, with no explanation provided ahead of the meeting.

Councillor Garrett said that a presumption in favour of development was not a catchall to override neighbourhood plans and there must still be material reasons for going against development plan policies. Councillor Garrett said that much of the information in the report pre-dated the Framlingham Neighbourhood Plan and therefore should not be considered.

Councillor Garrett pointed out that a recent planning application in Debach had been refused planning permission by the Committee and quoted comments that this was to uphold the Local Plan; Councillor Garrett suggested that this should not only happen in Debach but across the district.

Councillor Garrett considered that the density comparison presented was misleading as the site was on the edge of the town and had therefore been included in the Neighbourhood Plan at a lower density by the Planning Inspector. Councillor Garrett added that other sites nearby had been granted on appeal and that a more relevant comparison was the approved development at Station Terrace, which was of a lower density.

Councillor Garrett said that the Town Council believed that policy FRAM25 had been misinterpreted and suggested there was a growing disrespect of the planning system by the electorate, noting that other applications had been overturned due to a lack of policy compliance. Councillor Garrett asked the Committee to respect the development plan and refuse the application.

There being no questions to Councillor Garrett the Chairman invited Mr Marten, the applicant, to address the Committee.

Mr Marten advised that since the application was considered at the Committee's meeting in January 2022 there had been engagement with an affordable housing provider to deliver the 16 affordable homes on the site and work had been completed with officers to mostly complete the draft Section 106 Agreement.

Mr Marten considered it regrettable that the Council had been threatened with legal action should it issue the planning consent as per the Committee's previous resolution and was pleased that legal advice had resulted in a recommendation to approve the application as before. Mr Marten considered that the application should be approved as its benefits outweighed any harm that would be caused.

Mr Marten highlighted that the proposed density of the site was half of the Hopkins Home development to the east and would create a NEAP that would be a substantial new asset to Framlingham. Mr Marten considered that the NEAP would offset the loss

of the verges on Victoria Mill Road as a result of the highway realignment, which would also improve safety in the area.

Mr Marten pointed out the significant growth of the self-build register in both Framlingham and across the district and noted that the site would provide high quality custom and self-build properties with affordable homes for local people, two-bedroom properties for families and young people, the NEAP, as well as highways and footpath improvements. Mr Marten considered that the proposed development would make best use of the allocated site and requested that the Committee once again support the application.

There being no questions to Mr Marten the Chairman invited Councillor Cook, Ward Member for Framlingham, to address the Committee.

Councillor Cook was pleased that both the application had been referred back to the Committee and that he had an opportunity to support residents and Framlingham Town Council in urging for its refusal.

Councillor Cook reminded the Committee that when he spoke on the application at the Committee's meeting in November 2021, he had noted that communities were encouraged to create neighbourhood plans as a means to have some influence regarding speculative development and that communities set great store by the plans they create. Councillor Cook acknowledged that the Framlingham Neighbourhood plan allocated the site for development but contended that up to 49 was not approximately 30 units, considering the proposals to be contrary to policy.

Councillor Cook stated that at the Committee's meeting in January 2022 it had been suggested that that site could accommodate more than 30 dwellings given the neighbouring density levels but noted that the Planning Inspector had been willing to accept the lower density on this site when assessing the Neighbourhood Plan.

Councillor Cook said that the application had been referred back to the Committee as the three verges on Victoria Mill Road had been awarded ACV status, yet the proposals would destroy one of them, contrary to policy SCLP8.1. Councillor Cook considered the recommendation to approve the application was contrary to policy and the reason to depart from policy was not acceptable.

Councillor Cook expressed concern that the self-build nature of the site would cause a longer period of disruption for residents than a developer building housing project and would not attract any Community Infrastructure Levy (CIL) with which Framlingham could improve the town's infrastructure to accommodate new residents.

Councillor Cook reminded the Committee that the right homes should be built in the right places and that a local plan led planning system was vital, and that the proposed development was not right for the site. Councillor Cook considered that the Secretary of State for Levelling Up, Housing and Communities would not approve this application if put before him on appeal and suggested that the Committee refuse it to avoid significant reputational damage to the Council and to provide reassurance to communities that neighbourhood plan creation was not a futile exercise.

The Chairman invited questions to Councillor Cook.

Councillor Cook recognised that the application was for outline planning permission for up to 49 dwellings but considered this was still contrary to policy, which he agreed was guidance and not regulation.

The Chairman invited the Committee to debate the application that was before it.

Several members of the Committee highlighted concerns regarding the loss of the green space awarded ACV status, the number of proposed dwellings and the loss of the historical road layout of Victoria Mill Road. These Members noted that an area designated as an ACV would be lost as a result of the highways works and could not support the application. Councillor Yule considered that the replacement of the lost ACV with green space elsewhere was irrelevant. Councillor Newton said he was disappointed with the lack of regard to the Neighbourhood Plan given the amount of work that was put into them.

Other members of the Committee spoke in support of the application, with Councillor Cooper considering that during the site visit the grass verges appeared to not be used for anything other than parking. Councillor Bird spoke at length in favour of the application, noting that officers had been clear that the site could occupy up to 49 dwellings and considering that there would only be a net loss of 57 square metres of green space.

Councillor Bird acknowledged that the three grass verges had been given ACV status and stated the legislation behind this was to protect an asset's status if being sold; he highlighted that this was irrelevant as the land was within the highway extent and a sale was not needed to allow the highways works to take place. Councillor Bird set out that the Committee was required to weigh the benefits of the development against any potential harm that would be caused and considered that the net loss of 57 square metres of open space from 688 square metres when weighed against the delivery of much needed housing, meant that the benefits outweighed the harm and remained in support of the application.

Councillor Blundell noted that the proposed access was also a key consideration and was of the view that it could be considered that this and the ACV status of the verges outweighed the delivery of housing on the site. Councillor Blundell said he could not overcome the problems with the access and considered this a problem that needed to be resolved.

The Chairman invited the Planning Manager to clarify points raised during the debate. The Planning Manager advised that the ACV status granted to the verges was under the Localism Act 2011 and not planning legislation, to allow the community a right to bid on an asset should it be put up for sale. The Planning Manager reiterated that the application needed to be considered in full, including the new material consideration relating to the ACVs and that a balanced judgement was required, emphasising that neighbourhood plans were not subject to the same rigorous testing levels that local plans were.

The Planning Manager clarified that officers were not disregarding the Neighbourhood Plan and had worked with Framlingham Town Council during its development around the relationships between policies. The Planning Manager highlighted that the Planner's report had not changed its position each time but had expanded in response to the scrutiny of the application.

Councillor McCallum sought clarification on what weight would be given to the ACVs should the application be refused and appealed by the applicant. The Planning Manager advised due weight was given to all relevant policies by planning inspectors against all other material considerations when considering an appeal.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. The recommendation was proposed by Councillor Cooper, seconded by Councillor Bird and by a majority vote **FAILED**.

The Chairman sought an alternative recommendation to refuse the application. On the proposition of Councillor Yule, seconded by Councillor Daly it was by a majority vote

#### **RESOLVED**

That the application be **REFUSED** on the grounds that it is in conflict with policy FRAM25 of the Framlingham Neighbourhood Plan and policy SCLP8.1 of the Suffolk Coastal Local Plan and that these policy conflicts outweigh the benefits of the proposed development.

*Following the conclusion of this item the Chairman adjourned the meeting for a short break; the meeting was adjourned at 3.51pm and was reconvened at 4.04pm.*

#### **7 DC/21/0757/FUL Land North of The Street, The Street, Kettleburgh, IP13 7JP**

The Committee received report **ES/1159** of the Head of Planning and Coastal Management, which related to planning application DC/21/0757/FUL.

The application sought full planning permission for the construction of 16 dwellings, (including five affordable homes) a new shared vehicular access, driveways, cart lodges and garages on land north of The Street, Kettleburgh, IP13 7JP.

The application was considered by the Committee at its meeting of 19 April 2022. The application was deferred at that meeting to allow for a site visit to be undertaken, which took place on Tuesday 3 May 2022.

The Committee received a presentation on the application from the Planning Manager (Development Management) on behalf of the case officer.

The Committee was provided with a summary of the revised plans received on 17 May 2022 which included specific site dimensions including the gradient of the land, amended roof pitch to plots 3, 4, 5, 10 and 11 and the amended roof design for plots 6,

7, 8 and 9. The Planning Manager highlighted the distance from plot 5 to Honeysuckle Cottage, the distance from plot 12's cart lodge to the boundary of Honeysuckle Cottage and further distances from plots on the western boundary to The Fieldings.

The site's location was outlined, and the Committee was shown an aerial view of the site. The Planning Manager highlighted that a Public Right of Way, Footpath 19, ran alongside the site's western boundary.

The Planning Manager outlined the site's allocation for development under policy SCLP12.53 of the Suffolk Coastal Local Plan (the Local Plan) and highlighted a survey of the site's existing topography.

The Committee received photographs demonstrating views of the site looking towards the south-west across the frontage of the site, back towards the site, directly into the site, looking towards the north-east edge of the site, looking up The Street to the north-east, directly up into the site, from the north-east boundary looking to the south-west, within the site towards The Street, and towards the site demonstrating the low valley character of the area.

The Planning Manager displayed the proposed block plan, and the proposed housing mix was set out. The Committee was advised that there would be a range of property sizes from one-bedroom flats up to four-bedroom detached houses; the affordable housing would be at plots 1 to 5 and consist of one and two-bedroom flats and terraces, and all housing would be between one and two storeys in height.

