



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

# Planning Committee South

## Members:

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

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House,  
on **Tuesday, 25 June 2019 at 2:00pm**

An Agenda is set out below.

## Part One – Open to the Public

## Pages

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### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

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

### 3 East Suffolk Enforcement Action - Case Update ES/0042 Report of the Head of Planning and Coastal Management

1 - 13

		Pages
4	<b>DC/18/3385/FUL - Street Farm, The Street, Witnesham ES/0043</b> Report of the Head of Planning and Coastal Management	14 - 40
5	<b>DC/19/1391/FUL - 67 Holly Road, Kesgrave ES/0044</b> Report of the Head of Planning and Coastal Management	41 - 50
6	<b>DC/19/0521/OUT - 1 Holly Villas, Melton Road, Melton ES/0045</b> Report of the Head of Planning and Coastal Management	51 - 62
7	<b>DC/19/1327/FUL - 1a Burkitt Road, Woodbridge ES/0046</b> Report of the Head of Planning and Coastal Management	63 - 67
8	<b>DC/18/0272/FUL - Beach Huts, Sea Road, Felixstowe ES/0047</b> Report of the Head of Planning and Coastal Management	68 - 74
9	<b>DC/19/1186/FUL - 246 Ferry Road, Felixstowe ES/0048</b> Report of the Head of Planning and Coastal Management	75 - 78

## Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

Interested parties who wish to speak at a Planning Committee meeting will need to register before the start of the meeting, the registration to speak at meetings can take place any time in the five days leading up to the Committee date up to 5pm, 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.

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## PLANNING COMMITTEE SOUTH

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**Tuesday 25 June 2019**

**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 28 May 2019. At present there are 18 such cases.

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

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

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 28 May 2019 be received.

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition  Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> <li>• Breach of Condition Notice</li> <li>• Compliance expired following extension of time</li> <li>• Further consideration by Service Manager and Legal</li> <li>• See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants</li> <li>• Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case.</li> <li>• Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case.</li> <li>• <b>Further information being gathered from other bodies.</b></li> </ul>	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	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> </ul>	01/04/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> <li>03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>10/11/2015 – Informal hearing held</li> <li>01/03/2016 – Planning Appeal 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> <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> </ul>	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <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</li> </ul>	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>non-attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• <b>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</b></li> <li>• <b>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 07/09/2019.</b></li> </ul>	
EN/09/0305	18/07/2013	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 removed but 20 still in situ. Advice to be sought.</li> <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</li> </ul>	31.03.2019



LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				site owner. • 18/02/2019 – contact received from site owner. • <b>04/04/2019 – Further enforcement action to be placed on hold and monitored.</b> • <b>Review in April 2021.</b>	
EN13/005	13/12/2013	High Grove Wood, Low Road, Great Glemham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> <li>• 13/12/2013 – PCN served</li> <li>• 19/09/2014 – Enforcement Notice served - takes affect 24/10/2014</li> <li>• 24/02/2015 - Compliance due date</li> <li>• 07/07/2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered.</li> <li>• 16/07/2015 – Preliminary hearing at Crown Court, next appearance has been set for 18/09/2015.</li> <li>• 02/09/2015 – Enforcement Notice withdrawn on legal advice</li> <li>• 04/03/2016 – New PCN served.</li> <li>• 05/04/2016 – PCN re-served</li> <li>• 27/04/2016 – Completed PCN not returned.</li> <li>• Case is due to be heard at Ipswich Magistrates Court on 01/11/2016 for the offence of failing to return a Planning Contravention Notice.</li> <li>• Case has been adjourned until 06/12/2016</li> <li>• Trial date set for 03/02/2017</li> <li>• Trial has been discontinued for further Enforcement Notice to be served.</li> <li>• 27/06/2017 – Enforcement Notice served,</li> </ul>	01/05/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>Notice effective on 28/07/2017, compliance by 28/11/2017.</p> <ul style="list-style-type: none"> <li>• 23/01/2018 – site visit undertaken</li> <li>• 08/05/2018 – Site visited on pre-arranged visit, access denied. Another visit arranged for 31/05/2018.</li> <li>• 21/06/2018 – Site visited.</li> <li>• 06/07/2018 – Legal advice being sought as to further action.</li> <li>• 11/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 12/09/2018 – Case referred back to Legal Department for further action to be considered</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2017 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Four months given for compliance with Enforcement Notice.</li> <li>• 07/03/2019 – Site visit undertaken to check on compliance with Injunction.</li> <li>• 01/04/2019- File has been passed back to Legal Department for further action.</li> <li>• <b>07/05/2019 – Case was heard at the High Court for failure to comply with the Enforcement Notice. Case has been adjourned for sentencing until the 26/07/2019</b></li> </ul>	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2014/0104	16/08/2016	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> <li>• 01/10/2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> </ul>	31/03/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> <li>• <b>01/04/2019 – Enforcement Notice served.</b></li> <li>• <b>28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</b></li> </ul>	
ENF/2016/0292	11/08/2016	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>• 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>• Enforcement Notice to be drafted</li> <li>• Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2016/0425	21/12/2016	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> <li>• EN served on 21/12/2016</li> <li>• Notice becomes effective on 25/01/2017</li> <li>• Start date has been received. Public Inquiry to be held on 08/11/2017</li> <li>• Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018.</li> <li>• 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018).</li> <li>• Site visit to be conducted once compliance period has finished.</li> <li>• 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>• Site visit due on 07/01/2019.</li> <li>• 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services</li> </ul>	06/04/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>for further action.</p> <ul style="list-style-type: none"> <li>• 26/02/2019 – Update to be given at Committee.</li> <li>• Awaiting update from Legal.</li> <li>• <b>07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 07/09/2019</b></li> </ul>	
ENF/2017/0170	21/07/2017	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>• 16/11/2017 – Authorisation given to serve EN.</li> <li>• 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> </ul>	31/05/2019
ENF/2016/0300	07/03/2018	Cowpasture Farm, Gulpher Road, Felixstowe	Use of Golf Driving Range for storage of caravans	<ul style="list-style-type: none"> <li>• 07/03/2018 – EN served</li> <li>• Notice effective on the 09/04/2018 – 3 months for compliance</li> <li>• Conjoined appeal for planning application and enforcement notice received</li> <li>• Awaiting Start date</li> <li>• 11/12/2018 - Appeals have now been withdrawn, new compliance date agreed for caravans to be removed by 31<sup>st</sup> May 2019.</li> </ul>	31/05/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0035	26/04/2018	9 Hillcrest Knodishall	Untidy Site	<ul style="list-style-type: none"> <li>26/04/2018 – S215 Notice served</li> <li>3 months for compliance from 28/05/2018</li> <li>29/08/2018 – Further action passed to Public Sector Housing Team to take forward.</li> <li>09/01/2019 – Site visited, some work has been done to comply with Notice, site to be monitored.</li> </ul>	31/03/2019
ENF/2017/0387	14/08/2018	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> <li>14/08/2018 – S215 Notice served</li> <li>3 months for compliance from 13/09/2018</li> <li>12/11/18 - Site in the process of being cleared.</li> <li>24/12/2018 - Site has been predominantly cleared.</li> <li>26/02/2019 – Property has recently been sold, final works expected to be done imminently.</li> </ul>	01/04/2019
ENF/2015/0279/DEV	05/09/2018	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 the owner on several occasions.</li> <li>Notice sever by recorded delivery 05/09/2018.</li> <li>Appeal has been submitted. Awaiting Start date.</li> </ul>	06/04/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0057/	15/11/2018	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>Enforcement Notices served on 10/12/2018</li> <li>Notice effective on 24/01/2019</li> <li>3 months given for compliance</li> <li>Appeal submitted awaiting Start Date.</li> </ul>	30/06/2019
ENF/2018/0276	23/11/2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>Breach of Condition Notice served</li> <li>Application received to Discharge Conditions</li> <li>Application pending decision</li> </ul>	31/03/2019
ENF/2018/0319/COND	19/12/2018	Windy Acres Mutfordwood Lane Mutford	Change of use of 'Day Room' to permanent residential accommodation.	<ul style="list-style-type: none"> <li>Retrospective planning application submitted 26/10/2018</li> <li>Planning application refused 29/11/2018</li> <li>Enforcement Notice served to rectify breach relating to the change of use of 'day room to residential dwelling' on 19/12/2018.</li> </ul>	19/07/2019
ENF/2018/0330/LISTM	17/05/2019	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> <li>Listed Building Enforcement Notice served on 17/05/2019.</li> <li>Notice takes effect on 20/06/2019. Three months for compliance</li> </ul>	20.09.2019
ENF/2017/0281/OTHER	21/05/2019	Dingle Dell, Leiston Road, Middleton	Unauthorised change of use of land for the stationing of two static caravans	<ul style="list-style-type: none"> <li>Enforcement Notice served on 21/05/2019.</li> <li>Notice takes effect on 21/06/2019. Three months for compliance</li> </ul>	21.09.2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543/ DEV	24/05/2019	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> </ul>	28/09/2019



SOUTH PLANNING COMMITTEE – 25 JUNE 2019

DC/18/3385/FUL

EXPIRY DATE: 28 NOVEMBER 2018

MAJOR APPLICATION

APPLICANT: MR PATRICK HOCKLEY

STREET FARM, THE STREET, WITNESHAM, IP6 9HG

PROPOSED RESIDENTIAL DEVELOPMENT FOR 20 NO. DWELLINGS.

CASE OFFICER: Joe Blackmore

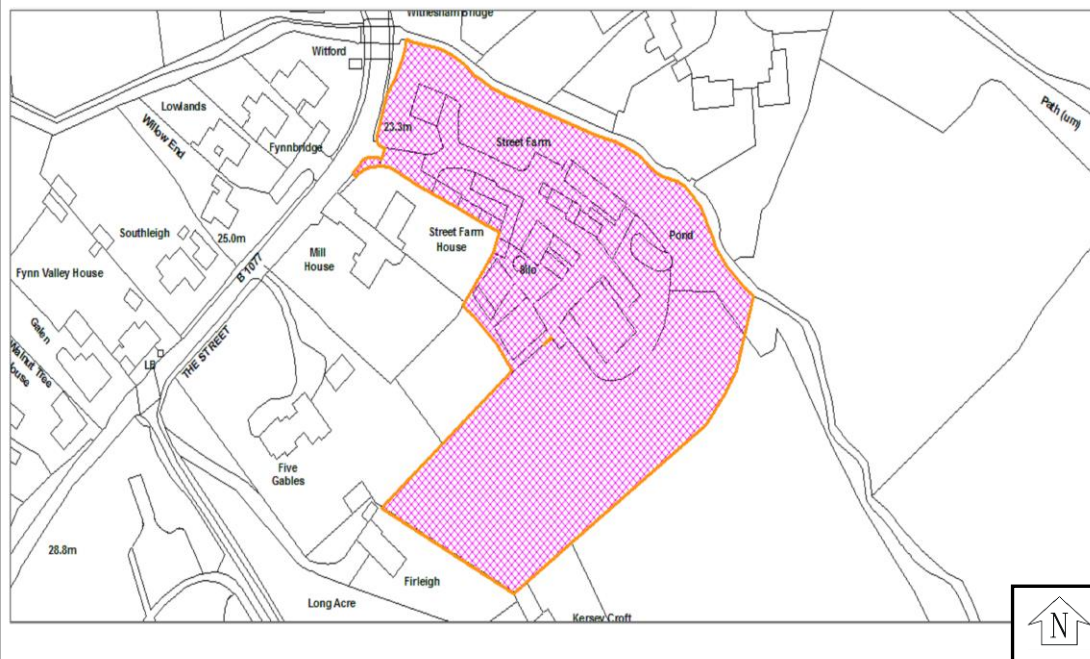
01394 444733

Joe.Blackmore@eastsuffolk.gov.uk

**DC/18/3385/FUL – Street Farm, The Street, Witnesham**

**DO NOT SCALE** SLA100019684

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## **1 EXECUTIVE SUMMARY**

**The application seeks full planning permission for the development of land at Street Farm, Witnesham to provide 20 dwellings of which seven would be affordable homes. The site area is some 1.26 hectares of which 0.7 hectares is allocated in the adopted Local Plan for the residential development of approximately 20 dwellings.**

**The application is before members because part of the site is in the countryside, for planning purposes, and therefore the proposed development represents a departure from the Local Plan insofar as the site area extends into the countryside beyond that which is allocated for housing, noting that a large part of the site is in the Local Plan for residential development.**

**In the view of officers, the proposed development is considered to accord with the objectives of the Development Plan and National Planning Policy Framework as a sustainable development. It is considered that this development proposal is acceptable in terms of flood risk; it is well-designed and sensitive to its edge-of-settlement location and nearby listed buildings; and would ultimately deliver substantial public benefits that would outweigh any dis-benefits – including a departure from the Local Plan via an extended site area. There are no objections from any statutory consultees or the Swilland & Witnesham Grouped Parish Council.**

**The recommendation is authority to approve subject to the signing of a Section 106 legal agreement to secure necessary planning obligations; along with the application of planning conditions to secure compliance and further details, where necessary, as detailed in the recommendation section of this report.**

## **2 SITE DESCRIPTION**

- 2.1 Witnesham is a key service centre containing a church, public house and primary school. It is four miles-or-so north of Ipswich and connected directly to it by the B1077. Witnesham is comprised of two distinct elements: the Chapel settlement, to the north; and the Bridge settlement, to the south, which is focused around the River Fynn. Each has its own distinct settlement boundary.
- 2.2 The application site, Street Farm, is broadly L-shaped and covers some 1.26 hectares to the east side of The Street (B1077). The site comprises a largely disused farm complex along with associated pasture field. The site is bound to the north by the river Fynn; to the east by agricultural land; and to the south and west by the rear gardens of residential properties at Strugglers Lane and The Street.
- 2.3 The site has an existing point of vehicle access from The Street, along with a concrete driveway that provides access to the range of derelict barns/outbuildings which formerly operated as a piggery. From the vehicle access in the west to the north-eastern corner of the site is relatively level; however, ground levels rise sharply across the site to the southwest toward existing properties at Strugglers Lane. The lowest point of the site is 22m AOD (above ordnance datum) in the north whilst at the southwestern edge the site lies at a maximum of 34m AOD.

- 2.4 Some 0.7 hectares of the northern part of the site – the lower ground comprising the disused farm buildings and hardstanding – is allocated in the adopted Development Plan for the residential development of approximately 20 units. Being allocated for housing, this area of the application site is encompassed within the Witnesham (Bridge) settlement boundary. The other 0.56 hectares of pasture field to the south/southwest is therefore countryside, for planning purposes.
- 2.5 Street Farmhouse is listed Grade II and sits adjacent the site access. It is abutted by Mill House, to the southwest, which is also listed Grade II. The site is not in a conservation area however it does fall within a local designation: a special landscape area – the Fynn river valley.
- 2.6 The majority of the application site is located within flood zone 1. However, as part of the site is adjacent to the River Fynn a proportion of the site is located within flood zones 2 and 3.

### **3 PROPOSAL**

- 3.1 The proposed development is the demolition/clearance of the existing farm buildings and hardstanding; and the erection of twenty new dwellings along with associated works as part of a residential development of the site. The proposal also includes works to re-position and improve the existing vehicle access from The Street, along with a detailed site landscaping strategy.
- 3.2 Vehicle access would be taken from The Street in the north-western part of the site and would feed onto a main spine road running west-east across the relatively level ground, providing access to 16 of the dwellings. The spine road would then turn south and run up the slope to serve the remaining four dwellings.
- 3.3 The proposal includes a mix of property types: detached, semi-detached, apartments, bungalows and two-storey houses. The greatest mix of property type and scale is focused around the main spine road on the lower ground whilst on the higher ground, in the southwest, are the larger detached dwellings all two-storeys in scale (plots 15-18).
- 3.4 The design approach is fairly traditional and comprises a mix of house types in the Suffolk Vernacular – and the applicant's Design & Access Statement sets out that the layout is designed to reflect the "meandering" pattern of development common in Witnesham and other Suffolk Villages.
- 3.5 The proposal includes the provision of seven affordable dwellings comprising five affordable rented properties and two shared ownership properties in a mix of 1-bedroom apartments and 2-bedroom houses.

### **4 CONSULTATIONS/COMMENTS**

- 4.1 Swilland and Witnesham Grouped Parish Council: do not object, stating:

*“The Parish Council resolved not to object to this application as it is considered to have an overriding benefit in terms of largely meeting the requirements of Local Plan policy SSP19 for the land allocated for residential use at Street Farm, Witnesham.*

*The application includes a mix of 1,2,3,4 and 5 bedroom dwellings, including affordable housing which is welcomed, all dwellings will be located outside Flood Zone 3 and there seems to be no impact on Listed Buildings.*

*The Parish Council acknowledges local concerns, particularly those from residents of Giles Way, over the potential for increased flood risk, being overlooked and the management of the river bank. There are also concerns over the visual impact of that part of the development that extends beyond the allocated land. This is on land that rises up the valley side and will have an impact on the Fynn Valley Special Landscape Area and surrounding areas.*

*In considering the application the District Council is asked;*

- a) To ensure there is no impediment from the development to the flow of the River Fynn, nor any increase in the flood risk to other areas.*
- b) That there be an improved Landscape Plan for the development to lessen its visual impact. This should incorporate substantive bands of native river valley tree species, conditioned to grow to maturity, along the north-eastern and South-Eastern sides of the development.*
- c) Make conditions to ensure the proper future management of the river side land and tree belts.”*

4.2 Suffolk County Highways Authority: No objections to the development on highways safety grounds. Revised details of site access junction and visibility splays considered acceptable.

4.3 Suffolk Flood and Water Management (Local Lead Flood Authority): Recommend approval of the application.

The consider that the drainage strategy as a whole is acceptable subject to imposition of planning conditions to secure further details including:

- precise strategy for disposal of surface water;
- details of the long term implementation/management of the surface water disposal strategy;
- construction surface water management plan;
- and full details of all Sustainable Urban Drainage System components and piped networks to be registered on the LLFA’s Flood Risk Asset Register.

4.4 Environment Agency (final consultation response received 09 May 2019): No objections to the development proposal following extensive consultation. Conditions recommended in regard to managing development within close proximity of the watercourse. (Further details in the Flood Risk and Drainage Strategy section of this report)

- 4.5 Natural England: No objections; recommend that a suitable contribution to the Suffolk Recreational Avoidance Mitigation Strategy (RAMS) is sought to offset recreational impacts on designated European sites.
- 4.6 Suffolk County Archaeological Service: No archaeological grounds to refuse planning permission. Conditions are recommended to agree details of a programme of archaeological work.
- 4.7 Suffolk Police – Designing Out Crime Officer: No objections. Considers that the layout is well-designed with a good movement framework; minor design changes recommended within the response.
- 4.8 Suffolk Fire and Rescue Service: No objections; guidance provided on building regulations requirements and necessary consultation with water authorities at the appropriate stage.
- 4.9 Suffolk County Council Strategic Development Team: No objections. County Council infrastructure requirements set out in terms of any future bids for CIL funding (addressed in the CIL section of this report).
- 4.10 Suffolk Wildlife Trust: Object to the application due to insufficient information regarding protected and priority species and habitats (discussed further in the ecology and biodiversity section of this report).
- 4.11 Head of Environmental and Port Health – East Suffolk Council: Require further information to assess risk from ground contamination sources (conditions recommended).
- 4.12 Economic Development Team – East Suffolk Council: No comments on the application.
- 4.13 Third Party Representations : 11 local residents object to the application, in some instances in the form of multiple letters. From the formal objection representations received, the key concerns raised (inter alia) include:
- Adverse impact on outlook from existing properties at Giles Way;
  - The dwellings on the site and on higher ground will completely overlook the existing properties at Giles Way;
  - The proposed development will generate surface water run-off which will worsen flooding impacts off site. Existing properties at Giles Way have flooded in the past (photographic evidence provided of this) and the development will significantly worsen this, increasing the flood risk to these adjoining properties.
  - Due diligence has not been carried out in terms of assessing the flood risk to adjoining properties at Giles Way;
  - Properties at Giles Way extend to the north side of the river bank and the development will extend all the way to the south bank, only two metres away;
  - The proposed site access on the bend is dangerous and unsuitable for the volume of traffic arising from the development;
  - Development will erode the tranquil nature of the site in its rural environment;

- The village does not have adequate facilities to service a development this large;
- Some 40% of the site is not allocated in the Development Plan and it should not be taken for granted that this additional land is suitable;
- There are numerous other housing developments being built in the village and therefore the proposed development is not required;
- Some of the housing will be built on good quality agricultural land and therefore plots 15-18 should not be permitted;
- The height and proximity of plot 17 will adversely impact living conditions at Firleigh, Strugglers Lane;
- There will be a harmful visual impact arising from the properties on the higher ground;
- The development will generate noise which will harm local residents;
- The proposed dwellings are near overhead power lines which will be harmful to future occupiers as a potential cancer risk;
- The retained trees and hedges on the western/south-western boundary will not screen the development from Mill House and there will be mutual losses of privacy;
- Proposal will cause a loss of light to Mill House;
- The additional traffic from the site will make exiting Mill House dangerous;
- Development will ruin outlook/view from Five Gables; and
- Plot 17 will cause a significant loss of outlook and privacy to Five Gables, dwarfing it because of its two-storey scale and height.

## 5 PUBLICITY

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

Category	Publication date	Expiry	Publication
Major Application; Affects setting of Listed Building; and Departure from Development Plan.	20.09.2018	11.10.2018	East Anglian Daily Times

## 6 SITE NOTICES

6.1 The following site notice(s) have been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice	Major Application; Affects setting of Listed Building; and Departure from Development Plan.	12.09.2018	03.10.2018

## **7 PLANNING POLICY**

### **7.1 National Planning Policy Framework (2019)**

### **7.2 East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (adopted July 2013) ("The Core Strategy") policies:**

- SP1 – Sustainable Development
- SP1a – Presumption in Favour of Sustainable Development
- SP2 – Housing Numbers and Distribution
- SP3 – New Homes
- SP12 – Climate Change
- SP14 – Biodiversity and Geodiversity
- SP15 – Landscape and Townscape
- SP17 – Green Space
- SP18 – Infrastructure
- SP19 – Settlement Hierarchy
- SP27 – Key and Local Service Centres
- SP29 – The Countryside
- DM2 – Affordable Housing on Residential Sites
- DM3 – Housing in the Countryside
- DM19 – Parking Standards
- DM21 – Design: Aesthetics
- DM22 – Design: Function
- DM23 – Residential Amenity
- DM26 – Lighting
- DM27 – Biodiversity and Geodiversity
- DM28 – Flood Risk

### **7.3 East Suffolk Council – Suffolk Coastal Local Plan (Site Allocations and area Specific Policies, January 2017) ("The SAASP") policies:**

- SSP1 – New Housing Delivery (2015-2027)
- SSP2 – Physical Limits Boundaries
- SSP19 – Land at Street Farm, Witnesham
- SSP32 - Visitor Management – European Sites
- SSP38 – Special Landscape Areas

### **7.4 East Suffolk Council – Suffolk Coastal Final Draft Local Plan (2019) ("The Draft Local Plan") policy:**

- SCLP12.72 – Land at Street Farm, Witnesham (Bridge)\*

\*Policies contained in the draft local plan can be given only limited weight at this stage as the plan has not yet been found sound via examination.

## **8 PLANNING CONSIDERATIONS**

### **8.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the**

Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are set out in section 7 of this report.

#### Principle of Development

- 8.2 Site-Specific Policy SSP19 of the adopted Local Plan sets out that the site at Street Farm is well related to the settlement and, as an old farm complex, offers the opportunity for an interesting residential development for approximately 20 dwellings. This site allocation relates to the 0.7 hectares of land – largely comprised of redundant agricultural buildings – between Street Farmhouse and the River Fynn. As an allocated site, this parcel of land is also included within the drawn settlement boundary for Witnesham (Bridge) as reflected in Policy SSP2 (physical limits boundaries) of the SAASP. In accordance with Core Strategy Policy SP19 (Settlement Hierarchy) the settlement boundaries identify those areas where new housing development is directed to and where the principle is acceptable.
- 8.3 The application site extends farther into the countryside than the 0.7 hectares of allocated land. The total site area is some 1.26 hectares encompassing pasture field to the east and south/south-west. Generally speaking, new residential development in the countryside is not supported by the Local Plan spatial strategy (as reflected in policy SP29 – The Countryside).
- 8.4 However policy SSP19 sets out that there are significant constraints at this site: the presence of listed buildings at Street Farmhouse and the Mill House; areas in higher-risk flood zones 2 & 3 adjacent the river; and the wider special landscape area designation. These constraints combine to make development of the site challenging and SSP19 identifies that this may act as a limit to the amount of new development which is ultimately acceptable. In bringing a detailed development proposal forward, the applicant has explained that a scheme of approximately 20 dwellings, including a one in three affordable housing provision, is not feasible within the bounds of the site allocation – hence the proposed site area extending beyond that into the wider countryside.
- 8.5 As such, there is some conflict with the Local Plan insofar as the proposed site area and built development extend beyond the land allocation. However, the total quantum of development at Street Farm – at 20 dwellings – is planned for in the adopted Local Plan so the departure relates to the proposed site area, rather than the total number of dwellings. In this context, officers consider that such conflict with the Local Plan should not weigh significantly against the proposal and that the principle of development can be supported – particularly so as the site in its entirety is sustainably located and well-connected to the settlement (a local service centre) and the nearby town of Ipswich.

#### Landscape and Visual Impact

- 8.6 The application site falls within the Fynn river valley which is a locally designated Special Landscape Area (SLA) covered by Policy SSP38 of the adopted Local Plan. In the SLA's, the policy objective is to prevent development that would have a material adverse impact on the qualities of the landscape that make it special. Where development is considered acceptable then landscape improvements are an integral part of successful development proposals. SSP38 falls under the umbrella of strategic Core Strategy Policy SP15 (Landscape and Townscape).



- 8.7 The Suffolk Coastal District Landscape Character Assessment 2018 (SCLCA) identifies that The Fynn Valley winds from Witnesham, in the west, through Playford to Bealings where the rivers Fynn and Lark converge to join the Deben Estuary at Martlesham Creek. The Fynn is a narrow inland valley landscape of largely undeveloped flood plain, its sides dotted with settlement. As is the case in Witnesham, the countryside comes right into the village along the floodplain providing an attractive setting to the village.
- 8.8 The site is located to the southern extent of Witnesham (Bridge) settlement which is essentially a cluster around the river bridge, comprising largely piecemeal twentieth century development around the more historic farmsteads. The river Fynn flows along the north-east edge of the site and, in this location, it is a narrow incised channel that also forms the boundary to existing residential at properties at Giles Way, to the north. The eastern site boundary is open to wider pasture field that is crossed by pylons and overhead power cables. The southern area of the site is on considerably higher ground than the river and is therefore visible from much farther east.
- 8.9 The applicant has commissioned a Landscape Architect to undertake a Landscape Visual Impact Assessment (LVIA) which has been reviewed by officers including the Council's Arboriculture and Landscape Manager. From a technical point of view, the LVIA is well-written and compliant with professional guidance for the writing of such reports to ensure that its conclusions are reliable.
- 8.10 In terms of wider landscape views, the site is well-contained by existing built development and vegetation to the north, south and west due to the L-shaped site running in between – and then around – the existing development at Giles Way, to the north; The Street, to the west; and Strugglers Lane, to the south. The eastern site boundary is open and the higher ground in the south is visible, but the wider landscape is rolling countryside of numerous tree lined fields which limits long ranging views to-and-from the site.
- 8.11 The LVIA establishes a study area – or a Zone of Theoretical Visibility (ZTV) – within which it is theoretically possible to view the proposed development. This area stretches 300m north of the site to the Witnesham recreation ground; 1.2km east to Clopton Road; 340m west to Hall Lane; and 260m south to Strugglers Lane.
- 8.12 With regard to effects on landscape character: the LVIA concludes that on the wider landscape setting of the site - whilst acknowledging that it is a landscape of high sensitivity - they will be negligible and, within the context of the site itself, will be slightly beneficial because of the removal of the derelict farm buildings and the introduction of new planting suited to the prevailing landscape character. Visual effects are varied depending on the proximity and location of neighbouring residential receptors. The worst affected are Firleigh, Highbrow Farm, Kersey Croft, 3 Giles Way and Redhouse Farm (slight adverse magnitude of change); and 4 Giles Way and 1 & 2 Stone Cottages (moderate and adverse). These effects would be reduced though with the establishment of mitigation planting. Effects on footpath users are considered to be negligible for the Fynn Valley Walk; and slight adverse for the short section of public right of way across the field to the east of the site. The Council's Arboriculture and Landscape Manager has reviewed the LVIA and, in combination with his knowledge of the site and its context, agrees with the conclusions in terms of landscape and visual impacts, raising no objections to the proposal.

- 8.13 It is obvious when standing within the site itself and also the gardens of neighbouring properties at Giles Way that there will be a notable change in character of the application site arising from the development, and for those residential properties adjacent that will clearly be a material change in outlook. This impact is a key concern raised by local residents objecting to the development. However, the extent of landscape and visual impacts has been robustly assessed and officers do not consider that it would be so significantly adverse that it would justify a refusal of planning permission. Furthermore, the dilapidated nature of the buildings on site along with existing planting unsuited to the landscape character type means that one could argue some visual enhancements arising from the proposed residential development of the site.
- 8.14 This proposal includes a detailed landscaping strategy comprising:
- A new native tree and hedgerow belt to the eastern site boundary;
  - Retention of tree group on the western site boundary;
  - A new area of public, green open space in the north-western area of the site to include wild flora grassland, river Birch, Alder and Willow planting along with pedestrian access to the water edge; and
  - Reinforced planting to the northern and southern site boundaries.
- 8.15 Policy SSP38 sets out that development shall not materially detract from the special qualities of the designated SLA's. In this instance, officers consider that the wider landscape and visual impacts are limited and ultimately acceptable and that the proposed landscaping strategy is well-designed and will offer some enhancements at the site to complement the river valley setting. The proposal is therefore considered acceptable in accordance with the key development plan policies SSP38 and SP15.