The Committee received the proposed streetscene drawings and the Planning Manager highlighted where changes superseded what was presented to the Committee at the previous meeting. The Committee also received the proposed elevations and floor plans for each of the plots, including where changes had been made.

The Planning Manager explained that the site sat outside of a flood zone but was an area that had experienced surface water flooding in the past and set out the proposed surface water drainage layout.

The material planning considerations and key issues were summarised.

The recommendation to delegate authority to approve the application with conditions to the Head of Planning and Coastal Management was outlined to the Committee.

The Chairman invited questions to the officers.

The Planning Manager advised that the figure of 1.5 parking spaces per dwelling was an average across the entire site.

The Committee was advised that the proposed fenestration design was a Georgian sash window and the Planning Manager noted that the scale of the drawings made this appear more severe than it would look when built out.

The Planning Manager confirmed that the lead flood authority required surface water run-off to be no greater than the rate if the site remained greenfield; the Planning



Manager noted that the proposed system would control run-off through attenuation and highlighted that the applicant's drainage consultant was present to answer questions.

The Committee was informed that Footpath 19 sat outside of the application site and was not in the applicant's ownership. The ditch at the western boundary of the site was confirmed to be in the applicant's ownership.

The Planning Manager explained that a lighting strategy would be required by condition should planning permission be approved.

In response to a query regarding holding objections from the lead flood authority and the Highways Authority, the Planning Manager clarified that all outstanding matters had been addressed.

The Chairman invited Mr Wells, applicant for the agent, to address the Committee. Mr Wells was accompanied by Mr Horner, the applicant's highways & drainage consultant.

Mr Wells said that he had liaised with officers regarding the drainage issues raised at the previous meeting and invited Mr Horner to address the Committee. Mr Horner explained the design process for the surface water drainage system proposed and highlighted that the current run-off from the site during a 1 in 100-year event was eight litres per second, which would only increase over time.

Mr Horner said this development would reduce the risk of flooding downstream, having looked at how to control the run-off through SUDS and to discharge at the greenfield rate of 0.8 litres per second. Mr Horner advised that the proposed drainage system had built in for future increases from climate change and any additional development on the site. Mr Horner noted that the lead flood authority had recommended approval of the application.

The Chairman invited questions to Mr Wells and Mr Horner.

Mr Wells confirmed that the slope on the site would be addressed via the stepping of the site by each plot and that this had influenced the proposed layout.

The Chairman invited Councillor Cook, Ward Member for Kettleburgh, to address the Committee.

Councillor Cook advised that Kettleburgh Parish Council had been unable to attend the meeting and read out a statement on their behalf. This statement noted appreciation of the changes made by the applicant and that the Committee had visited the site and expressed concern that officers had not been able to answer some of the flooding questions posed at the site visit. The statement from Kettleburgh Parish Council reiterated its concerns about flooding on the site not been adequately addressed, the impact on neighbouring properties and the lack of consultation from the community. Kettleburgh Parish Council's statement asked the Committee to protect the countryside settlement of Kettleburgh as per the development plan and planning legislation.

Councillor Cook then provided his own comments, reiterating his previous comments about flooding and drainage having witnessed first-hand the issues caused by flooding in the village in 2019, which had resulted in residents having to leave their homes for several months whilst flood damage was repaired. Councillor Cook said he was pleased to hear about the potential drainage solution.

The Chairman invited questions to Councillor Cook.

In response to a query on land ownership, Councillor Cook said that he could not speak for the understanding of Kettleburgh Parish Council. Councillor Cook said that he acknowledged the information presented by Mr Horner earlier in the meeting.

The Chairman invited the Committee to debate the application that was before it.

Councillor Hedgley said that his original concerns about the impact of the frontage of the streetscene had been eased by the changes made by the applicant.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

On the proposition of Councillor Hedgley, seconded by Councillor Newton it was by a majority vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management with conditions and subject to the completion of a Section 106 Legal Agreement to secure obligations (including but not limited to):

- Affordable housing provision.
- A financial contribution towards primary and secondary school transport.
- Contribution towards RAMS (either S106 or S111)

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 not be carried out other than in complete accordance with the following:

Received 04 April 2022:

- PW1111-PL12-Rev B

Received 23 March 2022:

- 104/2020/03/P5 received

Received 03 March 2022:

- PW1111-PL01-Rev K
- PW1111-PL06-Rev E
- 104-2020-03-Rev P4
- 104-2020-04-Rev P4
- 104-2020-05-Rev P5
- 104-2020-06-Rev P2

Received 12 July 2021:

- PL02-Rev D
- PL03-Rev C
- PL04-Rev D
- PL05-Rev D
- PL06-Rev D
- PL07-Rev C
- PL08-Rev C
- PL09-Rev C
- PL10 Rev C

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

3. Notwithstanding the submitted details, no development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. No development shall commence until details of the means of enclosure (i.e. hedgerows, fences, gates etc) for the boundaries between plots, and the external boundaries have been submitted to and approved by the Local Planning Authority. Each section of the approved means of enclosure shall be erected prior to the occupation of the dwelling to which they specifically relate. The approved means of enclosure shall thereafter be retained in their approved form.

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

5. No development shall commence until a detailed Construction Method Strategy has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, delivery hours for materials and equipment to the site before and during construction, access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

*Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway and neighbouring amenity during the construction phase.*

6. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings. It shall thereafter be retained and maintained in its improved form.

*Reason: In the interests of the safety of the future occupants of the hereby approved development.*

7. 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 withi  
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, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).*

8. 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 7 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).*

9. Prior to occupation, evidence of the energy performance and water efficiency standards shall be submitted to, and approved in writing by, the local planning authority. The dwelling(s) within the hereby approved development must achieve the

optional technical standard in terms of water efficiency of 110 litres/person/day in Policy SCLP9.2 or any future document/policy replacing this, as measured in accordance with a methodology approved by Building Regulations Approved Document G.

*Reason: To ensure that the finished dwelling(s) comply with Policy SCLP9.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020) and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).*

10. Prior to first occupation of the hereby approved development details of all the measures in the approved Energy Statement that have been completed shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.*

11. Prior to first occupation and/ or use of the hereby permitted development a British Research Establishment Environmental Assessment Method New Build Post Construction Stage (PCS) final rating and certificate of assessment demonstrating the development achieved the 'Very Good' standard or equivalent shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development complies with Planning Policy SCLP9.2.*

12. The following dwellings shall be constructed to meet the Requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings and therefore retained in their approved form:

- Plot 3
- Plot 4
- Plot 5
- Plot 6
- Plot 7
- Plot 8
- Plot 9
- Plot 10

*Reason: To ensure the development complies with Planning Policy SCLP5.8.*

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Liz Lord Ecology, December 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

*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.*

15. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

1. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
2. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

16. Prior to any works above slab level an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

*Reason: To ensure that the development delivers ecological enhancements.*

17. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior first occupation of the development. The content of the LEMP shall include the following:

- o Description and evaluation of features to be managed.
- o Ecological trends and constraints on site that might influence management.
- o Aims and objectives of management.
- o Appropriate management options for achieving aims and objectives.
- o Prescriptions for management actions.
- o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- o Details of the body or organisation responsible for implementation of the plan.
- o Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where

the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.*

18. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

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

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

20. No development shall commence, or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

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

21. No development shall commence until a method for construction for the proposed cart lodge for plot 16 has been submitted to and approved in writing by the local planning authority. Thereafter the method of construction shall be adhered to and implemented in its entirety unless otherwise agreed in writing by the local planning authority.

*Reason: To ensure the roots of the trees/hedging are not damaged during construction.*

22. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including

any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A2:2017 and LCRM) and a written report of the findings must be produced.

The written report is subject to the approval in writing of the Local Planning Authority.

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

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

23. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. 104/2020/03/P5 Thereafter it shall be retained in its approved form.

*Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.*

24. Before the access is first used visibility splays shall be provided as shown on Drawing No. 104/2020/03/P5 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

*Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.*

25. The [hedge, fence, wall or other means of frontage enclosure] along the highway frontage of the site shall be reduced to 0.6m metres above the level of the adjacent carriageway or set back at least 0.5m from edge of carriageway/footway before



occupation of the development. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

*Reason: In the interests of highway safety by providing and maintaining intervisibility between highway users.*

26. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

27. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).

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

28. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

29. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk. <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register>.*

30. 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 LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: 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 <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan>.

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

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents and to ensure that access to the watercourse can be maintained if necessary for maintenance.

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

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

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all

works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at:  
<https://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.

4. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

5. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991

6. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

7. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution

8. i. PROW are divided into the following classifications:

- o Public Footpath - only for use on foot or with a mobility vehicle
- o Public Bridleway - use as per a public footpath, and on horseback or by bicycle
- o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
- o Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW).

There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact [DefinitiveMaps@suffolk.gov.uk](mailto:DefinitiveMaps@suffolk.gov.uk).

ii. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of

normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

iii. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

o To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities> or telephone 0345606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

o To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> or telephone 0345 606 6071.

iv. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

v. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk>.

This item was withdrawn from the agenda at the beginning of the meeting.

The meeting concluded at 4.40pm.

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Chairman

## PLANNING COMMITTEE SOUTH

**Title of Report:**

**East Suffolk Enforcement Action– Case Update**

**Meeting Date**

**28 June 2022**

**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 19 May 2022. At present there are 13 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 outstanding enforcement matters up to 19 May 2022 be noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> </ul>	31/06/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/03/2016 – Planning Appeal dismissed</li> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> </ul>	



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> <li>27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>06/07/2018 – Legal advice being sought.</li> <li>10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive</li> </ul>	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> <li>• 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</li> <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)
					<ul style="list-style-type: none"> <li>Charging orders have been placed on the land to recover costs.</li> </ul>	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>Authorisation granted to serve Enforcement Notice.</li> <li>13/09/2013 -Enforcement Notice served.</li> <li>11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months</li> <li>11/07/2014 – Final compliance date</li> <li>05/09/2014 – Planning application for change of use received</li> <li>21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> </ul>	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> <li>• 13/04/2021 – Letter sent to owner to establish current situation</li> <li>• Given until the end of June to either comply or supply the Council with any other information</li> <li>• Case being reviewed.</li> <li>• 22/05/2021 – contact received from site owner. Case reviewed</li> <li>• Due to the receipt of confidential information formal action has been placed on hold.</li> <li>• 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
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 action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> </ul>	28/06/2022

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>• 01/10/2018 – 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> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</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>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021</li> <li>• 03/06/2021 – site re visited, no compliance, case passed to Legal Department for further action to be considered.</li> <li>• Legal action being considered.</li> <li>• Case to be heard at Court on 15/10/2021</li> <li>• Court Case adjourned until 12/11/2021</li> <li>• Court case adjourned for trial on 24/01/2022</li> <li>• Court case adjourned until 01/02/2022</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>Owners and Tenant pleaded guilty to the charges and were fined £2000 and £1000 respectively plus costs. The majority of the site has now been cleared with the rest to be done by mid May 2022.</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/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> </ul>	31/07/2022

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>• Appeal started, final comments due by 08/02/2019.</li> <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>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</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>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action.</li> <li>• Further visit to be done on 25/03/2021.</li> <li>• Site visit completed, Notices not complied with, file passed to Legal services for further action.</li> </ul>	
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with</li> </ul>	31/07/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice served 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> <li>• Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</li> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</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>• Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal.</li> <li>• Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.</li> <li>• 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs</li> <li>• 12/07/2021 – Letter sent to owner giving until the 10<sup>th</sup> August 2021 for the structures to be removed</li> <li>• Site visited on 13/08/21 all structures removed from the site.</li> </ul>	

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> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• Awaiting date of hearing from Planning Inspectorate.</li> <li>• Hearing date set for 02/02/2021.</li> <li>• Hearing adjourned until 09/03/2021</li> <li>• Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</li> <li>• Awaiting Decision</li> <li>• Appeal dismissed and partial costs to the Council</li> </ul>	30/06/2022

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>• Compliance with Notice by 18/08/2021</li> <li>• Extension of time granted for compliance until 31/10/21.</li> <li>• Further extension granted until 15/11/2021.</li> <li>• Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered.</li> <li>• Certificate of Lawful Use (Proposed) application submitted.</li> <li>• Certificate of Lawful Use (proposed) refused.</li> </ul>	
ENF/2019/0307/C OND	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> <li>• 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months.</li> </ul>	25/02/2022 and 25/04/2022

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>• Appeal submitted. Waiting for start date from the Planning Inspectorate.</li> <li>• Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	
ENF/21/0441/SEC2 15	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> <li>• S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022</li> </ul>	11/06/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	<ul style="list-style-type: none"> <li>• 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance.</li> </ul>	11/08/2022
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> <li>• 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance.</li> </ul>	18/07/2022



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>• Appeal submitted. Waiting for start date from the Planning Inspectorate.</li> <li>• <b>Appeal started. Statements due by 07/06/2022</b></li> </ul>	
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> <li>• 07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance.</li> <li>• <b>Appeal submitted. Awaiting start date.</b></li> </ul>	09/07/2022
ENF/21/0408/CON D	12/05/2022	South	Land at Dairy Farm Cottage, Sutton Hoo	Breach of conditions attached to DC/21/0008/FUL relating to removal of summerhouse and steps	<ul style="list-style-type: none"> <li>• <b>12/05/2022 – Breach of Condition Notice served. Three months for compliance</b></li> </ul>	2/08/2022

## Committee Report

**Planning Committee South – 28 June 2022**

**Application ref:** DC/21/5748/FUL

**Location**

10-12 Market Hill  
Woodbridge  
Suffolk  
IP12 4LU

**Expiry date** 1 July 2022  
**Application type** Full Application  
**Applicant** Mr Ken and Sarah Baines

**Parish** Woodbridge  
**Proposal** Erection of 1 no. dwelling  
**Case Officer** Grant Heal  
07833 403193  
grant.heal@eastsuffolk.gov.uk

### 1. Summary

- 1.1 Planning permission is sought for the erection of one new market dwelling on land to the rear of 10 and 12 Market Hill, Woodbridge.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF, The Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the adopted development plan.
- 1.3 Reviewed against the Council's adopted scheme of delegation, the applicant is not an elected member, member of staff or close relative. Nor is the land owned by the District Council.
- 1.4 The application was presented to the Council's referral panel on Tuesday 16 June 2022 because the 'minded to' decision of the Case Officer is contrary to the Town Council's recommendation to refuse the application.

- 1.5 In-light of concerns raised in relation to the proposal's potential to impact on existing highway safety and residential amenity, the Chair and Vice-Chair of planning committee felt there are sufficient grounds to debate the merits of the application at planning committee.

## **2. Site description**

- 2.1 The site comprises land to the rear of two three-storey mid-terrace buildings in red brick with hipped roofs fronting Market Hill. These buildings are Grade II listed and enjoy linear private rear amenity areas extending towards Chapel Street; where an existing red brick wall (curtilage listed) with pedestrian gated access culminates at its northern extremity. The site descends gently northward and is overgrown and unmanaged with several trees.
- 2.2 While 10-12 Market Hill, Woodbridge are not specifically referred to within the Woodbridge Conservation Area Appraisal, a more general assessment of their contribution to Market Hill can be gleaned from the following:
- 2.3 'The buildings around the Market Place are predominantly two storeys with some three storey buildings at the eastern; all are ranged along the back edge of the footway. They appear to cluster around the Shire Hall, which is of greater height and mass and the focal point of the space which divides east and west and also to a lesser extent from north to south. Market Hill contains a fine progression of spaces and views. At each corner of Market Hill there are breaches in its continuous and enclosing facades where there are attractive views and changes in spatial quality. It is arguably one of the finest examples of townscape in Eastern England'.
- 2.4 Concerning the site's northern boundary onto Chapel Street, the Woodbridge Conservation Area Appraisal notes the following:
- 2.5 'On the south side of the Street there is an almost complete built-up frontage. Here the south side of the street rises steeply and with the houses on the north side of the street forms a residential scale linear space. At its east end the street descends sharply and describes a quadrant. There are serial views up and down the street, best coming down, for the views of the rooftops of buildings in the Naverne Valley'.

## **3. Proposal**

- 3.1 This application seeks planning permission for the erection of one new market dwelling on land to the rear of 10-12 Market Hill, Woodbridge.
- 3.2 The two-bedroom dwelling is single storey and comprises two adjoining pitched roof structures that would be stepped to accommodate the site's descending topography. The building's linear form culminates in gable ends with the street facing elevation being finished in a perforated Corten sheeting. The back half of the building would otherwise be finished in black coloured profiled steel sheeting.
- 3.3 The new dwelling would benefit from pedestrian access only onto Chapel Street to allow retention of the site's historic boundary wall. A paved ramp would allow occupiers to negotiate the change in level between finished floors and the street below. Refuse/recycling storage areas are also provided close to the pedestrian entrance onto Chapel Street.

- 3.4 Front and rear private amenity areas would also be provided, while a portion of the host property's existing garden areas would be retained along with the several existing trees, including a mature horse chestnut.

#### 4. Third Party Representations

- 4.1 Eight third-party representations of objection have been received which raise concerns summarised as follows:

- The proposed building's impact on the outlook of adjacent residents;
- The proposed building's impact on neighbouring privacy;
- The impact of the proposal on highway safety;
- The impact of the proposal on the Woodbridge Conservation Area;
- The Overbearing and domineering presence of development;
- The impact of the proposal on existing trees;
- The impact of the proposal on surface water run-off;
- The proposed design's impact on the prevailing character;
- The impacts of the proposed construction.

- 4.2 No neutral or supportive third-party representations have otherwise been received.