#### Design of Development

- 8.16 Core Strategy policies DM21 and DM22 seek good design that is both aesthetically pleasing and functionally sound. NPPF Chapter 12 sets out how well-designed places can be achieved:
- Good design is a key aspect of sustainable development (para. 124);
  - *"Planning decisions should ensure that developments:*
    - (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
    - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
    - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
    - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
    - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

(f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*" (para. 127), and

- *"Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development"* (para. 130).

8.17 The applicants revised Design and Access Statement (DAS) sets out the design approach to development of the site:

*"Several constraints have been taken in to account and are reflected within the design. These are:*

- *The flood zone – the access road and all built form has been designed to be free from any interaction within this zone.*
- *The adjacent listed building (Street Farm House) – The new development has been setback to allow an element of 'green space' as a buffer between the listed building so as not to detract from its existing setting.*
- *Eastern countryside – It is proposed to include for a large area of landscaping to the eastern boundary to provide a 'soft' transition between the new development and the open fields.*

*The layout and positioning of the new buildings are set out to reflect the 'meandering' pattern of development commonly seen throughout Witnesham and other Suffolk villages. The larger dwellings are set within the southern corner of the site and on the higher ground where development will be more visible from distance so as to not overcrowd this area and risk forming a visual blight on the countryside.*

*The design approach in terms of elevational treatment, again, has followed the route of Suffolk Vernacular, with simple but well detailed semi-detached cottages, to larger detached farmhouse style dwellings. The scheme will use a small but quality palette of materials with several plots incorporating coloured render and windows to provide each plot with a unique style."*

8.18 The Witnesham (Bridge) settlement is characterised by a considerable amount of modern infill (nineteenth to twenty-first Century) development. There is a somewhat eclectic mix of buildings due to the piecemeal form of development during this period, although the settlement could generally be characterised by traditional dwellings: either genuine historic buildings or modern development in that style. Given that the Fynn River cuts through the settlement, development has taken place on the valley floor and sides, and then all the way up onto the flat ground above. This is obvious when standing within the high part of the application site, as views across the settlement show housing development on land of varying different heights; development at Jacks Field is on high ground as are existing properties at Mill Lane which rises steeply to the north. In this settlement context, development of this sloping site will not be out of character.

- 8.19 The site area is 1.26 hectares and 20 dwellings are proposed. This is a density of approximately 16 dwellings per hectare (dph). Paragraph 3.165 of the Core Strategy sets out that 30dph or less is low density – so this proposal is considered to be a very low density of development but wholly appropriate for its sensitive setting, landscape implications and flood risk matters.
- 8.20 The layout is well-designed. The area to the north-west of the site is to be green space connecting to the river side and this provides an attractive green gateway to the development. The dwellings being set away from the road also allows existing listed buildings adjacent to retain their road-facing prominence fronting The Street. The proposed landscaping strategy would create a new countryside edge to the eastern boundary that would be appropriate in the context of the prevailing landscape character and soften the impact of built development. This layout and landscaping approach would integrate the site into the settlement and provide that clear countryside edge which would all be read against the backdrop of existing development in the settlement, in any event.
- 8.21 In terms of the dwellings themselves, they are modern versions of traditional forms reflective of the Suffolk vernacular in terms of their composition and proposed materials finish. The main design concern by local residents relates to the larger detached dwellings on the higher ground in the southwestern area of the site (plots 15-18). Given the prominence of plots 15 and 16 on the higher ground, and the way they will present to the countryside to the east, the design of these plots has been subject to change following officer feedback. A barn-style design approach has been adopted so that these plots read more like barn conversions on the countryside edge, rather than standard residential dwellings. Whilst it is accepted that plot 17 is tall at near 9 metres to ridge, in the context of a settlement where development has taken place on the valley floor and sides, this is not inappropriate. This dwelling will be visible from wider view, but that does not necessarily result in harm. It is a generally well-designed, larger dwelling that will integrate well with the wider development and its context.
- 8.22 The NPPF sets out that design should be sympathetic to its local context. In this instance the traditional built forms and very low-density of the proposed development do just that. The site layout, landscaping strategy and individual buildings are considered to be good design in accordance with the objectives of policies DM21 and DM22 and, as set out in NPPF paragraph 130, where design is in accordance with local policy requirements, it should not be used as a reason to object to development.

### Residential Amenity

- 8.23 Core Strategy policy DM23 (Residential Amenity) seeks to protect the living conditions of all affected by development and sets out that the Council will have regard to the following: (a) privacy/overlooking; (b) outlook; (c) access to daylight and sunlight; (d) noise and disturbance; (e) the resulting physical relationship with other properties; (f) light spillage, air quality and other forms of pollution; and (g) safety and security. Development will only be acceptable where it would not cause an unacceptable loss of amenity to adjoining and/or future occupiers of the development.
- 8.24 To understand the impact on neighbouring residential properties, it is critical to understand the resultant physical relationship between buildings. The table below

quantifies the key physical separation distances between the proposed plots and their nearest residential neighbour(s). The distances are measured – at the shortest distance – between the existing built dwellinghouses and the proposed dwellinghouses (excluding single storey garages).

Proposed Plot Number(s)	Nearest Neighbouring Residential Dwelling(s)	Separation Distance
20	Street Farmhouse and Mill House	30+ metres
18	Mill House	60 metres
17	Firleigh Five Gables Kersey Croft	24 metres 50 metres 25+ metres
16	Kersey Croft Firleigh	30 metres 45+ metres
6	4 Giles Way 3 Giles Way	41 metres 53 metres
4	5 Giles Way	54 metres
1	Street Farmhouse	24 metres

- 8.25 Local residents at Giles Way have objected to the development partly because of the impact on their living conditions. However, as set out, the closest physical relationship between proposed dwellings and existing dwellings at Giles Way is at least 40 metres. At this degree of separation, there would not likely be a material adverse impact on their living conditions. It is obvious that the proposal represents a change in their rear outlook but, as set out in the landscape and visual impact section of this report, that change in outlook is not considered to be so significant that it would justify a refusal of planning permission.
- 8.26 In respect of Mill House: they have also objected to the visual impact of the development on their property, including impacts on their living conditions. Again, the closest dwelling would be at least 30 metres away and, at this degree of separation, there would not likely be a materially harmful impact on their living conditions.
- 8.27 For properties at Five Gables, Firleigh and Kersey Croft, the main concern relates to plot 17. This dwelling is two-storeys in scale and located on the highest ground at the south-western part of the site. Those aforementioned neighbouring properties are also on higher ground, being at the top of the river valley slope. So, plot 17 is not on significantly higher ground than those neighbouring dwellings. Plot 17 would also be at least 24 metres from the nearest property at Firleigh, and its side and rear boundaries would be reinforced with native tree and hedgerow planting. At these separation distances and with strong, reinforced boundary screening, plot 17 is not likely to materially harm living conditions at neighbouring properties at The Street and Strugglers Lane.
- 8.28 Local residents raise the issue of noise and disturbance. In terms of the construction process, a management plan to control working hours, vibration from machinery, dust generation and movement/parking of vehicles (among other things) could limit that impact – which would be relatively short lived, in any event. In terms of noise and

disturbance generated by the development itself, no evidence has been provided that the residential development of 20 dwellings will generate significant levels of noise and disturbance; the Council's Environmental Protection Team has not raised concerns in this regard. In any event, officers consider that a development of this scale, at a low density and well-separated from neighbouring properties, is unlikely to generate significantly adverse levels of noise and disturbance that would justify a refusal of planning permission.

- 8.29 Objections also suggest that the dwellings are too close to the existing pylons/overhead power lines and that this could cause cancer and other diseases through exposure to electromagnetic fields. The World Health Organization sets out on its website for the Electromagnetic Fields (EMF) Project that despite extensive research, to date there is no evidence to conclude that exposure to low level electromagnetic fields is harmful to human health. In any event, the eastern edge of the site would be at least 60 metres from these pylons and overhead cables – which is much farther away from them than existing properties at Strugglers Lane. This is not considered to be health hazard for future occupiers of the dwelling.
- 8.30 It is accepted that the development of the site for housing is a notable change in outlook for neighbouring residential properties. However the layout is well-designed and the landscaping strategy designed to soften the impact of the built development which, in any event, is well-separated from the neighbouring properties. Overall, the proposal would not cause significant adverse impacts on the living conditions of neighbouring residents that would justify a refusal of planning permission.
- 8.31 In terms of future occupiers of the development, the density of development is very low and this means that the properties are spaciouly laid out with acceptable levels of amenity afforded to each of the new dwellings inclusive of semi-private curtilages; areas for parking/manoeuvring of vehicles; and domestic garaging/storage.
- 8.32 For the reasons given, the proposed development is in accordance with the residential amenity objectives of Core Strategy Policy DM23.

#### Flood Risk and Drainage Strategy

- 8.33 Core Strategy Policy DM28 sets out that new housing development will not be permitted in high risk flood areas.

Chapter 14 of the National Planning Policy Framework (NPPF) sets out planning for flood risk:

- Development should be directed away from areas at highest risk (para. 155).
- Local planning authorities should ensure that flood risk is not increased elsewhere and applications should be supported by a site-specific flood-risk assessment. Development proposals in higher risk areas should demonstrate that:-
  - (a) Within the site development is directed to the lowest risk areas;
  - (b) The development is appropriately flood resilient and resistant;
  - (c) The development incorporates sustainable drainage systems;
  - (d) Any residual risk can be safely managed; and
  - (e) Safe access and escape routes are provided. (para. 163)

- Major developments should incorporate sustainable drainage systems (para. 165).
- 8.34 The policy approach at a national and local level generally, therefore, is to make developments safe for all future occupiers through appropriate siting and design; and then ensure no adverse local impacts arising from the development through ensuring that development sites are well-designed incorporating sustainable drainage systems.
- 8.35 The application has been subject of extensive consultation with the Local Lead Flood Authority (LLFA) and Environment Agency (EA) in response to considerable local objection to the development proposal on the grounds of flood risk. Neighbours, particularly at Giles Way, are very concerned that the proposal will result in further flooding to their properties to the north – the rear gardens of which run right down to the river bank and lie within the floodplain. This consultation process has involved detailed assessment by officers at the EA and LLFA over a period of six months (November 2018 to May 2019) in consultation with your officers. Members should be reassured that the flood risk – both on-site to occupants of the proposed dwellings and also offsite to existing residential properties – has been fully assessed.
- 8.36 The key points from the submitted site-specific Flood Risk Assessment and consultation with the EA and LLFA are summarised:
- Bespoke hydraulic modelling has been undertaken to establish the risk to the site in terms of potential depths and locations of flooding. A detailed review of this modelling was undertaken by specialists at the EA;
  - The watercourse has been modelled in a range of flooding events including the 1in20 (5%), 1in100 (1%), and 1in1000 (0.1%) year events – both including the addition of climate change;
  - All built development has been sequentially sited in flood zone 1 (the lowest risk area suitable for all land uses);
  - The finished ground floor levels of the dwellings are proposed at 23.49m AOD – which is above the 1in100 annual probability flood level including climate change;
  - The land for the houses is above 1in1000 climate change annual probability flood level; and
  - Therefore this proposal has a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1%(1in100) annual probability including climate change flood event.
- 8.37 With this in mind, the proposed development is considered acceptable in terms of on-site flood risk in accordance with the objectives of Core Strategy policy DM28.
- 8.38 The EA has recommended certain conditions on any planning permission to require that the fence lines dividing the gardens intersecting the river Fynn must be permeable and incorporate removable sections. This is to allow the free flow of water in the floodplain; and ease of access for the EA within this area in the event of an emergency. A second recommended condition relates to the restricting the presence of any physical solid objects within the buffer zone (4 metres) immediately adjacent the river. This could be taken care of through a removal of permitted development rights for such structures. All proposed dwellings have also been moved at least 8 metres away from the watercourse in line with EA recommendations.

- 8.39 In terms of surface water drainage, the site is proposing to infiltrate surface water in areas where this is feasible and this has been proven by infiltration testing. In light of these infiltration test results and assessment of the underlying geology, in the areas of granular deposits (plots 12-20), the strategy will involve roof runoff being directed to soakaways in the rear gardens. The runoff from the shared access road serving these properties will be collected via channels and gullies and then directed into a series of soakaways.
- 8.40 Infiltration is not possible for parts of the site adjacent to the watercourse due to the ground deposits. As such, the runoff water from the dwellings in this area (plots 1-11) and the shared access roads is proposed to be piped into a surface water attenuation basin located in the north-western corner of the site before being discharged into the adjacent river. This is in compliance with national and local guidance and the location of the basin is considered to be acceptable following detailed assessment of the adjacent watercourse.
- 8.41 To summarise, the implications of flood risk from both fluvial and pluvial sources have been subject of detailed assessment in consultation with the two statutory consultees. Following further investigation and amendments to the proposed development, there are no objections from these statutory bodies. The concerns of local residents on flood risk have been taken seriously, hence the protracted consultation period on this matter – however officers consider that this has been addressed. Thus, the development proposal is in accordance with the flood risk prevention objectives of policy DM28 and NPPF paragraphs 155, 163 and 165.

#### Highways Safety

- 8.42 There is an existing access to the site from The Street (B1077) that has been used for agricultural operations when Street Farm was a working farmstead. The access is still used at a low-level in connection with Street Farmhouse. It is likely that when the site was a working farm that there would have been a relatively intense use of this access by vehicles, including HGVs. Although that use has ceased, it is one that could potentially re-commence at any time and the highways impacts of that uncontrolled agricultural use is a material consideration.
- 8.43 In any event, the development proposal involves re-positioning the site access slightly to the north, which actually locates the site access at the apex of the road bend, which curves away from the site in both directions. The result of this is that the visibility would be good: 90 metres in each direction from a position 2.4 metres back from the edge of the carriageway; detailed plans demonstrating this have been provided and the County Highways Authority confirm that this is acceptable.
- 8.44 Core Strategy Policy DM22 promotes design that is functionally successful and Chapter 9 of the National Planning Policy Framework (NPPF) provides clear guidance on considering development proposals:

Paragraph 108 - *“it should be ensured that... (b) safe and suitable access to the site can be achieved for all users”*; and



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

- 8.45 In this instance, the visibility from the proposed junction would be good and there are no objections from the County Highways Authority in their role as statutory consultee. Whilst the access concerns raised by local residents are understood, this has been considered fully and there would be no significant adverse highways impacts arising from this proposal that would justify a refusal of planning permission on highways grounds. Thus, the proposal accords with policy DM21 and the highways objectives of the NPPF.

#### Heritage Impact

- 8.46 The Planning (Listed Buildings and Conservation Areas) Act 1990 (“The Act”) sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 8.47 This statutory requirement is reflected in chapter 16 of the NPPF which sets out (inter alia):

- That heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (para. 184);
- That applicants should describe the significance of any heritage assets affected, including any contribution made by their setting (para. 189);
- That great weight should be given to the conservation of heritage asset’s and, the more significant the asset, the greater the weight should be (para. 193);
- That any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification; and
- That where harm would arise, it must be properly weighed against the public benefits of the development (paras. 195 &196).

- 8.48 The applicant has provided a Heritage Impact Assessment (HIA) that meets the requirements of NPPF paragraph 189. The HIA correctly identifies that the buildings on site proposed for demolition are relatively unimportant 19<sup>th</sup> and 20<sup>th</sup> century, utilitarian and generally dilapidated buildings that are not curtilage listed. The HIA therefore considers the impact on the setting of designated heritage assets: adjacent and to the south of the site at Street Farmhouse and Mill House (listed grade II); and four more remotely located listed buildings at Millfield Cottage, Nos 1&2 Hall Lane, and Red House at Tuddenham Lane. The HIA concludes that the proposal would cause a low level of less-than-substantial harm to the significance of the grade II listed buildings at Mill House and Street Farmhouse; officers will consider the impacts on those buildings in the following paragraphs. With regard to the other listed buildings considered (as above), the HIA concludes that because of the topography, orientation, distance and interposed foreground masking by other buildings or by well established field boundary, river bank and curtilage landscaping, that there would be no material impact on the setting or

significance of their special architectural and historic interest; officers agree with this assessment and conclude that there would be no harm to the significance of these listed buildings arising from the development proposal.

- 8.49 Street Farmhouse (listed as The Cherries) is a two-storey building that abuts the grade II listed Mill House; both lie adjacent the site to the south and west. These buildings have formal rear curtilages that are bound to the rear by an existing tree belt (at the Mill House) and by modern, utilitarian agricultural buildings at Street Farmhouse. In respect of these listed buildings the majority of the site is allocated for housing in the Local Plan with that allocation found to be sound through examination. In that sense, a degree of impact on the significance of these listed buildings has already been assessed and found acceptable.
- 8.50 In any event, looking at the detailed development proposal, it is clear that a degree of setting impact would arise - primarily this is because the site is currently agricultural land which would be developed for housing: a notable change in character away from its historical land use as part of the setting of these listed buildings. However, there is a substantial tree belt to the rear of Mill House which will largely screen the development in the southwestern area of the site. In respect of both buildings, the development to the east/north-east part of the site will be visible, although it would replace dilapidated and unsightly agricultural buildings which are considered to detract from the setting of these listed buildings. One could argue that their replacement with a well-designed residential development would offer some setting enhancements.
- 8.51 Taking a conservative view, and with regard to the conclusions of the HIA, it seems reasonable to conclude that the proposed development will result in some harm to the significance of the adjacent listed buildings through major development within their setting. In NPPF terms, this would be a low level of less-than-substantial harm. Even though low in magnitude, this harm must be given great weight by the decision-taker and properly weighed against the public benefits of the proposal. For the purposes of this recommendation, that balance will be undertaken in the concluding section of this report.

#### Ecology and Biodiversity

- 8.52 Suffolk Wildlife Trust objected to the application due to lack of surveying of the site for its ecological for priority/protected species. The applicant has since carried out a Preliminary Ecological Appraisal (PEA) of the site in line with their recommendations. The PEA incorporates a Phase I Habitat Survey; an eDNA Survey; and sampling of aquatic invertebrates. The buildings to be demolished have also been separately assessed for evidence of roosting bats and Barn Owl.
- 8.53 On the site itself, the site assessments identify that no further survey work is required in respect of: bats; breeding birds; badger and European hedgehog; Great Crested Newts (GCN) and amphibians; terrestrial invertebrates; otter and water vole; Eel aquatic invertebrates and fish; and reptiles.
- 8.54 It is identified that within the existing river bank vegetation there is the presence of non-native invasive species planting of Himalayan Balsam and Cotoneaster; these will need to be removed. The PEA recommends that this be replaced with a native, non-invasive species. The PEA also recommends that the majority of the river bank vegetation should

be retained for its habitat value to Otter, Water Vole, and Riparian & Terrestrial species. The detailed landscaping strategy sets out that the existing river bank vegetation will be replaced by a comprehensive new boundary of hedgerow and tree planting suitable for the local landscape character – native species in accordance with the PEA. So, although the short term loss of the river bank vegetation is unfortunate, the removal of invasive species in this location and replacement with native species will, in the longer term, establish a more appropriate habitat suitable for the prevailing landscape character.

- 8.55 The site has been fully assessed in terms of priority/protected species. There is no further survey work required and recommendations within the PEA can be secured by suitably worded planning condition, where necessary. On this basis, the on site impacts of development accord with the objectives of Core Strategy policies DM27 and SP14.
- 8.56 The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”) lays down the legislation on the conservation of natural habitats and of wild fauna and flora. The Habitats Regulations require the competent authority (in this instance, the Council) to determine whether the development is likely to have a significant effect on the interest features of European sites protected under the legislation and, if there would be, to carry out an Appropriate Assessment of the implications of the proposal for the site’s conservation objectives in accordance with the regulations. The applicant has provided a ‘shadow’ Habitats Regulations Assessment to inform such an assessment and Natural England have also been consulted in their statutory role.
- 8.57 The application site is located within 13km of three European sites:
- The Stour and Orwell Estuaries SPA and Ramsar Site (8km south of the site);
  - The Deben Estuary SPA and Ramsar site (8km east/south-east of the site); and
  - The Sandlings SPA (12km east of the site).
- 8.58 At these distances, the proposed development is not likely to directly impact upon the interest features of these European sites through habitat loss, physical damage etc. However, the emerging Suffolk Recreational Avoidance Mitigation Strategy sets out that new residential development within a 13km zone of influence (ZOI) of European sites is likely to have a significant effect – when considered either alone or in combination with other new housing - on the interest features of those sites through increased recreational pressure in terms of dog walking, water sports, hiking etc. Natural England recommend that a suitable per-dwelling financial contribution is sought to offset such recreational impacts.
- 8.59 Officers have carried out an Appropriate Assessment and conclude that, at this scale of development (less than 50 dwellings) and at the distances from the affected European sites as set out, the recreational impacts of the proposed development could be properly mitigated by a per-dwelling financial contribution to the Suffolk RAMS and, with this mitigation secured, the proposal would not likely have significant effects on the aforementioned European sites. On this basis, the proposal accords with the objectives of Core Strategy policies SP14 and DM27 (Biodiversity and Geodiversity), in addition to the objectives of SAASP policy SSP32 (Visitor Management – European Sites).

### Affordable Housing Provision and Housing Mix

8.60 The proposal includes the provision of seven affordable dwellings comprising five affordable rented properties and two shared ownership properties in a mix of 1-bedroom apartments and 2-bedroom houses. On major developments (10 or more dwellings) the policy-required affordable housing provision is for 1 in 3 units to be affordable. In this instance, 35% of the dwellings would be affordable in a policy compliant provision. Such a provision would need to be secured through a S.106 planning obligation, should permission be granted.

8.61 The proposed housing mix comprises:

Bedrooms	1	2	3	4+
Open Market Housing	0	2	7	4
Affordable Housing	3	4	0	0
All sectors	3	6	7	4
Percentage of Development	15%	30%	35%	20%

8.62 The housing mix is considered to broadly accord with the target proportions set out in Core Strategy policies SP3 and DM2. The proposal would also provide a mix of housing type including detached, semi-detached, single storey, two-storey and first floor apartments. The proposal is, on the whole, considered to provide a policy compliant mix of housing type and tenure to meet the varied needs of the local population.

### Other Matters

8.63 The County Council Archaeological Service (SCCAS) has been consulted on the application. SCCAS identify that the site lies within an area of archaeological potential where there is high potential for the discovery of below-ground heritage assets of archaeological importance. There are no grounds to refuse planning permission on archaeological conservation, but planning conditions would need to be applied to any permission securing an appropriate programme of investigation and recording in accordance with the National Planning Policy Framework.

8.64 The Council's Environmental Protection Team has requested further ground contamination investigation through a phase II survey. This – along with any required remedial works – should be secured by condition, should planning permission be granted.

### Community Infrastructure Levy (CIL)

8.65 The application site is in the high CIL charging zone of £199.18 per square metre of chargeable floor space. The total gross internal floor space proposed is 1850 square metres, of which 450 square metres of social housing which is thus exempt. The resultant CIL liability arising from this development, therefore, would be £272,877.05.

8.66 The County Council Strategic Planning Team has considered the impact of the development on infrastructure requirements in terms of education; pre-school provision;

library facilities; and waste management. The County Council have calculated that they will be making a CIL funding bid for a capital contribution of £167,236, of which the CIL liability from this development (as set out above) would cover.

### Public Benefits of the Development

8.67 The proposed development would bring the following public benefits:

- 20 new dwellings in a sustainable location;
- Provision of seven affordable homes;
- A mix of housing type, size and tenure in accordance with policy requirements;
- Short-term local construction jobs;
- Longer term support for local shops/services through occupant spend;
- Replacement of dilapidated, derelict buildings with a well-designed residential development; and
- Enhanced landscaping strategy inclusive of planting more appropriate for the prevailing landscape character type.

## **9 PLANNING BALANCE AND CONCLUSION**

- 9.1 The adopted Local Plan allocates land at Street Farm for the development of approximately 20 dwellings. Whilst the site area extending beyond that allocation represents a departure from the Local Plan, the number of dwellings is in accordance with the planned approach and - given the sustainable location of the site - it is considered that such a departure should not weigh heavily against the proposal.
- 9.2 There would be a low level of less-than-substantial harm to the significance of Mill House and Street Farmhouse through major development within their setting, which must be given great weight by the decision-taker. There would also be some harm to the outlook from adjacent residential properties at Giles Way, The Street and Strugglers Lane.
- 9.3 On the other hand, the proposed development is well-designed and incorporates a comprehensive landscaping strategy suitable for the prevailing landscape character of the river valley location. There would be some visual enhancements arising from the removal/clearance of the dilapidated farm complex and replacement with well-designed dwellings and appropriate landscaping. There would also be substantial public benefits as set out above – most notably the creation of 20 dwellings in a sustainable location; the provision of seven affordable homes; and positive local economic impacts.
- 9.4 The concerns raised by local residents are understood although many of those objections reject the principle of development – which has been largely established by the site allocation.
- 9.5 Weighing up all these matters, the proposal delivers substantial public benefits that would significantly and demonstrably outweigh any harm that would arise. On balance, therefore, the proposal is sustainable development in accordance with the broad objectives of the National Planning Policy Framework and the adopted Local Plan. Planning permission should therefore be granted.

## 10 RECOMMENDATION

- 10.1 **AUTHORITY TO APPROVE**, subject to a S106 legal agreement to secure affordable housing provision; per-dwelling financial contribution to the Suffolk RAMS; and details of the long-term management and maintenance of the site.

The following planning conditions are also recommended:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drawing Nos. 001, 005, 006, 006, 007, 008, 009, 011, 012, 013 and 014, received 13 August 2018;
- CGI images - drawing no. 015, received 04 September 2018;
- Drawing Nos. 004 revA, 010 revB, 017 revA and 019, received 17 December 2018;
- Drawing No. 1140 (Street Farm Landscaping Strategy), received 20 December 2018;
- Proposed Site Layout Drawing No. 002 revD, received 06 February 2019;
- Flood Risk Assessment and Drainage Strategy, and Design & Access Statement, received 15 March 2019; and
- Preliminary Ecological Appraisal (Castle Hill Ecology, 2018), received 03 June 2019.

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

- 3) No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the approved dwellings and garages have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high quality finish in the interest of securing good design in accordance with Core Strategy design policy DM21 (Design: Aesthetics).

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

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

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

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

- 5) No development shall take place within the 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 the publication and dissemination of the analysis and records of the site investigation;
- e) Provision to be made for archive deposition of the analysis and records of the site investigation;
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

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 site boundary from impacts relating to groundworks and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development.

- 6) No development shall commence until precise 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.

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

- 7) 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 local planning authority. 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.

- 8) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include:

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 in line with the River Basin Management Plan.

- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (as shown on Drawing No.1140 Street Farm Landscaping Strategy) and the appropriate working methods in accordance with British Standard BS5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.  
[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars].

Reason: To ensure that trees on and around the site are not damaged through the construction of the development.

- 10) No works or development shall commence until a full specification of all proposed tree and hedge planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification unless otherwise approved in writing by the Local Planning Authority.  
Reason: To ensure a well laid out scheme of landscaping in the interest of good design and preserving the special qualities of the river valley location.

- 11) 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 site investigation consisting of the following components has been submitted to and approved by the local planning authority:

As deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.



Reason: To ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to and approved by the LPA. The RMS must include, but is not limited to:
- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - proposed remediation objectives and remediation criteria; and
  - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

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

Reason: To ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13) No development shall take place until full details of the finished levels of the development ('The Levels Plan'), above ordnance datum, has been provided and approved in writing by the Local Planning Authority.

The levels plan must include precise details of all earthworks showing existing and proposed finished levels or contours; proposed floor levels of all the proposed buildings, in relation to ground levels; and proposed levels of all areas of hard landscaping across the site. This plan must also include site sections to demonstrate this.

The development shall be carried out in accordance with the approved details.

Reason: Due to the sloping nature of the site, further precise details are required to understand the relative levels where development will take place.

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

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

- 15) Prior to any occupation or use of the approved development the RMS approved under condition 5 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 and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16) 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 and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 17) No other part of the development shall be commenced until the new vehicular access onto The Street (B1077) has been laid out and completed to at least Binder course level or better in accordance with the approved Road Details Plan (Drawing No. 019) and been made available for use. The access shall be fully completed prior to final occupation and thereafter be retained in the specified form.
- Reason: To ensure that the access is designed and constructed to an appropriate standard and made available at the right time.
- 18) Before the approved access is first used, visibility splays shall be provided as shown on Drawing Nos. 019 and 002 revD with an X dimension of 2.4 metres; and a Y dimension of 90 metres; and thereafter retained in the specified form. Notwithstanding the provisions of Schedule 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 over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- Reason: To ensure vehicles exiting the drive have sufficient visibility to safely enter the public highway.
- 19) The use shall not commence until the areas within the site on Drawing Nos. 019 and 002revD for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter those areas shall be retained and used for no other purposes.
- Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety
- 20) In accordance with the details in the submitted Preliminary Ecological Appraisal (November 2018), the recommended methods of working in Chapter 6 (in respect of conserving Bats, Breeding Birds, Terrestrial Invertebrates, Reptiles and Barn Owl) shall be adhered to during the site clearance, demolition and period of construction.
- Reason: To ensure that any impacts on priority/protected species are minimised during.
- 21) In accordance with the recommended habitat enhancements in the submitted Preliminary Ecological Appraisal, the development shall include:
- The erection of two bird boxes on mature trees within the south-western tree line, which should be a minimum of 4 metres above ground level; and
  - The inclusion of one integrated bat box in each of the detached and semi-detached buildings. The boxes shall be a minimum of 4 metres above ground level and on south-east to south-west orientations.