#### 5. Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Woodbridge Town Council	1 April 2022	13 April 2022

##### Summary of comments:

*Woodbridge Town Council refer the Planning Authority to its previous refusal of this application on 18.01.22 which, with the removal of a reference to the first floor balcony and having considered the latest submission, we still consider to be extant and therefore we still recommend REFUSAL of this application.*

*Woodbridge Town Council classify this development as infill/ garden development, and therefore recommend REFUSAL of this application as it contravenes the following requirements of Local Plan Policy SCLP5.7: Infill and Garden Development:*

- a) The scale, design and materials would not result in harm to the street scene or character of the area;*
- b) The proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site;*
- c) There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;*
- d) Existing and proposed dwellings have sufficient curtilage space;*

*The proposed development is dominating and overbearing when considered in the streetscape of Chapel Street.*

*No parking provision has been provided and pedestrian access is on a blind bend – this contravenes Local Plan Policy SCLP4.10: Ensuring safe pedestrian access to link up with and enhancing existing pavements, pedestrian spaces, routes and focal points;*

*No construction method statement has been submitted. Whilst we recognise this is not generally required it is our opinion that the only option to construct the proposed dwelling would be numerous full closures of Chapel Street to offload and crane materials onto the plot. This is not acceptable to nearby residents. It would also block access for emergency vehicles along Chapel Street.*

*We are also of the opinion that the application contravenes the following policies of the Suffolk Coastal Local Plan:*

*SCLP4.9: Development in Town Centres - Residential development targeted at smaller homes in town centres. The proposed dwelling, whilst being only two bedroom, has a floor area consistent with a larger property.*

*SCLP11.1: Design Quality*

*c) Respond to local context and the form of surrounding buildings in relation to the following criteria:*

- i. the overall scale and character should clearly demonstrate consideration of the component parts of the buildings and the development as a whole in relation to its surroundings;*
- ii. the layout should fit in well with the existing neighbourhood layout and respond to the ways people and vehicles move around both internal and external to existing and proposed buildings;*
- iii. the height and massing of developments should be well related to that of their surroundings;*
- g) Create permeable and legible developments which are easily accessed, throughout the site and connections outside the site, and used by all, regardless of age, mobility and disability;*

*Disabled access is not allowed for*

*h) Provide highway layouts with well integrated car parking and landscaping which create a high quality public realm and avoid the perception of a car dominated environment. In doing so, proposals will be expected to prioritise safe and convenient pedestrian and cycle movement;*

*Safe egress by foot or cycle from the proposed development is hindered by no pavement at the entrance and the negligible vehicle sightlines on the blind bend for traffic coming from New Street*

*SCLP11.5: Conservation Areas*

*c) Be of an appropriate design, scale, form, height, massing and position;*

*Woodbridge Town Council agree with the comments made by Karolien Yperman (ESC Design and Conservation Officer), regarding the scale, height, massing and impact on the conservation area of the proposed development. Whilst the latest submission shows a reduced height to the building, the topography of the area means that any development will significantly impact upon nearby residents and be to the detriment of the conservation area.*

*WTC consider that this development will lead increased surface water runoff and an enhanced risk of flooding of Chapel Street as commented on by SCC Highways in its response to the application.*

*This would impact properties opposite the site on Chapel Street. WTC is aware that surface water drainage inadequacies from developments close by have caused such issues.*

## Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 April 2022	12 April 2022
Summary of comments: No objection - recommend conditions.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	N/A	24 May 2022
Summary of comments: Internal consultation - recommend conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	1 April 2022	16 May 2022
Summary of comments: Internal consultation - no objections. See below comments.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 April 2022	24 May 2022
Summary of comments: Internal consultation - recommend conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 April 2022	No response
Summary of comments: Internal consultation - recommend conditions.		

## Publicity

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

Category	Published	Expiry	Publication
Conservation Area	13 January 2022	3 February 2022	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: Conservation Area Affects Setting of Listed Building

Date posted: 21 January 2022

Expiry date: 11 February 2022

## 6. Planning policy

National Planning Policy Framework 2021

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

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

SCLP4.9 - Development in Town Centres (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP10.2 - Visitor Management of European Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

## 7. Planning Considerations

### Planning history:

- 7.1 DC/20/2036/LBC: Listed Building Consent - Construction of New Detached 4 Bedroom Dwelling and Associated Parking - Land off Chapel Street, 10 Market Hill, Woodbridge - Withdrawn;
- 7.2 DC/20/1526/FUL: Construction of New Detached 4 Bedroom Dwelling and Associated Parking - Land off Chapel Street, 10 Market Hill, Woodbridge - Withdrawn;
- 7.3 C.95/1077: Retention of fence above existing brick wall at 10 and 12 Market Hill, backing onto chapel Street, Woodbridge - permitted 6 October 1995.

### Planning principle:

- 7.4 The site is located within the Settlement Boundary (SCLP3.3) and Conservation Area of Woodbridge; which is classified as a 'Market Town' within the 'Settlement Hierarchy' (SCLP3.2) of the adopted Local Plan.
- 7.5 While the host building falls within the Woodbridge Town Centre (SCLP4.9: Development in Town Centres), the portion of the site subject to the proposal falls outside the Town Centre.
- 7.6 The creation of a new dwelling within the defined settlement boundary is generally considered acceptable in principle, subject to an appropriate assessment of other material planning matters, as set out below.

### Visual amenity and heritage:

- 7.7 Amongst other things, policy SCLP11.1 (Design Quality) requires that proposals demonstrate a clear understanding of the character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness through evidence, informed sources and site-specific context and analysis.
- 7.8 In consultation with the Council's Design and Conservation Team, pre-application planning advice provided in relation to a previous scheme noted the following:

*'An alternative single storey design may overcome overlooking issues and allow for an extended linear form in a more typical back land character. Any necessary stepping could also be taken up by modules in differing materials or quantity of glazing, for example. This could also assist in providing a more coherent design response. The result could be a design which, at first glance on coming down Chapel Street, is one which imparts an impression of sitting down low and quietly, and almost appearing as if it has always been part of the site in this way.'*

- 7.9 Following a series of amendments in response to officer comments on the several design iterations received for this proposal, the Council Design and Conservation Team have confirmed acceptance of that most recently received, as per the following comments:



*'This proposal for the erection of a dwelling has gone through several iterations. Initially at pre-application stage it was determined that the principle of the subdivision of land and the erection of a new dwelling would not detract from the significance of the nearby listed buildings or the character and appearance of the Conservation Area.*

*The full impact of a new dwelling on the significance of the heritage assets would depend on its design, location, scale, etc. It was also determined that the partial demolition of the C19 boundary wall would be detrimental to the significance of the wall itself (as a curtilage listed structure) and to the significance of 10-12 Market Hill.*

*Previous iterations of the proposed new dwelling were not considered to preserve the character and appearance of this part of the Conservation Area, largely due to the scale of the dwelling. A two-storey or 1.5-storey dwelling was considered to be over-dominant in this location, whereas a smaller scale dwelling could possibly sit more subordinately in the townscape.*

*The latest iteration of the scheme has addressed previous concerns. The contemporary single-storey building which is now proposed is of a lower scale and in combination with a simplified form, lends itself better to the subservient, 'backland' building typology expected in this location.*

*The reduction in scale allows the dwelling to sit more comfortably on the site in a less imposing manner. While the simplified form of the building presents relatively blank elevations, the materials provide visual texture to complement the surrounding traditional brickwork, and the perforated corten steel gable is an interesting design detail.*

*The corten steel is distinctly contemporary, however its red-orange tone would blend well with the surrounding brickwork walls, and the utilitarian character of the corten and black corrugated sheeting also supports the 'backland' character of the location.*

*With the retention of the boundary wall and reduced scale, the proposed dwelling would now be considered to preserve the character and appearance of this part of the Conservation Area. The application is therefore considered to meet the requirements of the NPPF and the Local Plan'.*

- 7.10 Appropriately sized curtilage areas would also be provided for both existing and proposed properties and the site has sufficient capacity to absorb the proposal without resulting in its overdevelopment.
- 7.11 The works would take place a sufficient distance from existing boundary trees and the proposal is otherwise judged to represent less than substantial impact harm upon the character and appearance of the Woodbridge Conservation Area, while securing the site's long-term viable use as a dwelling with regard to the NPPF and The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.12 In-line with the above assessment, the application accords with the provisions set out within SCLP10.4 (Landscape character), SCLP11.1 (Design quality), SCLP11.3 (Historic Environment), SCLP11.4 (Listed Buildings) and SCLP11.5 (Conservation Areas) of the adopted Local Plan.

#### Trees and biodiversity:

- 7.13 In consultation with the council's Principal Arboriculture and Landscape Officer at both pre-application and submission stage, it is confirmed that the conclusions of the submitted assessment of on-site trees is acceptable.
- 7.14 It concludes that the development will result in the removal of a single tree (which is borderline Category U or C1) and that the main tree protection issue relates to a proposed change of level within the RPA of horse chestnut T1.
- 7.15 Given that the proposed extent of works and level changes within the horse chestnut tree's RPA is low, it is considered that with controlled excavation and root pruning to minimise impacts, T1 can be retained and protected by suitable Tree Protective Fencing and Ground Protection included within a method statement secured by condition.
- 7.16 A submitted ecology survey and assessment also provides satisfactory conclusions in terms of the proposal's potential to impact on biodiversity, subject to the scheme being developed in accordance with the Ecological Survey and Assessment report (Essex Mammal Surveys, May 2021).
- 7.17 With the above in-mind, the proposal is likely to accord with the relevant policies of the NPPF and SCLP10.1 (Biodiversity and geodiversity) of the adopted Local Plan.