Reason: To ensure that the proposal delivers habitats enhancements in accordance with the objectives of Core Strategy Policies SP14 and DM27 (Biodiversity and Geodiversity).

- 22) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the landscaping strategy is implemented in a timely manner.

- 23) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

- 24) Prior to the construction of the dwellings at plots 1-11, details of the boundary fences that divide the residential gardens intersecting the river Fynn shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained in the approved form.

Reason: To ensure these fences are permeable (to allow the flow of water) and incorporate removable sections/panels to enable emergency access to the watercourse for the Environment Agency.

- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no new outbuildings/garages and sheds; areas of hardstanding; and gates, fences and walls erected within the rear gardens of plots 1-11 unless express planning permission is obtained for such development from the Local Planning Authority.

Reason: Physical objects and development in this area may obstruct flood flows which would increase flood risk both on and off-site. Clear access to the watercourse also needs to be retained for the Environment Agency.

**BACKGROUND** See application ref DC/18/3385/FUL:

**INFORMATION:** <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PDEK0JQXKFM00>

SOUTH PLANNING COMMITTEE – 25 JUNE 2019

DC/19/1391/FUL

EXPIRY DATE: 02 JUNE 2019

HOUSEHOLDER APPLICATION

APPLICANT: MR & MRS BARKER

67 HOLLY ROAD, KESGRAVE

Erection of single storey front, side and rear extensions (rear extension to have attic accommodation) part implementation of planning permission DC/17/2437/FUL.

CASE OFFICER: Joe Blackmore

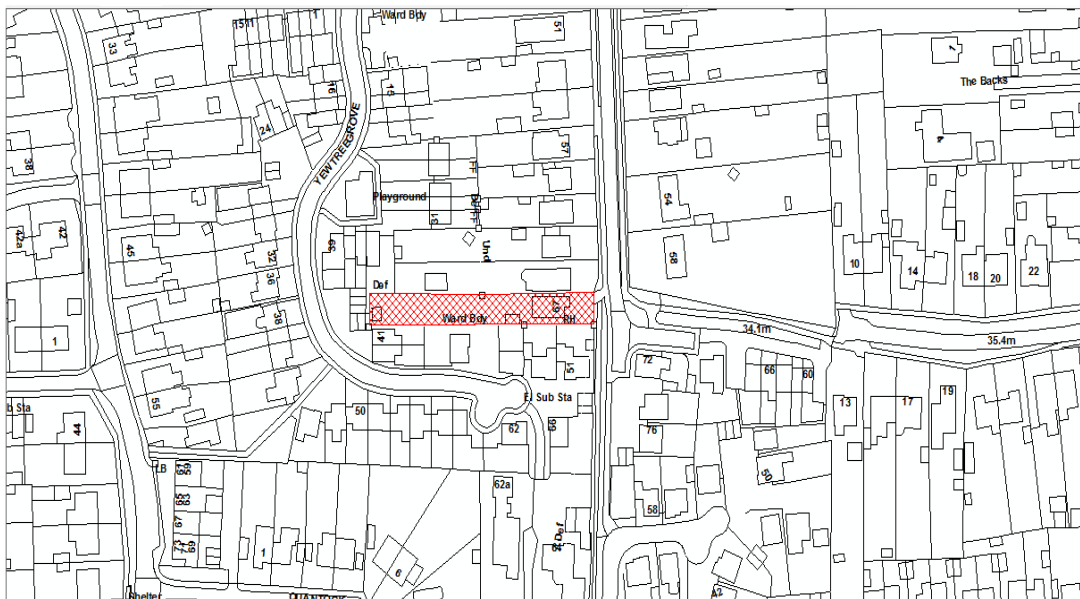
01394 444 733

Joe.Blackmore@eastsoffolk.gov.uk

**DC/19/1391/FUL – 67 Holly Road, Kesgrave**

**DO NOT SCALE** SLA100019684

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## **1 EXECUTIVE SUMMARY**

The application seeks planning permission to extend the bungalow at 67 Holly Road. The application is submitted on the basis that the proposal would be a “part implementation” of a larger scheme of extensions already approved under DC/17/2437/FUL. However, as this is a standalone application, the submitted proposal has to be assessed on its own merit – and not as a component part of any previous approval. Assessed in this manner, the proposed extension to the property is considered to be poor design that would dominate the existing dwelling. It would also be harmful to the visual amenity of surrounding residential properties.

The application is brought to Committee through the Referral Panel due to the complex history associated with this site and that the earlier application was considered by the Planning Committee.

The proposal is thus considered to be contrary to Development Plan policies DM21 (Design: Aesthetics) and DM23 (Residential Amenity) and is therefore recommended for refusal.

## **2 SITE DESCRIPTION AND RELEVANT PLANNING HISTORY**

- 2.1 The application site lies to the southern end of Holly Road and falls within the Kesgrave physical limits boundary. The site is narrow and rectangular, stretching a considerable distance to the west. To the front portion of the site is a small detached bungalow constructed of red brick with a dual-pitched roof. To the north, at 65 Holly Road, is a larger chalet bungalow that sits in a slightly elevated position above the application site. To the south of the site is a terrace of small bungalows at Yewtree Grove which back onto the site boundary. These bungalows are very modest in scale and have short rear gardens. There is a large hedgerow to the front of the site, behind which a public right of way runs in a north-south direction; relatively unobstructed and up-close views of the front of the site are permissible from the entrance to this right of way.
- 2.2 A previous planning application (ref. DC/17/2437/FUL) was submitted seeking permission for extensive re-modelling of the existing bungalow including extensions to the front and rear along with a roof height increase to provide attic accommodation. The result of that re-modelling scheme being: to enlarge the dwelling to a one-and-a-half storey scale, with the overall roof height increasing by over 2 metres. That application was refused by the Planning Committee for two reasons, summarised as:
- 1) The proposed height and depth increase would create a mass of roof slope that would dominate the rear outlook from the properties to the South at Yewtree Grove; an unacceptable adverse amenity impact contrary to policy DM23.
  - 2) The extended dwelling would be significantly larger and taller than the small bungalows to the south at Yewtree Grove; a poor physical relationship to its surroundings that represents a form of unneighbourly development contrary to the design objectives of policy DM21.

- 2.3 The refusal of planning permission was subject of an appeal to the Planning Inspectorate. The Inspector allowed the development on appeal concluding that the proposal would be acceptable with regard to: impact on living conditions of neighbouring residents; and also the character and appearance of the area. A copy of the appeal decision is appended to this report.
- 2.4 The fall-back position at the site, therefore, is a much larger and comprehensive re-modelling of the property to provide a one-and-a-half storey dwelling ("the approved scheme"). Visual details of this extant approved scheme will be provided to members within the officer presentation.

### **3 PROPOSAL**

- 3.1 The proposed development is described by the applicant as a part-implementation of the approved scheme. The applicant has verbally explained that there is a civil right to light injunction obtained by the neighbour at 65 Holly Road that now impacts their ability to build out the approved scheme to completion. The application therefore proposes a reduced scheme: a one-and-a-half storey rear extension to the bungalow, along with a single storey front extension. Essentially, this application omits extensions above the existing bungalow and the first floor element of the front extension.
- 3.2 The existing bungalow has a ridge height of 4.7 metres. The proposed rear extension would reach a height of 7.01 metres comprising a mix of hipped and dual-pitched roof forms. The proposed front extension would have a standard dual-pitched roof set below the main ridge, reaching a height of 4.14 metres.
- 3.3 The extensions would be clad in a mix of rendered panels and vertical boarding. Windows and doors would be dark grey aluminium units. The overall materials palette is contemporary as was previously approved.

### **4 CONSULTATIONS/COMMENTS**

- 4.1 Kesgrave Town Council: *"Refusal – The Chairman of the committee had the deciding vote (4 members present, 2 voted for 2 voted against). Objected by the Chairman as stated contrary to DM7 – over development of the site and DM21 – poor design."*
- 4.2 Suffolk County Public Rights of Way Team: No comments received.
- 4.3 Third Party Representations:- two letters of objection that raise the following key issues (inter alia):
- Extended property would be too large;
  - Will result in a loss of privacy at 45 Yewtree Grove;
  - A cramped form of overdevelopment;
  - Extension to rear of property will adversely affect amenity at 65 Holly Road;
  - It will be a huge overbearing presence that will tower over the conservatory at 65 Holly Road; and
  - Will cause shading to the patio, conservatory and rear rooms at 65 Holly Road.

## **5 PUBLICITY**

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

Category	Publication date	Expiry	Publication
Public Right of Way affected	11.04.2019	07.05.2019	East Anglian Daily Times

## **6 SITE NOTICES**

6.1 The following site notice(s) have been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General	In the Vicinity of Public Right of Way	12.04.2019	08.05.2019

## **7 PLANNING POLICY**

7.1 National Planning Policy Framework (2019)

7.2 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1 – Sustainable Development

SP1a – Presumption in Favour of Sustainable Development

SP15 – Landscape and Townscape

DM21 – Design: Aesthetics

DM23 – Residential Amenity

7.3 Supplementary Planning Guidance 16: House Alterations & Extensions

## **8 PLANNING CONSIDERATIONS**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are set out in section 7 of this report and therefore in order for the development proposal to be acceptable it must accord with those policies.

8.2 First, it is critical to set out that any right-to-light issue between the applicant and neighbouring property is entirely a civil matter that is not a material planning consideration. It is also separate to how Local Planning Authorities must consider the impact of development on access to daylight and sunlight.

8.3 Second, it is essential to understand that this is a standalone planning application that must be assessed on its own merit. Whilst the applicant refers to it being “phase I” of the approved scheme, should planning permission be granted for this proposal there is no

guarantee, or justifiable mechanism to require the implementation of the rest of the approved scheme – because that is a separate planning permission in its own right. A grant of planning permission for the development proposal before members could result in the proposed scheme shown on the submitted drawings being built to completion with no other works undertaken; it is the acceptability of that which is assessed in the following sections.

- 8.4 Whilst this application must be considered on its own merit, it is a material consideration that the approved scheme is an extant planning permission which would allow a much larger and, overall, more comprehensive set of extensions to the existing dwelling. This is the fall-back position and any civil matter that may currently prevent it being built to completion is just that: a civil matter – and does not reduce the weight that should be given to the extant approved scheme as a material consideration, in planning terms.
- 8.5 The main issues to consider with this proposal relate to the design of development and the impact on living conditions of neighbouring residents. The key policies being DM21 and DM23; both are supplemented by the guidance in supplementary planning document 16: House Alterations and Extensions.

#### Design of Development

- 8.6 Design policy DM21 requires that development proposals relate well to the scale and character of their surroundings with particular regard to siting, height, massing and form. Furthermore, extensions should generally respect the character and form of the existing building.
- 8.7 The proposed front extension is a modest, single storey addition well-related to the existing bungalow. The roof form follows existing and is set lower than the main ridge. The front extension is considered to be a recessive and well designed addition in accordance with DM21.
- 8.8 The proposed rear extension is one-and-a-half storeys in scale, and over 2 metres taller than the existing bungalow. The extension would completely dominate the bungalow and present as an oversized addition to what is a modest building. It is highly unorthodox for a rear extension to be substantially taller than an existing dwelling, and this is not a unique, innovative proposal that would justify such an approach.
- 8.9 It is not uncommon in the Kesgrave area to see bungalows comprehensively re-modelled to one-and-a-half or even two-storeys in scale. In that context, the approved scheme is a coherent design approach to comprehensively extend the bungalow in a manner well-related to its local context. However, it is not characteristic of the area to see double height rear extensions to bungalows and thus the proposed development would be poorly related to its local context.
- 8.10 Assessing the proposal on its own merit, it is contrary to the design objectives of DM21 and the guidance on the basic principles of good design contained within chapter 4 of Supplementary Planning Guidance 16: House Alterations & Extensions.



## Impact on Living Conditions at Neighbouring Properties

- 8.11 65 Holly Road (“No.65”) is a chalet dwelling which is on slightly higher ground than the application site. The proposal would result in the rear extension being of a similar height to No.65. The rear extension would project beyond the rear wall of this dwelling, including their conservatory. The Inspector noted in the allowed appeal that the effect of the extensions on the rear conservatory would be likely to be limited as this extends across most of the width of the adjacent dwelling. Officers consider that the proposed rear extension may cause a degree of shading to No.65 but that this would not be unacceptable. Furthermore, and with the approved scheme in mind, the proposed extension is a lesser quantum of overall development at the property and, if the approved scheme were built, it would likely have a greater amenity impact on No.65 than that proposed here.
- 8.12 The first floor window openings proposed are to the rear wall of the extension and thus no direct overlooking of neighbouring properties would be possible. No significant losses of privacy would likely arise.
- 8.13 The properties at Yewtree Grove are due south of the site and therefore the proposed extensions would not directly block their access to sunlight. The roof of the rear extension would be 10 metres or so away from the rear elevations of the properties at Yewtree Grove and, at this degree of separation and location due north, the extension would not be physically overbearing or oppressive to these properties.
- 8.14 However, if built, the existing bungalow would be dwarfed by the bulky rear extension proposed and the result would be an eyesore – particularly for residents to the south at Yewtree Grove whose rear outlook would include the side profile of the extended dwelling. Policy DM23 sets out that regard should be had to the outlook from neighbouring properties and, because of the poor design proposed here, that outlook from the south at Yewtree Grove would be unacceptably harmed.

## **9 CONCLUSION**

- 9.1 The proposal is not a ‘phase’ of any extant approved scheme. It is a standalone application that must be considered on its own merit. Whilst the approved scheme is a material consideration, it is a comprehensive and generally well-designed scheme unlike the poor design now proposed. For the reasons given in this report, officers consider that the proposed development is poor design, harmful to local visual amenity and contrary to key Development Plan policies. Whilst acknowledged that there is a civil matter preventing the approved scheme being built to completion at this time, this is not a planning consideration and does not justify the proposed development. It is also acknowledged that the proposal would provide the applicant with the first floor bedroom accommodation they seek, however that is a fairly limited private benefit that does not overcome the concerns identified. Furthermore, there is considerable scope to extend at ground floor level and/or provide detached ancillary accommodation well-related to the dwelling which only adds to the concern with the current proposal.
- 9.2 For the reasons given, officers consider that the proposal is unacceptable and the planning application should be refused for the reasons set out in section 10.

## **10 RECOMMENDATION**

10.1 It is recommended that planning permission be refused for the following reason:

- 1 East Suffolk Council – Suffolk Coastal Local Plan (Core Strategy & Development Management Policies, July 2013) policies DM21 and DM23 combine to support development proposals that are well-designed and would not adversely impact living conditions at neighbouring residential properties.

Because of the one-and-a-half storey scale and overall bulk of the rear extension proposed, it would dominate the existing bungalow and be poorly related to it. The proposal is poor design that would be out-of-character with its local context and, when viewed from the south at Yewtree Grove, it would be an eyesore - harmful to the rear outlook from those neighbouring properties.

The proposed development is therefore contrary to the objectives of policies DM21 (Design: Aesthetics) and DM23 (Residential Amenity), along with the design guidance set out in SPG16: House Alterations & Extensions and the NPPF.

### **BACKGROUND INFORMATION:**

See application ref: DC/17/2437/FUL at:  
<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OR60MVQXFON00>

### **APPENDIX 1:**

DC/17/2437/FUL: Appeal Decision (APPEAL ref. APP/J3530/D/17/3190835)

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## Appeal Decision

Site visit made on 6 February 2018

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 February 2018**

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**Appeal Ref: APP/J3530/D/17/3190835**  
**67 Holly Road, Kesgrave, Ipswich IP5 1HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Doug Barker against the decision of Suffolk Coastal District Council.
  - The application Ref DC/17/2437/FUL, dated 6 June 2017, was refused by notice dated 22 September 2017.
  - The development proposed is erection of single storey front, side and rear extension (including reconstruction of roof to attic accommodation).
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of single storey front, side and rear extension (including reconstruction of roof to attic accommodation) at 67 Holly Road, Kesgrave, Ipswich IP5 1HX in accordance with the terms of the application, Ref DC/17/2437/FUL, dated 6 June 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016170/10B, 2016170/11B, 2016170/12D, 2016170/13C and 2016170/14B.
  - 3) No development shall take place above slab level until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

### Main Issues

2. The main issues in the appeal are the effects of the proposal on:
  - i) the living conditions of adjacent residents; and
  - ii) the character and appearance of the area.

### Reasons

#### *Living Conditions*

3. The existing dwelling is a bungalow of modest proportions which occupies quite a long narrow plot. It is at the end of a row of dwellings on Holly Road. On its other side there are the rear gardens of bungalows off Yewtree Grove which

face the side boundary of the site. The ground levels fall so that the Yewtree Grove properties are at a lower level than the appeal property while 65 Holly Road is at a higher level. The proposal would amount to an extensive re-modelling of the existing bungalow. This would be extended to its front and rear and the roof height would be increased to provide attic accommodation. There would be two side projections with hipped roofs facing the Yewtree Grove properties.

4. The Council's first reason for refusal concerns the impact of the proposal on the outlook from the rear of those properties. Numbers 49 and 51 Yewtree Grove face the side of the site while Nº 47 is also close and the rear extension would project past the rear boundary of that property. Those dwellings are separated from the site by a solid fence which I saw is about 1.8m in height.
5. As the ridge height of the dwelling would be increased by about 2.3m this would significantly increase its visibility and prominence when seen from the rear of the adjacent bungalows. The new roof would however be around 10m or so away from the main rear elevations of those dwellings at its nearest point. The majority of the roof would be set in from the boundary and there would be two hipped elements projecting towards the boundary. Although it would be prominent I find that the roof would not have an unacceptably oppressive or overbearing effect on the outlook from the adjacent bungalows because of its separation distance.
6. Interested parties have expressed concerns about overlooking and loss of light. The first floor accommodation would be lit by roof lights in the side roof slopes. These would be a minimum of 1.7m above the internal floor level thus ensuring that there would be no overlooking of the neighbours on either side from those windows. The rear bedroom window would face along the rear garden and any potential for overlooking of adjacent properties from that window would be limited and not harmful. As the roof would slope away from the adjacent bungalows and would be to the north it would not adversely affect sunlight or daylight to those dwellings or their gardens.
7. 65 Holly Road is a chalet dwelling which is at a higher level than the site. The proposal would result in the overall heights of the two dwellings being similar. I saw that that dwelling has a rear conservatory which is set in from its side wall, two obscure glazed ground floor windows in its side elevation, two small first floor windows and a front bay window. There is quite a limited gap between the two buildings. I take into account the orientation of the appeal proposal directly to the south of that property but no detailed evidence is before me regarding any effect on sunlight or daylight to that dwelling. Any effect on the rear conservatory would be likely to be limited as this extends across most of the width of the adjacent dwelling. The proposed front extension would extend forward of the bay window by less than 3m and its roof height would be less than that of the main roof.
8. The reason for refusal does not concern any effect on sunlight or daylight to the neighbouring property. Having considered the detailed design of the proposal in relation to the windows in the adjacent dwelling I find no reason to conclude that there would be any undue detrimental effect on the living conditions of the occupants of that dwelling.

9. Policy DM23 of the Development Plan Document<sup>1</sup> (DPD) requires consideration of matters including outlook, privacy, access to daylight and sunlight and the resulting physical relationship with other properties. For the reasons given the proposal would accord with that policy and would not result in unacceptable harm to the living conditions of adjacent residents.

### *Character and Appearance*

10. Holly Road is characterised by bungalows but there are also chalet designs including the neighbouring property. On the other side of Holly Road further to the south I saw that there is a recent development of two storey houses. The proposal would be in keeping with this context in terms of its height and design.
11. Following a previous refusal the bulk of the proposal has been reduced and the hipped roof design would minimise its massing. The Yewtree Grove bungalows extend closer to Holly Road than the existing dwelling. Those bungalows are screened from view by a hedge along Holly Road. That hedge would also screen the front extension in views from the south. From the north the front extension would not be unduly intrusive as it would be seen in the context of the adjacent bungalows. The two side extensions would not extend fully up to the boundary and space would remain on both sides of the dwelling. This would ensure that the dwelling would not appear cramped in relation to its plot.
12. For these reasons I find that the proposal would relate well to the scale and character of its surroundings as required by policy DM21 of the DPD. That policy also requires extensions to respect the original building and to be visually recessive. The proposal would alter the form and design of the original building but in doing so it would provide a coherent design. The design quality would be of a suitably high standard. Although there would be some conflict with policy DM21 the proposal would accord with the design requirements set out in the National Planning Policy Framework (the Framework). For the reasons given I conclude on this issue that the proposal would not harm the character and appearance of the area.

### **Conditions**

13. I have imposed the conditions suggested by the Council and in doing so have had regard to the tests set out in paragraph 206 of the Framework. A condition specifying the approved plans is necessary to provide certainty and a condition requiring details of external materials to be approved is necessary to ensure the appearance of the development is acceptable.

### **Conclusion**

14. For the reasons given I conclude that the appeal should be allowed.

*Nick Palmer*

INSPECTOR

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<sup>1</sup> Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013)

SOUTH PLANNING COMMITTEE – 25 June 2019

DC/19/0521/OUT

1 April 2019

(EOT agreed until 31/07/2019)

OUTLINE

Mr S Smith

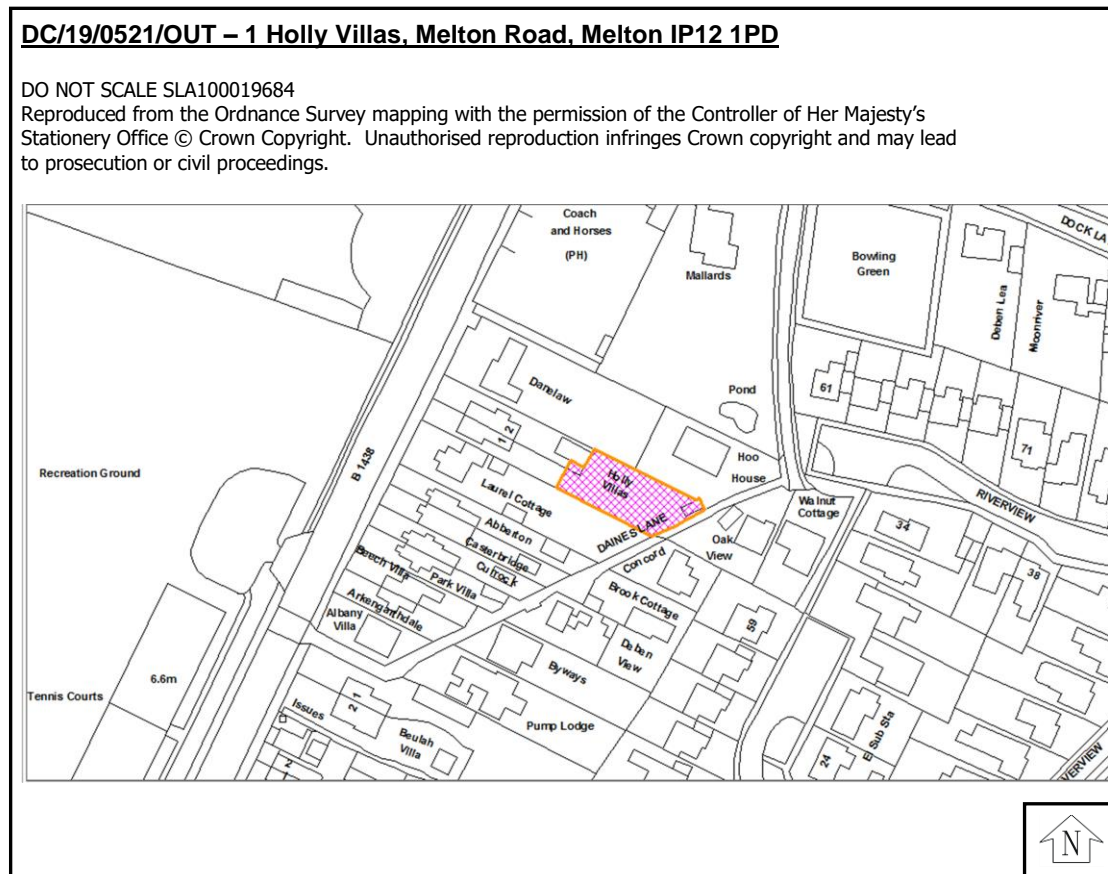
1 Holly Villas, Melton Road, IP12 1PD Melton

Erection of 1 ½ storey dwelling house with access off Daines Lane

CASE OFFICER: Danielle Miller

01394444594

Danielle.miller@eastsoffolk.gov.uk



## **1 EXECUTIVE SUMMARY**

The item was deferred from determination at the Shadow Planning Committee in April 2019 to enable a site visit to be undertaken prior to the item being taken back to Committee for determination. A site visit has been scheduled for the 25 June 2019 prior to the Committee commencing.

Outline Planning Permission is sought for the erection of a 1.5 storey dwelling with access of Daines Lane to the rear of 1 Holly Villas, Melton Road, Melton. Matters in relation to appearance, scale and design reserved for future determination. The application therefore is to consider only the principle of development and means of access.

This item has come before members because the Parish Council raised objections. The application was heard by the referral panel and who requested it came before the Planning Committee to enable all competing issues to be debated in public.

The application is considered to be policy compliant in that it is located within the settlement boundary where the presumption of additional residential development is accepted. Sufficient space exists within the application site to support a dwelling without appearing cramped or over-developed. Access to the site is acceptable and the plans demonstrate that sufficient parking can be provided on the site. Details of appearance and design are reserved for subsequent consideration.

The application is recommended for Approval. Members are advised that the RAMS payment has been received.

## **2 SITE DESCRIPTION**

- 2.1 1 Holly Villas is a semi detached dwelling fronting Melton Road. It has a mature rear garden which backs onto Daines Lane, where there is an existing vehicular access and adjacent prefabricated garage.
- 2.2 The site falls outside the Melton Conservation Area and the nearest listed building is the Coach and Horses Public House situated due north North, but not immediately abutting the site. The site is within the Physical Limits Boundary.
- 2.3 The surrounding area is made up of a mixture of residential properties running along the south side of Melton Road, with some larger residential properties on the north along with the recreation ground. There is a primary school (Melton Primary School) located to the north on the other side of Dock Lane.
- 2.4 Melton Road is classified as a B road known as the B1438. Daines Lane is an unadopted road, laid with gravel and grass in some places. It is an access road for six properties along the southern side and offers rear access for ten properties which front Melton Road.
- 2.5 The application site is bounded by residential properties and lies within what is seen as an established residential area.

### **3 PROPOSAL**

- 3.1 The application seeks outline planning permission for the erection of a one-and-a-half storey dwelling on part of the residential garden associated with No.1 Holly Villas, Melton Road, Melton.
- 3.2 Submitted alongside this application, there was a parallel application DC/19/0523/FUL which sought planning permission for vehicular access/pavement crossing and creation of 2 onsite parking spaces in the frontage of 1 Holly Villas. This was granted at officer level, in accordance with the scheme of delegation on 4 April 2019.
- 3.3 There is no other relevant planning history for this site.

### **4 CONSULTATIONS/COMMENTS**

- 4.1 Melton Parish Council's Planning & Transport Committee: resolved to recommend refusal of the application, for the following reasons:
- Whilst the Parish Council accepts and approves some level of development in former gardens where there is both an adequate sized plot and suitable access, this is not the case with the site in question which has extremely poor access.
  - This proposal represents an overdevelopment within the Melton Village Character Area contrary to Policy MEL17 of the Melton Neighbourhood Plan.
  - The proposed new dwelling would compromise residential amenity contrary to (1) Policy MEL17 of the Melton Neighbourhood Plan, (2) existing Suffolk Coastal Policy DM23 and (3) the proposed Policy SCLP11.2.
  - As stated above, the access is very poor, with the proposed entrance to the site at the point at which the lane becomes only a footpath. Access for modern building materials vehicles would be impossible, and any increase in vehicular traffic to a new dwelling would aggravate safety considerations in a lane primarily used as a footpath by local people.
- 4.2 Suffolk County Council - Highway Authority has not raised any objection to the application however they have requested that a condition relating to the storage and presentation of refuse/recycling bins to be provided for the development.
- 4.3 Head of Environmental Health have no objection in relation to this application, based on the information provided, however they have requested a condition be made to cover the event unexpected contamination is encountered.
- 4.4 Suffolk County Council – PROW Public footpath 16 is recorded adjacent to the proposed development area, whilst PROW have not raised any objections to the proposals they have requested that an informative be added to any approval detailing the applicant's responsibilities.
- 4.5 Natural England: Have advised that this development falls within the 13 km 'zone of influence', as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure



caused by that development. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable.

4.6 Third Party Representations: 15 Letters of Objection have been received raising the following matters:

Access

- The proposed site is not appropriate for a dwelling based on the size of the plot and its unique position in Daines Lane as a quiet private road and footpath which restricts vehicle access.
- Construction work will cause major disruption to all residents with a risk to damaging the lane which is already fragile.
- Unsuitable access arrangements along public footpath
- Any additional vehicle movements entering and exiting from the private and unadopted Daines Lane will increase risks to users of the busy Melton Road, including pedestrians, as well as causing more conflict with users of the public footpath.
- No indication of how any new dwelling would contribute to the upkeep of Daines Lane is included in the application.
- Daines Lane is very narrow with no turning points other than onto private drives and is unsuitable for vehicles other than cars or small vans. The access to Melton Road is also very tight making egress tricky.
- It should also be remembered that Daines Lane is also a public footpath used for access to Dock Lane and the housing estate in Riverview. In addition, it is widely used by school children and parents attending the adjacent village school.
- The vehicular access part of the lane narrows to approx. 2.5m and ends at Concord with a sharp bend at Pump Lodge making it impossible, especially for delivery or contractor's vans to come down without reversing onto Melton Road or attempting to turn on private drives. The bin lorry is unable to get down here and the Postman leaves his van on Melton Road, walks down with post because it is difficult to pull out onto Melton Road due to busy flow of traffic and poor visibility caused by parked cars.