#### Highway safety and parking:

- 7.18 While the application does not propose the introduction of any vehicular parking to serve the two-bedroom dwelling, it is considered that the site's highly sustainable location on the cusp of Woodbridge Town Centre (which provides a number of services, facilities and alternative modes of travel within walking distance) would ensure that, along with proposed secure cycle storage, the development can be found acceptable in transport terms, when judged against SCLP7.1 (Sustainable Transport). Indeed, this is not an uncommon situation for other properties within the vicinity.
- 7.19 The provision of a refuse/recycling storage area close to Chapel Street will also ensure that the road would not be obstructed by wheelie bins entering the highway on collection day.
- 7.20 The applicant has otherwise agreed that a Construction Management Methodology can be submitted pre-commencement to set out an acceptable arrangement for the development's safe construction and management of the local environment throughout the entire construction phase.
- 7.21 The use of the existing entrance to serve the dwelling has garnered no objections from the Highway Authority and, as such, it is found unlikely that the application would cause detriment to highway safety, when judged against the NPPF and SCLP7.2 (Parking proposals and standards) of the adopted development plan.

#### Residential amenity:

- 7.22 Given the proximity of existing neighbouring dwellings in relation to the proposed dwelling and the position of proposed fenestration, it is considered unlikely that an unacceptable impact on residential amenity would result from loss of light or privacy, when judged against the provisions of SCLP11.2 (residential amenity).
- 7.23 While the outlook of occupants residing in properties on the opposite side of Chapel Lane would be altered as a result of the proposal, the modest scale and height of the building and its set back position would ensure that any such impacts would not be overbearing.
- 7.24 Given the development's single-storey height, its orientation and proximity in relation to other neighbouring dwellings, the proposal is not therefore considered to hold the potential to undermine existing levels of neighbouring amenity unduly, when judged against the provisions of the NPPF and SCLP11.2 (Residential amenity) of the adopted Local Plan.

#### Contributions:

- 7.25 In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's adopted Community Infrastructure Levy (CIL), the Case Officer notes that the site is situated within the 13km protection zone of European Designated Sites, as set out in the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As such, policy SCLP10.1 (Biodiversity and geodiversity) and SCLP10.2 (Visitor Management of European Sites) seek to support Article 6(3) of the Habitats Directive concerning development, including the creation of new dwelling's, which have the potential to cause direct or indirect recreational pressures on internationally and nationally designated areas.
- 7.26 The Council have the right to seek payments to facilitate the prevention, mitigation and, where appropriate, compensation to reduce net impacts to a level below which such impacts no longer present the potential to outweigh the other benefits of development.
- 7.27 For this proposal, it is considered that sufficient compensation could be achieved by making a proportionate financial contribution towards appropriate mitigation for the creation of dwellings sited within Zone B of the adopted charging schedule.
- 7.28 The applicant has therefore provided the appropriate forms and submitted a payment of £321.22 for the new dwelling in-line with the Council's adopted requirements.

#### Pre-commencement conditions:

- 7.29 In the interest of ensuring a properly planned and sustainable development, the applicant has confirmed their agreement to the below pre-commencement conditions in email correspondence received 8 June 2022. Such conditions concern the submission of information relating to on-site contamination; tree protection measures; the means to prevent the discharge of water run-off from entering the highway, and; a construction management methodology.

## **8. Conclusion**

- 8.1 As per the above assessment, this application accords with the NPPF, The Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant policies of the adopted development plan.

## **9. Recommendation**

- 9.1 The application is recommended for approval subject to the conditions 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 not be carried out other than in complete accordance with the following approved drawing(s):

- 08 Rev. N (Proposed plans);
- 09 Rev. N (Proposed elevations);
- 10 Rev. I (Proposed site plan);
- 11 Rev. H (Proposed roof block plan);
- 01 Rev. A (Location plan).

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the Local Planning Authority.

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

4. No development (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 in writing 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 the Land Contamination Risk Management (LCRM).

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

5. Prior to any occupation or use of the approved development the RMS approved under condition 4 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.

6. A validation report must be submitted to and approved in writing 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.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS

must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

8. The use shall not commence until the area(s) within the site shown on Drawing No. 08, Rev. K for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.

9. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

10. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 08, Rev. K shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

11. 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.

12. No materials, plant or machinery shall be brought on to the site, until a full Arboricultural Method Statement including a comprehensive suite of tree protection measures to BS.5837

standard has been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be constructed in strict accordance with approved methodology with all protection measures installed around all retained trees and hedgerows.

All protective fencing shall be retained and maintained until the development is complete and at no time shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges unless otherwise approved.

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

13. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent 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 agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

14. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

15. The approved landscaping and planting works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the Local Planning Authority may allow) and shall thereafter be retained and maintained. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the next available planting season and shall thereafter 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.

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

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

**Informatives:**

1. The Design and Access statement includes a section on Rainwater Harvesting for WC, irrigation, washing machine and an outside tap.

Water used for domestic purposes, but not provided by a regulated Water Undertaker, is regulated under the Private Water Supplies Regulations 2016 (as amended).

The term 'domestic purposes' is defined in section 218 of the Water Industry Act 1991, as drinking, washing, cooking, central heating and sanitary purposes. The term 'sanitary purposes' includes washing/bathing/showering, laundry and toilet flushing.

Therefore, if the development is to include the use of a Rainwater Harvesting System for domestic purposes advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).

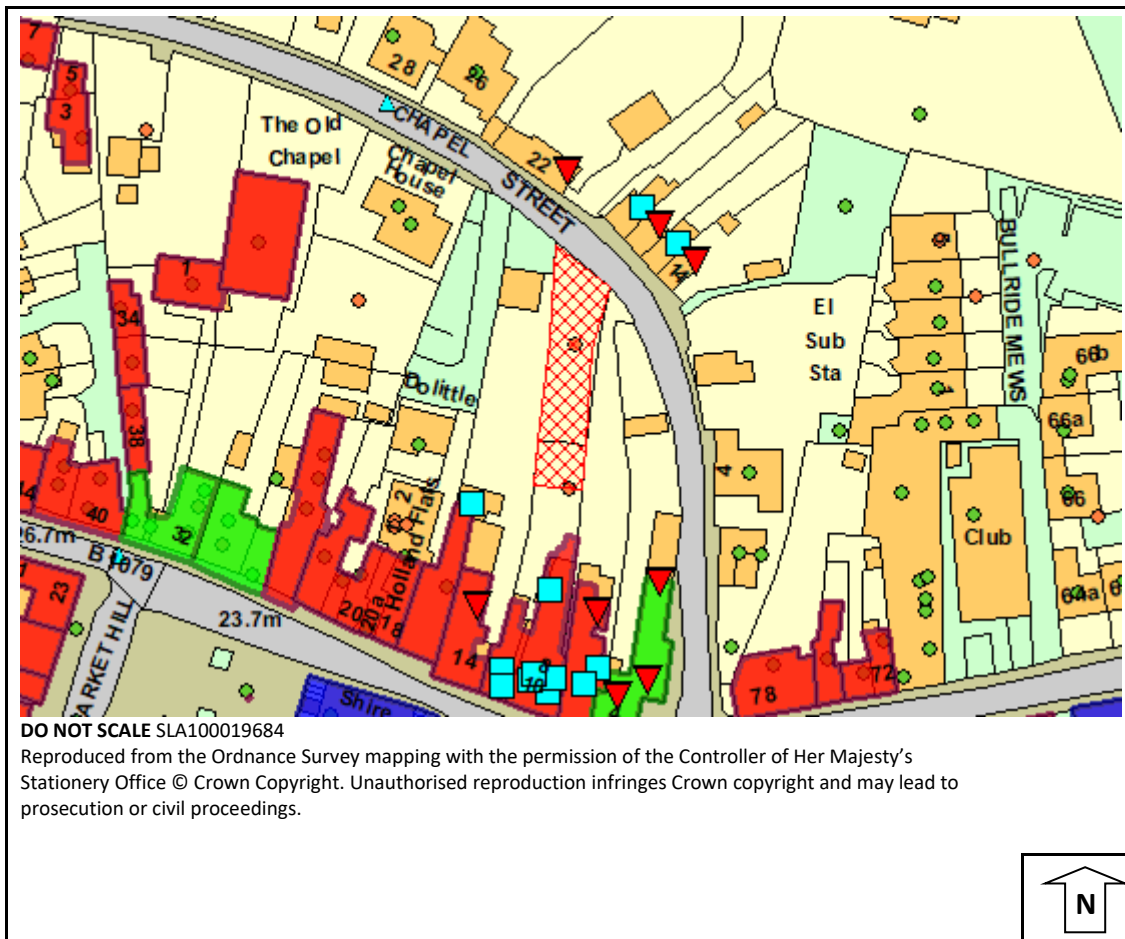
If you have any questions relating to this consultation response, please email [ep@eastsoffolk.gov.uk](mailto:ep@eastsoffolk.gov.uk), quoting "our reference" listed above, and an Officer will do their best to assist you.

**Background information**

See application reference DC/21/5748/FUL on [Public Access](#)



## Map



## Key

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

## **Committee Report**

**Planning Committee South – 28 June 2022**

**Application no** DC/22/1162/FUL

**Location**

Woodside  
Martlesham Road  
Little Bealings  
Woodbridge  
Suffolk  
IP13 6LX

**Expiry date** 18 May 2022

**Application type** Full Application

**Applicant** Mr D Boswell

**Parish** Little Bealings

**Proposal** Retrospective Application - Construction of a 4 bay cartlodge with studio above

**Case Officer** Nick Clow  
[nick.clow@eastsoffolk.gov.uk](mailto:nick.clow@eastsoffolk.gov.uk)

## **1. Summary**

- 1.1. The application proposes the construction of a 4-bay cart lodge with studio above at Woodside, Martlesham Road, Little Bealings, IP13 6LX.
- 1.2. The application accords with planning policy, the applicant is not an elected member or member of staff or close relative, the land is not owned by the district council. In terms of consultation responses received, Little Bealings Parish Council has objected, there have been three third-party objections, the Ward Member has not commented and there have been no objections from statutory consultees.
- 1.3. As the 'minded to' recommendation was one of approval, contrary to the comments of the Parish Council, the Planning Referral Panel process was triggered. The application was presented to the Planning Referral Panel on 24 May 2022, where it was decided that the application should be referred to Planning Committee for determination.