Precedent and impact on surrounding area

- It sets a bad precedent for the area for people to start exploring their green space to redevelop for property which will only result in a loss of character and an increased risk of flooding.
- Overdevelopment of Melton and negative impact on existing local resources
- Negatively impact the character and peace of the village.

Landscape and Wildlife

- Negative impact on wildlife with the loss of trees
- The large mature, and as yet, unprotected oak tree in Oak View will be a constraint, as by virtue of its aspect, it will block significant light to any new dwelling. Future pressure to 'lop' the tree's fine spreading canopy and spoil it is likely to result. The now isolated young cedar remaining at the rear of 1 Holly Villas will have little future should the proposal go ahead.
- The site was cleared of trees by the new owner before the plans went out so we have already lost the bats and song thrushes.

- The removal of water permeable garden will increase significantly the surface water problems of Daines Lane. There is no surface water drainage on Daines Lane. Existing large, mature trees mentioned in the planning application were actually felled prior to the submission of the application, resulting in increased water on the footpath. The level of the Concord property is 0.86m below the proposed development and would be adversely affected by any increased water run-off as will Daines Lane which lies 0.64m below the proposed development.
- On this boundary are two pollarded trees – an ash (T004) and a willow (T005). These were subject to protection when we built our house and so we presume they still are. Yet the developer has chosen not to show these on their plans. With the trees being shared between our properties, we would hope the developer will not show the same utter disregard for them as they did for all the other trees when they decimated what was a beautiful garden and turned it into a local ‘blight’ – now regularly commented on by local residents and passing walkers.
- When we built our home the whole area around these two pollarded trees had to be fenced off and avoided, yet the plans for the proposed new build show that a driveway will be laid on top of these roots. There is also a Liquid Amber/Sweet Gum(T006) tree in our garden close to the boundary whose roots will be affected by the proposed development and which also had to be protected during our development.

#### Impact Residential amenity

- Cutting off light into other properties
- Noise pollution
- The design and use of Hoo House would be compromised by any overlooking.
- Looking directly into our open plan living space of Hoo House and their open plan living area, therefore our main aspect, faces directly onto the planned building plot. This aspect has floor-to-ceiling, wall-to-wall patio Windows.
- The edge of our house is 6 metres from the boundary of the proposed development.
- The proposed new development is to the south and south west of our property and will significantly block light from our main living area. Our eco house was designed and laid out with the purpose of benefiting from as much natural sunlight as possible coming from a low angle, hence the wall-to-wall, floor-to-ceiling south facing glass and the low, extending eaves
- The proposed house will also reduce the amount of light coming into our back garden and onto our patio.
- The proposed changes to the boundary – a 1.8 metre fence – would also dramatically reduce the light that we depend upon with our low level eaves.

#### Other matters

- Concern over the position of the site notice and notification of residents along Daines Lane
- Due to the natural slope in the lane, surface water from the proposed turning area of the new property (higher than the lane) will run onto the lane and across to other properties.
- The back garden of 1Holly Villas has never to our knowledge been used by 2 cars and the asbestos shed/garage has not been used for over 30 years because it is too small for modern cars. The proposed development would concrete over the area needed

to stop rainwater flooding down the slope into the footpath and properties. The boundary is over 2 feet above the path.

- The actual house would appear too overbearing as it is on an incline, between gardens and veg patches, and would overcrowd neighbouring houses.
- Melton has a very good neighbourhood plan. The new houses in the Bloor Homes Development on Woods Lane and the plan to build more houses on the land opposite John Grose Garage should be more than adequate to fulfil housing needs in the area given the oversubscription of local schools, doctors surgeries, etc without the need to squeeze in another in an almost inaccessible garden plot at the back of 1 Holly Villas.
- The current 1 metre picket fence was built by us when we built the house so we are surprised that the developer proposes removing it having made no real effort to communicate with us at all.

**5 PUBLICITY:** East Anglian Daily Times on 21 February 2019

**6 SITE NOTICES :** General Site Notice, in the vicinity of a Public Right of Way, posted on the 20 February 2019

## **7 PLANNING POLICY**

7.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 NPPF (2019)

7.3 NPPG - Section 2 – 6

7.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

- SP1a – Sustainable Development
- SP1 – Presumption in Favour of Sustainable Development
- SP19 – Settlement Policy
- SP27-Key and Local Service Centres
- SP2 – Housing numbers and distribution
- SP3 – New Homes
- DM7 – Infilling and Backland Development with Physical Limits Boundaries
- DM21 – Design Aesthetics
- DM22 – Function
- DM19 – Parking Standards
- DM23 – Residential amenity
- SP15- Landscape and Townscape
- DM27 – Biodiversity and Geodiversity

- 7.5 The following Policies of the Melton Neighbourhood Plan 2016 are relevant to the consideration of this application:
- MEL 17 – Character Areas

## **8 PLANNING CONSIDERATIONS**

### Principle of development and access

- 8.1 The proposal site falls within the settlement boundary as set out within the adopted Melton Neighbourhood Plan (NP), adopted December 2017. Policy MEL1 of the Melton Neighbourhood Plan states that development proposals within the physical limits boundary will be supported subject to compliance with policies SP19, SP26 and SP28. By virtue of the site being located within Melton's development limits and within close proximity to an extensive range of facilities and service, the site can be considered sustainable in the context of SP19 and in relation to the local character and key physical thresholds of the area referred to by SP26 and SP28.
- 8.2 The site is surrounded on all sides by single and two-storey residential properties including Hoo House which is adjacent the proposal site's north-eastern boundary. Hoo House was approved in 2007, is 1.5 storeys and of a contemporary design with access off Dock Lane; which is linked to Daines Lane via a short stretch of informal footway. A Public Right of Way (PROW) connects Dock Lane to Melton Road via Daines Lane.
- 8.3 The proposal includes the severance of part of No. 1 Holly Villas' existing garden land resulting in a new rear party boundary in-line with that of No. 2 Holly Villas existing boundary. The site for proposed development would be approximately 371 square metres which would be similar to other properties in the area including Oak View located opposite.
- 8.4 This is an outline application with all matters, except access reserved. Access is proposed via Daines Lane.
- 8.5 Any future reserved matters application would need to include matters of the design, scale and appearance of the dwelling. Part of the assessment of that future application would seek to ensure that the proposal does not detract from the nearby properties in terms of visual or residential amenity.
- 8.6 The proposed parking to the front of No. 1 Holly Villas, as proposed in the sister application (DC/19/0523/FUL), would not represent a deviation from the existing pattern of development when considered against other properties along Melton Road that already enjoy such provision. Off-road parking provision in this location would also assist in alleviating the apparent congestion of parked vehicles along Melton Road and the surrounding highway network.
- 8.7 Daines Lane is a private road Policy MEL6 concerns parking standards and stipulates the provision of two off-road spaces for new two and three bed properties and therefore the proposed provision would be policy compliant. The Local Highway Authority has not raised any objection to the applications. It is considered that there is already a right of access to this site given that this is currently the parking provisions for No.1 Holly Villas.
- 8.8 As well as providing the sole means of access and frontage to at least six residential properties, Daines Lane also provides rear access to at least ten properties along Melton

Road including No.1 Holly Villas. Daines Lane is narrow, has no formal surfacing material and is accessible via Melton Road (B1438) which is a main arterial road linking Melton with Woodbridge town centre.

- 8.9 Local residents have raised concerns over construction traffic along Daines Lane. A condition is proposed to include a Construction Management Plan prior to commencement to ensure that the construction process can be undertaken in a safe manner for local residents and members of the public using Daines Lane.

#### Visual amenity, street scene and landscape

- 8.10 Given the proximity of the proposed dwelling in relation to other existing dwellings, including Hoo House, it is the officer's opinion that a new dwelling in the location shown on submitted drawing 5328/5 would not represent overdevelopment within the immediate area, nor is the proposed dwelling considered to be obtrusive within the street scene or harmful to the visual amenity of the wider landscape as the existing character of the area appears, to be definitely urban.
- 8.11 There are no Tree Preservation Orders (TPOs) on the site, and a condition can be imposed to ensure that the neighbouring trees and those stated to be retained can be protected during development.
- 8.12 With regards to the previous loss of trees and other vegetation on the site, as the site is not within a protected area and the trees were not subject to a TPO the Local Planning Authority would have no control over the loss of trees. It is considered appropriate in this instance to add a landscape condition to replace some of the lost landscaping.

#### Residential Amenity

- 8.13 The proposal would be surrounded by existing one and two- storey residential properties on all sides, many of which already utilise Daines Lane as a primary means of vehicular access. 1 Holly Villas already enjoys rear access, via Daines Lane, to existing rear parking provision including a garage, albeit in a poor state of repair. Taken with proposals to create two additional off-road parking spaces along Melton Road for use by No.1 Holly Villas, it is considered that development of the proposed 1.5 storey dwelling is unlikely to result in the over intensification of Daines Lane and therefore a negligible impact on residential amenity in this regard is in accordance with DM23 and MEL17.
- 8.14 The proposed dwelling could be set back from Daines Lane and at a suitable distance from adjacent neighbouring properties, including Hoo House, Oak View and Concord, such that impacts from overlooking and loss of light would in all likelihood be negligible. Likewise the reserved matters application would need to ensure that the back-to-back distances between the proposed dwelling and Holly Villas were sufficient so as not to upset the future enjoyment of either property. Furthermore, when compared with no. 2 Holly Villas; which already has a rear garden area similar in size to that which would result if the proposed new dwelling were permitted, the severance of No. 1 Holly Villas' existing garden is not considered detrimental or contrary to DM7.
- 8.15 The indicative front elevation shows an asymmetrical design approach which creates a lower eaves level nearest Hoo house of 2029mm, where the roof pitches away from that shared

boundary minimising overshadowing, furthermore the site layout shows the proposed property set back from Daines Lanes, to allow access and parking for two cars to the front of the property, this effectively sets the built form further from Hoo House where any loss of light will be minimal.

#### Design and Layout

- 8.16 The submitted plans show an indicative layout and design for the proposed dwelling, however this is outline application with matters of appearance, scale and design reserved.
- 8.17 The indicative scale of the property at one-and-a-half storey with the asymmetrical design proposed conforms with the scale of properties in the vicinity of the site.
- 8.18 In addition the resultant size of both the proposed site, and the area retained for 1 Holly Villas, would also be in line with the size of sites along Daines Lane and those fronting Melton Road. As such it is considered that a property of the size and scale shown in these plans would be in line with planning policy DM21, an informative will be added to any approval granting, advising on this.
- 8.19 The indicative block plan demonstrates a suitably sized access with two parking spaces, the space to the front of the parking spaces is adequate to turn to allow access into and out of the site in a forward gear, a condition will be added to any approval granted to ensure this parking arrangement is retained during the reserved matters stage.

#### Impact on character of area

- 8.20 The site falls outside Melton Conservation Area and the nearest listed building is the Coach and Horses public house situated to the north along Melton Road. Given the built up character of the surrounding area including a number of residential properties and mature trees which screen the proposal site, the impact of the proposed dwelling on the closest heritage assets including the 'Coach and Horses' would be inconsequential.

#### RAMs

- 8.21 The development site falls within the 13 km 'zone of influence', as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.
- 8.22 Officers have undertaken an Appropriate Assessment and determined that in order to mitigate recreational impacts on Habitats Sites in zone B and to confirm to policy DM27 a fee is required. The applicants have entered into a section 111 and paid the required fee as such it is considered the proposals meet the requirements of RAMs and policy DM27.

#### Community Infrastructure Levy (CIL)

- 8.23 Suffolk Coastal District Council has adopted charging schedules to levy financial contributions from the creation of new floor space resulting from new development. CIL

payable at £150 per square metre for all new floor space is therefore attributed to the area within which the proposal site sits.

- 8.24 Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended) the proposed development 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).
- 8.25 If approved the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.suffolkcoastal.gov.uk/yourdistrict/planning/policy/cil/>

## **9 CONCLUSION**

- 9.1 The proposals accord with local policies SP1, SP1a, SP19, SP27 and DM7 which direct new housing to settlements which benefit from a physical limits boundary. The scale proposed is in line with other properties in the area and is not considered to represent unacceptable form of backland development.
- 9.2 Whilst the access is across a private road, the host dwelling currently benefits from vehicular access and parking to the rear over Daines Lane, as such it is not considered that the proposals would cause a considerable amount of vehicular movements over and above that that could currently occur at the site. Parking provisions have been made for both the proposed and host dwelling and conform to policies DM19 and MEL6.
- 9.3 This is an outline application where the design and scale of the property are matters to be dealt with at a later stage. However the indicative plans demonstrate a suitable building which has been designed to reduce any impact on the amenity of neighbouring properties by way of its scale, design and location within the site, it is considered that the site could accommodate a one-and-a-half storey dwelling without adversely impacting neighbouring amenity in accordance with policy DM23.

## **10 RECOMMENDATION**

**APPROVE** subject to controlling conditions including the following:

1. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

3. This permission is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010) and before work on the development is begun, approval of the details of the appearance, landscaping, layout and scale [herein called the "reserved matters"], shall be obtained from the local planning authority.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) no such details having been given in the application.

4. The development hereby permitted shall not be carried out other than in complete accordance with the site location plan and Drawing No 5328:4 in relation to the access arrangement received on 05.02.2019

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

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

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

6. Prior to commencement a method of Construction Management Plan must be 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 Daines Lane during the construction phase of the development.

7. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the existing maple tree and beech tree has been erected 1 metre beyond the canopy of the tree(s). 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.

8. No development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development 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. All fencing shall be retained and maintained until the development is complete.

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

9. 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.

10. Two parking spaces are to be provided on site with suitable turning space to allow vehicles to enter and exist the public highway in a forward gear and shall be retained thereafter in its approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in a forward gear in the interests of highway safety.