## **2. Site Description**

- 2.1. The application site sits between the settlement boundaries of Martlesham and Little Bealings, It is not located within a designated settlement boundary therefore in planning terms is located in the countryside.
- 2.2. The application site comprises a large, detached dwelling set back from Martlesham Road and accommodates substantial off-road parking. The curtilage is delineated by close boarded fencing and the surrounding built environment is a mix of bungalows and large detached dwellings of various forms, scales and character.
- 2.3. A Tree Preservation Order (TPO) ESCC/52/00022 affects land abutting the curtilage of the application site to the south therefore, trees and hedgerows located along the front boundary are protected under this Order.
- 2.4. The site is not located within a conservation area, site of special scientific interest (SSSI) or Suffolk Coast and Heath Area of Outstanding Natural Beauty (AONB).
- 2.5. Planning permission was permitted in 2013 for the erection of a single storey side extension to form self-contained one bedroom annexe DC/13/2558/FUL however this was never constructed during the required three-year period and has now lapsed.
- 2.6. The property benefits from an extent planning permission for a substantial two-storey extension on the western side of the dwelling and an extension upwards on the existing building (case reference DC/21/4162/FUL). That consent although not commenced, remains extant, and the external materials have been agreed via discharge of consent application DC/21/5349/DRC. It therefore could be implemented at any time prior to the expiry date of that consent (2 November 2024).

## **3. Proposal**

- 3.1. Planning Permission has also previously been granted for a 4 bay cartlodge with studio above under case reference DC/17/3824/FUL. The approved building had a gabled roof with a lower lean-to rood on the rear (western) elevation. It was approved within the

front garden towards the western side of the plot. The consent included standard conditions relating to the standard time limit for commencement, compliance with plans and the submission of external materials prior to commencement.

- 3.2. A building has been constructed in a similar location to that consented under DC/17/3824/FUL, but it does not comply with the drawings approved under that consent, and the materials condition was not discharged prior to commencement. The constructed building is the subject of this current planning application.
- 3.3. The cartlodge is located to the southwest of the Woodside sitting in front of the principal elevation close to the boundary with 'The Weald'.
- 3.4. The previously consented outbuilding possessed numerous features that were different to the constructed cartlodge such as a catslide roof, lower ridge and exterior staircase. The overall external dimensions of the consented and constructed building were/are:

	Previously consented under DC/17/3824/FUL	As constructed and the subject of this application
Width	8m	8.52m
Length	13.15m (plus external staircase 0.85m)	13.67m
Eaves Height	1.9m / 2.82m	2.92m
Ridge Height	6.16m	7.73m

- 3.5. The constructed cartlodge possesses a dual pitched roof and contains 2 bays for parking, 2 bays for storage and a hall located on the ground floor. The first floor roofspace accommodates a studio with associated shower room, kitchenette and additional storage.
- 3.6. Three rooflights are located along the eastern roof slope, a large first floor picture window is located on the northern elevation and a smaller first floor window sits along the southern elevation. Materials include Seaford Red Multi Brick finishing the exterior walls, red pantiles forming the roof, dark grey aluminium framed windows and white uPVC doors.

#### **4. Third Party Representations**

- 4.1. Three representations of objection have been received raising the following material planning considerations:
- Overlooking to the rear garden of 'The Weald' and 'The Pines' to the west and overlooking into habitable rooms of 'Camelot' to the north.
  - The scale and appearance are out of character with the surrounding built environment as well as over dominating the streetscene and boundary with 'The Weald' to the west.
  - Concerns raised regarding the future use of the cartlodge and studio due to services being routed into the building and noise and disturbance issues arising from its vehicular use.
  - Overbearing- Footings of the outbuilding have been moved closer to the neighbouring boundary with 'The Weald' creating an oppressive environment.

- Noise and Disturbance- concerns have been raised regarding potential noise and disturbance issues arising from the use of the studio above the cartlodge and its perceived adverse impact on neighbouring residential amenity.
- Landscape changes- Removal of majority of the trees along the boundary with the 'The Weald' and along the front of the curtilage has exacerbated the above concerns raised such as its relationship with 'The Weald,' privacy and overlooking.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	8 April 2022	4 May 2022
<p>"The Council considered this application at a recent meeting and resolved to object to the application. The Council understands that the development is to have a separate electricity and water supply and has considered it with reference to SCLP 5.7.</p> <p>The Council has considered the position, size, design and materials used for the development and is resolved that the development is harmful to the character of the area, the neighbouring property and the streetscene."</p>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	8 April 2022	10 May 2022
<p>Summary of comments: The variation to its approved position makes no material difference to impact on nearby TPO trees. On that basis I have no objections.</p>		

### Publicity

None

### Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 14 April 2022

Expiry date: 10 May 2022

## 6. Planning policy

National Planning Policy Framework 2021

SCLP5.13 - Residential Annexes (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP 7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

## **7. Planning Considerations**

### Visual Amenity

- 7.1. Whilst the location of the garage building forward of the dwelling could result in potential views from the Martlesham Road, the principle of a four bay garaging building with accommodation in the roof forward of the dwelling towards the western side of the front garden, has been previously accepted by the granting of Planning Permission DC/17/3824/FUL.
- 7.2. The 2017 consent has lapsed because the building constructed does not accord with the approved drawings, and the three years for commencement of that consent has now lapsed. However, it still forms a material planning consideration, and given this previous consent it would be extremely difficult to seek to resist the principle of a building in this location.
- 7.3. The previously consented garage building was more traditional in form with a narrower gabled roof that had a lean-to on the rear to enable the required depth for vehicles on the ground floor, whilst minimising the bulk and mass of the roof. It is unfortunate that the building has been constructed with a gable that spans the width of the building, as this has resulted in a higher ridge (1.5m higher than previously consented) and a bulkier roof with a larger volume. The resulting form is less visually attractive than that previously consented, but it is not sufficiently detrimental to visual amenity to warrant the refusal of the application.
- 7.4. The consent for the large extension on the host dwelling is also material to the consideration of the visual appearance of this outbuilding, as it remains an extant consent, and the relevant conditions have been discharged, suggesting an intent to construct it. Once the extension has been constructed, the outbuilding will appear more in proportion to the resulting dwelling in terms of its visual scale.
- 7.5. It is unfortunate that the applicants commenced works without submitting details of the external materials via a discharge of condition application, as required on DC/17/3824/FUL. However, the materials used to construct the building (multi-brick, red pantiles and dark grey aluminium windows) are not dissimilar to those approved for the extension to the dwelling. Therefore, they are acceptable, and would not be out of character with the locality.

- 7.6. Therefore, for the reasons set out above the scheme is acceptable in terms of visual amenity and accords with the requirements of the NPPF, Local Planning Policy SCLP11.1 in this respect and Supplementary Planning Guidance 16.

Residential Amenity:

- 7.7. The building is taller than that previously granted consent, but it is located in a similar location, towards the western side of the front garden. It is approximately 5m from the western boundary of the site (with 'The Weald') which is slightly closer than consented under DC/17/3824/FUL.
- 7.8. The close proximity of the cartlodge with the boundary of 'The Weald' was apparent following a site visit to the property. The proximity to the boundary was also raised by the Parish Council, occupiers of 'The Weald' and 'The Pines'. This relationship does not create an overbearing and confined environment that is detrimental to residential amenity because the angle of the building to this boundary has been adjusted, and there remains approximately 5m from the boundary which is substantial enough to alleviate any potential overbearing impacts on neighbouring amenity.
- 7.9. Comments were raised regarding a potential adverse impact on privacy and overlooking into habitable rooms and the private areas of the neighbouring rear gardens of neighbouring dwellings. At first floor level the building has windows on the northern and southern gables and roof lights on the eastern roof slope. The window in the southern gable faces the public highway and the rooflights face the applicants own front garden. The window in the rear gable would face in a northerly direction over the applicant's side/rear garden. Views through this window towards the dwellings to the east and west could only be achieved by leaning at a very acute angle. Views towards the dwelling at the rear would be limited due to the separation distance, as there is approximately 26.5m between the window and the rear boundary of the site with Beacon Lane, which separates the site from the neighbouring dwellings to the rear. An external staircase was permitted under the original plans, and it is viewed that the replacement picture window actually has less potential adverse privacy/overlooking impacts to neighbouring properties.
- 7.10. Therefore, the scheme is acceptable in terms of overlooking /privacy considerations.
- 7.11. Due to the separation distance and location of the building to the east it is concluded that there is no impact on the availability of natural daylight/sunlight entering habitable rooms of 'The Weald'.
- 7.12. Potential noise and disturbance issues associated with the vehicular use of the cartlodge were raised as a concern. The use of the cartlodge was approved under DC/17/3824/FUL and deemed satisfactory in relation to residential amenity impacts. The use of the cartlodge and thus its potential impacts on residential amenity have not changed. The use for vehicles is to be expected in an outbuilding within a residential curtilage. It would not cause a significantly adverse impact on neighbouring residential amenity as to warrant refusal.

- 7.13. Therefore, for the reasons outlined above, the scheme is acceptable in terms of residential amenity and accords with the NPPF, Local Plan Policy SCLP11.2 and Supplementary Planning Guidance 16 in this respect.

Accuracy of Plans:

- 7.14. The accuracy of the plans was also highlighted as a concern because the extension on 'The Weald' has been omitted therefore affecting the interpretation of impacts caused by the development on 'The Weald'. Despite this omission the plans contained sufficient information to make a professional judgement on the potential impacts caused by the development and this was accompanied with a site visit that ensured the built and natural environment surrounding the curtilage of the application site was fully considered.

Trees and Landscaping:

- 7.15. Following consultation with the local authority Arboriculture and Landscape team, moving the footings of the outbuilding towards 'The Weald' has had no adverse impact on the neighbouring Tree Preservation Order (TPO).

- 7.16. The previous consent granted in 2017 DC/17/3824/FUL applied the following condition:

*“No development shall take place until the existing trees on site have been protected by the erection of temporary protective fences of a minimum height of 1.5 metres, set 1.5 metres beyond the adjacent edge of the proposed building. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees”.*

- 7.17. The applicant did not comply with the condition and subsequently removed the trees. Although the removed trees were not protected by a TPO, they were sought to be protected by the condition in the interests of visual amenity. Therefore, for the same visual amenity reasons to soften the visual appearance of the building, two conditions have been included on the recommendation below, which require the replacement of some of the trees lost with planting along the western and southern boundaries to minimise the visual intrusion of the outbuilding on the streetscene.

Future Use of Development:

- 7.18. The Parish Council and the occupiers of 'The Pines' submitted concerns regarding the future use of the cartlodge and studio after it was noted that new electricity and water connections have been directed into the development. The plans also suggest that the previously consented w/c has been constructed as a shower room accompanied by a kitchenette. The cartlodge is very large but still smaller than the host dwelling clearly reading as an ancillary addition to the curtilage.



- 7.19. At this stage there is no evidence or reason to assume that the outbuilding will not be used for anything other than ancillary activities associated with the domestic occupancy of the host dwelling. However, a condition will be included to ensure that this remains the case.

#### Community Infrastructure Levy (CIL)

- 7.20. As this building has a floorspace greater than 100sqm, it is CIL liable, and as the application is seeking retrospective Planning Permission, self-build exemption cannot be sought. Therefore, the applicants are likely to be liable for the full CIL amount upon the issuing of decision, if this scheme is granted.
- 7.21. The site is within the High CIL Charging Zone, where current rates are £192.28 per sqm (2022 Indexed CIL rate). The precise calculation of the CIL liability will be calculated as part of the issuing of the liability notice, but as the useable internal floorspace is in excess of 160sqm, and the consent is retrospective so not able to benefit from any exemption, the CIL liability will likely be in excess of £30,000.

### **8. Conclusion**

- 8.1. Whilst it is unfortunate that this building has been constructed without compliance with the previously consented drawings and prior to seeking planning permission for the form constructed, it must be considered on the same material planning considerations as would be for a proposed scheme. It cannot be resisted because it is retrospective or a breach of the previously consented scheme.
- 8.2. As explained in the considerations section of this report, the scheme is acceptable in terms of visual and residential amenity, and accords with the NPPF, Local Planning Policies SCLP11.1 and SCLP11.2, and Supplementary Planning Guidance 16. It is therefore acceptable and should be approved subject to appropriate conditions.

### **9. Recommendation**

- 9.1. Approve subject to the conditions set out below.

#### **Conditions**

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing numbers 22108/2, 22108/3 and site plan received on the 24.03.2022 and 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.

2. The cartlodge and studio above hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Woodside.

Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.

3. Within 3 month(s) of the date of this consent, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) for the area between the western and southern elevations of there hereby consented outbuilding and the southern and western boundaries of the application site, shall be submitted to and approved by the local planning authority.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.

4. The approved tree/shrub planting scheme shall be implemented not later than the first planting season (November - April) following the issuing of this consent (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.

### **Informatives**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended) The development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

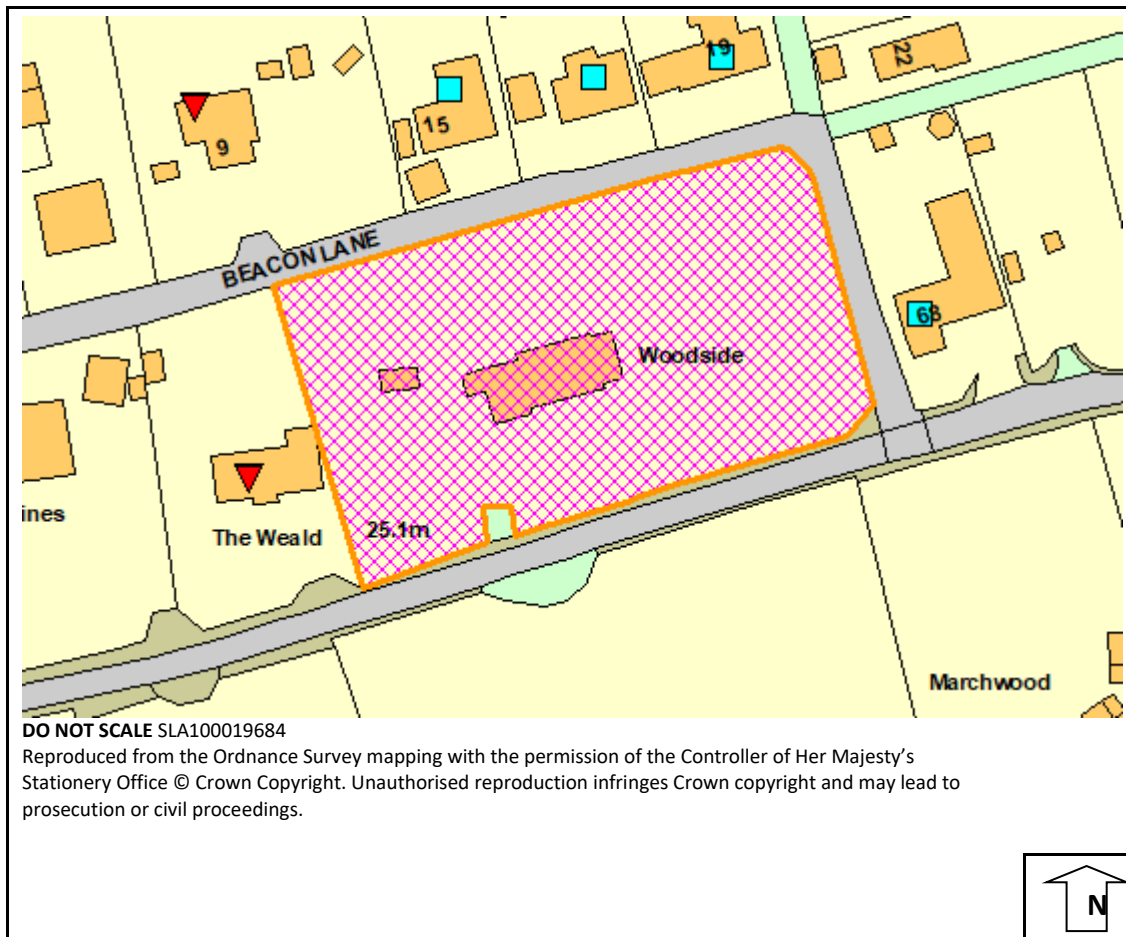
Please note as this consent is being granted retrospectively, self-build exemption can not be sought, and the full CIL payment will be liable in full upon the issuing of this planning decision notice.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action. Full details of the process for the payment of CIL can be found at <http://www.suffolkcoastal.gov.uk/yourdistrict/planning/policy/cil/>





### **Background information**

See application reference DC/22/1162/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 28 June 2022**

**Application no** DC/22/0915/FUL

**Location**

46 Dobbs Lane  
Kesgrave  
Suffolk  
IP5 2PX

**Expiry date** 1 May 2022

**Application type** Full Application

**Applicant** Mr Dean Willingham

**Parish** Kesgrave

**Proposal** Retrospective application - Retention of replacement outbuilding

**Case Officer** Nick Clow  
[nick.clow@eastssuffolk.gov.uk](mailto:nick.clow@eastssuffolk.gov.uk)

### **1. Summary**

- 1.1 The proposal is the retention of a replacement outbuilding that has been constructed at 46 Dobbs Lane in Kesgrave.
- 1.2 The officer recommendation of approval is contrary to Kesgrave Town Council's recommendation of refusal. The application was subject to consideration by the Referral Panel on 19.04.22 with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee (South) for determination.

### **2. Site Description**

- 2.1 The application site is situated within the settlement boundary of Kesgrave, south of Main Road and north of Foxhall Road. The curtilage is delineated by close boarded fencing along the eastern and southern boundaries and a low brick wall adjacent to the highway.
- 2.2 The site accommodates a traditional bungalow that has been modified and an outbuilding which is the subject of this application abutting No.48 adjacent to Dobbs Lane.

- 2.3 The surrounding area is primarily residential with Gorseland Primary School situated towards the southern end of Dobbs Lane.

### **3. Proposal**

- 3.1 The applicants are seeking planning permission for the retention of an existing single storey outbuilding. The outbuilding measures approximately 6m in length, 3.7m in width and 2.5m in height. The outbuilding possesses a flat roof, grey horizontal cladding has been used to finish the exterior walls and there are dark grey uPVC bi-fold patio doors facing the main dwelling.

### **4. Consultees**

#### **Third Party Representations**

- 4.1 The occupiers of 44a Dobbs Lane submitted comments of support for retention of the scheme stating that the outbuilding is acceptable and HardieBoard cladding is in keeping with the surrounding properties who have also utilised this type of material. They have no objection whatsoever.
- 4.2 The occupiers of 45 Dobbs Lane have submitted comments of support for retention of the outbuilding stating that the replacement outbuilding has enhanced the appearance of the road and grey cladding is harmonious with the surrounding built environment. The previous shed and outbuilding looked more incongruous within the streetscene and therefore have no objections to the retention of the development.
- 4.3 The occupiers of 48 Dobbs Lane have submitted comments in support of the retention of the outbuilding stating that the new outbuilding has rejuvenated the site which was previously occupied by a tatty wooden fence. The finish of the current outbuilding looks far more harmonious with the dwellinghouse and surrounding built environment. The current structure has also improved visibility of the road when reversing out of the driveway since the fence has been removed.

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

Consultee	Date consulted	Date reply received
Kesgrave Town Council	14 March 2022	30 March 2022
Summary of comments: Object ' voting was unanimous. The Planning & Development Committee believe this is contrary to policy SCLP11.1 Design Quality. What started as a small garden shed in the front garden has become a large extension to the front of the property, up to the boundary line, which is overbearing and not in keeping with the street scene.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	14 March 2022	No response
Summary of comments: No comments received.		

## Publicity

None

## Site notices

General Site Notice                      Reason for site notice: General Site Notice  
Date posted: 22 March 2022  
Expiry date: 12 April 2022

## 5. Planning policy

- 5.1 SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- 5.2 SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- 5.3 National Planning Policy Framework 2021
- 5.4 SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

## 6. Planning Considerations

### Visual Amenity and Design Considerations

- 6.1 Kesgrave Town Council have objected to the proposed scheme on the grounds that the previous development started as a small garden shed and is now a large extension which is not in keeping with the streetscene.
- 6.2 The current outbuilding is single storey and therefore subordinate to the dwellinghouse appearing as an ancillary addition to the site.
- 6.3 A shed and tall brick outbuilding with a flat roof and windows stood on the same plot for many years, and no objections or concerns were raised as to their presence within the streetscene.

- 6.4 Objective One of the Kesgrave Neighbourhood Plan is to protect the character and identity of Kesgrave, particularly in respect of preserving the established openness of the built-up areas. The previous shed and outbuilding were also surrounded by close boarded fencing that was highly visible from Dobbs Lane. This arguably looked more incongruous within the streetscene and detrimental to the openness of Kesgrave than the current development because it was 'tatty' and the only fence forward of the principal elevation along Dobbs Lane.
- 6.5 Although the outbuilding is located forward of the principal elevation of the main dwelling, it acts as a continuation of the rear garden which extends around to the front of the property due to the position of the dwellinghouse within the corner plot. This is a distinguishing characteristic that can prevent future applications proposing a similar design forward of the principal elevation.
- 6.6 The outbuilding has an impact on the overall streetscene because it is highly visible from several public vantage points along Dobbs Lane however, it has no greater impact on the streetscene than the previous developments.
- 6.7 There is partial screening from a tree on the northern elevation and a hedgerow on the southern boundary with No.48 which helps reduce its impact on the streetscene.
- 6.8 The applicant intends to utilise the gap between the western elevation and the low-lying brick wall to accommodate the planting of extensive flora to further screen the outbuilding and dampen its appearance.
- 6.9 Developments forward of the principal elevation are not uncommon throughout Dobbs Lane, examples of detached garages can be found at No.53 (C/91/0023) and 55b (C/90/0309). Horizontal cladding is also common for Kesgrave and the immediate surrounding built environment.
- 6.10 53 Dobbs Lane (DC/19/4564/FUL) has utilised horizontal cladding to finish exterior walls, and this was deemed harmonious with the existing built environment. The dark grey colour of the cladding also closely matches the pallet of materials used to construct two large detached dwellings opposite the application site as well as the dwellinghouse.
- 6.11 The current outbuilding responds satisfactorily to local context and the form of surrounding buildings which the previous development failed to achieve. The development has no greater impact on the established openness and character of Kesgrave than previous development on the site. All neighbour comments were positive and none of them expressed concerns regarding the design of the outbuilding and any adverse impact on the streetscene. The applicants have also used materials not dissimilar than that already present along Dobbs Lane. This development therefore meets the objectives of SCLP 11.1.

#### Residential Amenity

- 6.12 Kesgrave Town Council opined that the outbuilding is overbearing on neighbouring residential amenity because it has been constructed up to the boundary line.
- 6.13 Although the outbuilding sits close to the boundary with No.48, it is single storey, and a gap separates the two bungalows therefore mitigating any potential overbearing impact caused.

The occupier of No.48 has also expressed how the current structure has increased visibility when reversing out of the driveway since the fence has been removed, therefore improving the quality of life and vitality of the area for residents and visitors.

6.14 The bi-fold patio doors are located at ground level, face towards the main dwelling and views are satisfactorily screened by close boarded fencing along the boundary with No.48. The current development does not create any adverse overlooking or privacy impacts that would be harmful to neighbouring amenity.

6.15 Due to the outbuilding's location north of No.48, it does not have an adverse impact on the availability of natural daylight/sunlight entering any neighbouring habitable rooms. This complies with SCLP 11.2.

## **7. Conclusion**

7.1 The proposal complies with SCLP 11.1, 11.2 and the Kesgrave Neighbourhood Plan.

## **8. Recommendation**

8.1 Approve.

### **Informatives:**

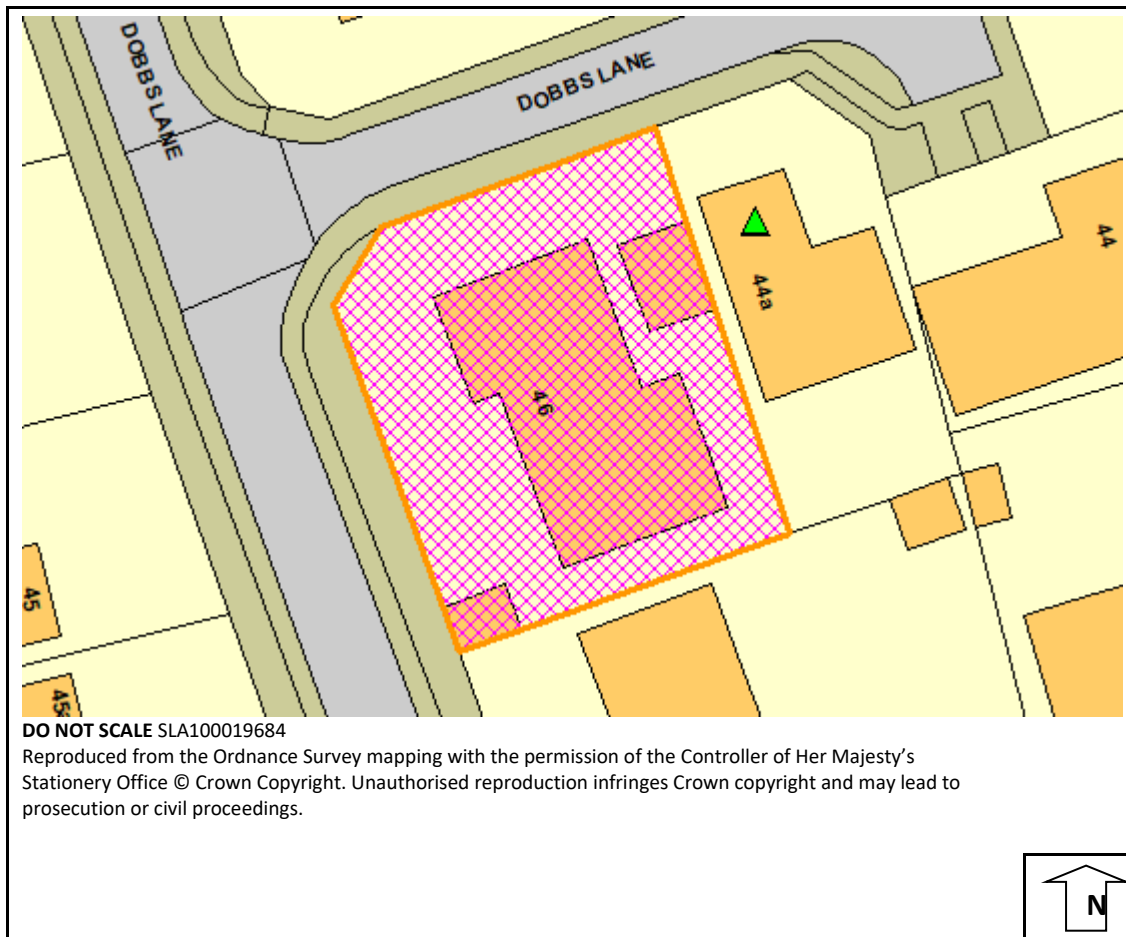
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan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

### **Background information**





See application reference DC/22/0915/FUL on [Public Access](#)



## Map



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