**BACKGROUND INFORMATION:**

See application ref: Planning Application File Ref No DC/19/0521/OUT and DC/19/0523/FUL at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

SOUTH PLANNING COMMITTEE – 25 JUNE 2019

DC/19/1327/FUL

EXPIRY DATE: 02 June 2019

HOUSEHOLDER APPLICATION

APPLICANT: MR & MRS HODD

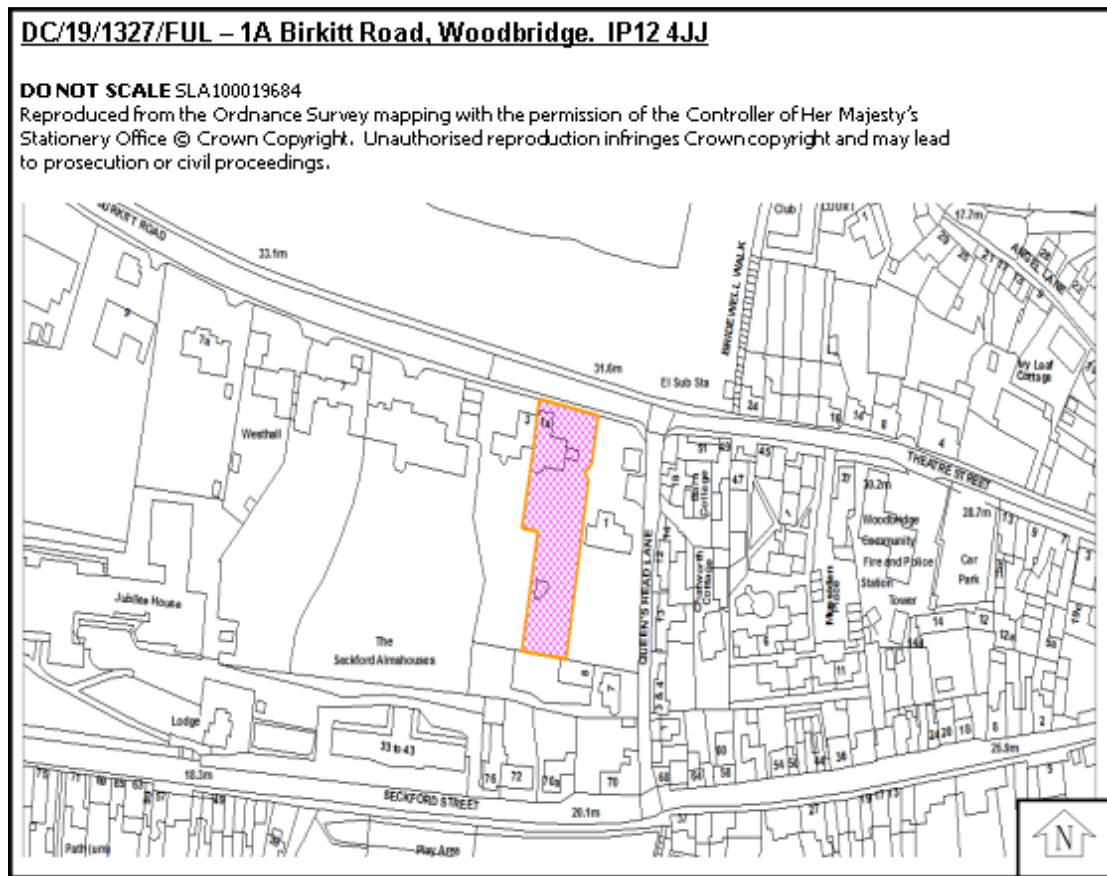
1A BURKITT ROAD, WOODBRIDGE, IP12 4JJ

RELOCATION OF EXISTING WORKSHOP AND ERECTION OF NEW EXTENSION TO FORM UTILITY AND SHOWER ROOM.

CASE OFFICER: Jamie Behling

01394 444 780

Jamie.behling@eastsuffolk.gov.uk



## **1 EXECUTIVE SUMMARY**

**Planning Permission is sought for the retention of a detached workshop that was built without planning permission in a position slightly further away from the road than currently occupied. In addition the application also proposes a new single storey side extension connected to the workshop via a flat roof.**

**This item has come before members through the referral process on the grounds that the workshop was subject to an enforcement complaint and the Panel wished for the impact on the streetscene to be considered by the Planning Committee.**

**The proposed extension would be located at the side of the property and would be a modest addition to the existing property. The attached workshop would be relocated from its current position and sit beside the small extension. It is proposed to clad the extension in a matching vertical board style to the workshop. Although this would change the appearance of the front elevation of the property, it is not considered to be detrimental to the character or appearance of the property or wider area.**

**The application is therefore recommended for approval.**

## **2 SITE DESCRIPTION**

- 2.1 The property is a detached two storey semi-detached house located in an urban, residential location in the centre of Woodbridge and within the Conservation Area. It is considered that the dwelling itself holds no important historic fabric and contributes little to the overall appearance of the Conservation Area.
- 2.2 The property has been subject to multiple extensions since it was originally built with the addition of a sunroom to the rear and a first floor extension over the current kitchen/dining room on the side. The property is of a brick construction with partial render finish with tiled roof. The existing workshop is to the front of the site and is currently clad in grey, vertical and horizontal boarding.

## **3 PROPOSAL**

- 3.1 The proposal involves the erection of a single storey side extension. The existing workshop will be relocated back away from the road to the side of the dwelling. The proposed extension would be to the east of the property which is currently open space being used to store equipment and rubbish and regarded as being within the front garden with the rear garden being separated by a brick wall. The proposed extension would extend across a small part of the open space to the side and have a living grass flat roof. The eaves level would match that of the existing workshop and with the flat roof connecting the two with a walkway in-between. The proposal also includes the planting of a hedgerow and trees across the front the sites boundary wall to screen the proposed development, a veranda to the front of the development and a new gate between the extension and workshop.

## 4 CONSULTATIONS/COMMENTS

4.1 Woodbridge Parish Council: *“We recommend REFUSAL. We believe there is overdevelopment of the site as it encroaches the garden and have concerns that it will be infilled and that there is loss of green space in contravention of SP17. It is out of keeping with the street scene in contravention of SP15.”*

4.2 Third Party Representations : No comments received

## 5 PUBLICITY

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

Category	Publication date	Expiry	Publication
Conservation Area	18.04.19	14.05.19	East Anglian Daily Times

## 6 SITE NOTICES

6.1 The following site notice(s) have been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice	Conservation Area	10.04.19	03.05.19

## 7 PLANNING POLICY

7.1 National Planning Policy Framework (2019)

7.2 East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (adopted July 2013) (“The Core Strategy”) policies:

- SP1 – Sustainable Development
- SP1a – Presumption in Favour of Sustainable Development
- SP15 – Landscape and Townscape
- DM21 – Design: Aesthetics
- DM23 – Residential Amenity

7.3 Woodbridge Conservation Area Appraisal SPG

## 8 PLANNING CONSIDERATIONS

### Visual amenity and character of street scene

8.1 The property is a two storey semi-detached detached property located along a street of varying properties in the town of Woodbridge. The property is located in an elevated position compared to the road and pathway which is situated close to the front of the

property with access up a short stairway directly in front of the site. The land levels once on the property flatten and begin to fall towards the rear of the site.

- 8.2 The proposed extension would be three metres wide and 4.1 metres deep. It would be located at the side of the property, be single storey in scale and have a living grass flat roof. It is proposed that the extension be clad in vertical boarding in light grey.
- 8.3 The proposed workshop is 5.5 metres wide by 4.8 metres deep. Both extension and workshop will have an overall height of 2.7 metres.
- 8.4 The proposed development would be moderately visible from the front of the property. As the site is raised one metre above street level with a 1.9 metre retaining wall across the front of the property and proposed new hedgerow and trees along the front boundary, there will be considerable screening to the site from the road.

#### Impact on character of area

- 8.5 The size of the proposed development is acceptable in relation to the existing property. Although the property has been extended in the past, it is located on a relatively large plot and the proposed extension would not significantly alter the character or appearance of the original property to the detriment of the conservation area. The main dwelling will still remain the more prominent feature on the site with sufficient screening being created to minimise the impact of the development to the street scene and wider conservation area.

#### Residential Amenity

- 8.6 The property is located on a relatively large plot. The nearest neighbouring dwelling is approximately 20 metres to the south-east of the development at a lower ground level. The proposed development which is located beside the shared boundary which is made up of a large retaining wall, would therefore have little impact on the occupiers of that property due to the majority of the proposal being concealed due to the angle it will be viewed from.

### **9 Conclusion**

- 9.1 The design, size and scale of the proposed extension and workshop would not detract from the character or appearance of the property or conservation area and there would be no adverse impact to the residential amenity of neighbouring residents. The proposal is therefore considered to be acceptable.

### **10 RECOMMENDATION**

- 10.1 **APPROVE** subject to the following conditions:

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

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

- 2 The development hereby permitted shall be completed in all respects strictly in accordance with A02/01 received 29/03/2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

**BACKGROUND** See applications ref DC/19/1327/FUL  
**INFORMATION:** <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PP4UWPQXJ2X00>  
<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PH73J1QX0GC00>

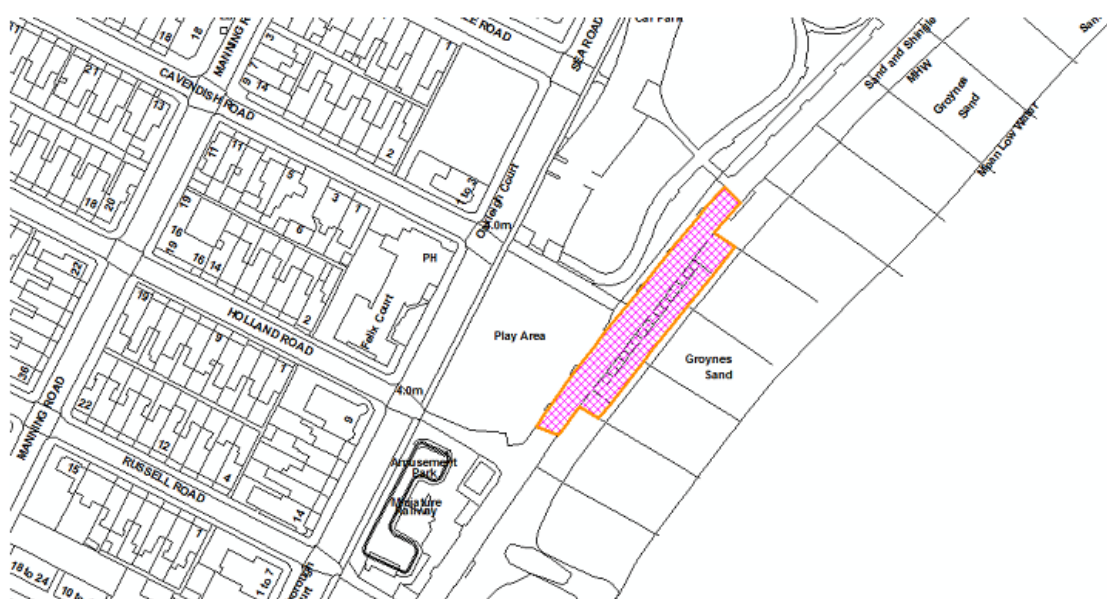
**SOUTH PLANNING COMMITTEE – 25 JUNE 2019**

**APPLICATION** DC/18/0272/FUL  
**EXPIRY DATE** 28 June 2019  
**APPLICANT** East Suffolk Council (c/o Mr Andrew Jarvis)  
**ADDRESS** Beach Hut 1, Pier South, Sea Road, Felixstowe, Suffolk  
**PROPOSAL** Beach platform repairs and extension and the provision of six new beach huts  
**CASE OFFICER** Rachel Lambert  
 01394 444574  
 rachel.lambert@eastsuffolk.gov.uk

**DC/18/0272/FUL - Beach Hut 1, Pier South, Sea Road, Felixstowe**

**DO NOT SCALE** SLA100019684

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## **1 EXECUTIVE SUMMARY**

**The proposal seeks to carry out platform repairs and an extension for the provision of six new beach huts.**

**This item has come before members on the grounds that the applicant is East Suffolk Council.**

**Despite the policy primarily directing beach huts to other locations along Felixstowe sea front, the proposal does not result in increased harm to visual amenity and would not compromise existing sea defences or adversely effect the coastal environment. The additional huts will allow for the continued use of the existing huts through the financial ability to maintain an existing group of huts. Overall, the proposal will provide further huts that positively contribute to the seaside appeal of Felixstowe and the subsequent tourism offer of the area.**

**The application is recommended for approval subject to conditions.**

## **2 SITE DESCRIPTION**

- 2.1 The site is located at Pier South, Sea Road, Felixstowe. Sited approximately 150 metres south of The Pier, it comprises the existing raised beach platform, contained by the retaining walls abutting the promenade.
- 2.2 At this particular location, the promenade is 7.5 meters wide, with the existing raised platform on the beach between 7m and 7.5m wide. The platform has concrete retaining walls and is filled with beach gravel and sand, located between groynes numbered A58 and A61 - two groynes (A59 and A60) extend off the retaining wall.
- 2.3 The existing platform accommodates 16 standard sized beach huts. The huts are positioned equally spaced along the platform between the beginning of April and the end of September each year. They are repositioned by the owners over the winter months to the promenade, against the sea wall, to reduce damage winter months.
- 2.4 The area of proposed engineering works and summer season beach hut locations are adjacent to but outside of the Felixstowe South Conservation Area. The winter storage area, on the promenade, is within the Conservation Area. The site is owned and managed by East Suffolk Council and it is adjacent to the Council owned car park and events space.

## **3 PROPOSAL**

- 3.1 The application seeks to undertake engineering works to the existing beach platform retaining wall, including repairs to the existing wall subsequent extension at both the northern and southern ends to lengthen the platform along the promenade.
- 3.2 An additional 10.5 metres would be added to its northern end and six metres at its southern end. The new concrete retaining wall would match the existing wall and would remain flush with the level of the promenade and front wall. The wall would be approximately one metre above the level of the beach, however, this would vary depending on the level of beach material and the location between groynes. The wall would be 1.5m deep overall and 300mm wide.



- 3.3 This expansion and repair work is proposed to enable the platform to accommodate six additional beach huts, with a spacing of 600mm between huts and a larger central gap of 1.8m aligned with the path leading to the car park. The huts would be of a standard size to match those existing, with doors facing onto the beach. The dimensions would be a maximum of 2.4m high, 3.5m deep and 2.4m wide. They would be constructed in painted timber with felt roofing. An area of at least 2.5m wide would be provided in front of the huts on the platform. Additional space is available of the promenade to accommodate the additional six huts in the winter time without restricting the width of access along the promenade and maintaining space around the existing sea front benches.

#### **4 CONSULTATIONS/COMMENTS**

##### **4.1 Felixstowe Town Council:**

*“Consistent with its recommendation on 7 February 2018 in relation to DC/18/0272/FUL, Committee recommended REFUSAL on the grounds that it is clearly contrary to FPP20 which states that:*

*“The provision of beach huts will be carefully monitored and limited to those which currently exist. Any increased provision will be directed towards other parts of the sea front (namely Felixstowe Ferry Golf Club to Cobbolds Point, Policy FPP18 as appropriate). Committee believes that a row of beach huts of this length and spacing on the beach in front of the promenade would result in a loss of tourism amenity, also an aim of FPP20, as large rows of closely spaced huts can be seen as intrusive and to detract from the seaside experience, in particular loss of sea views from the promenade”.*

*Members were also aware of the views of the Coast Protection team that the existing groynes in this area have a limited remaining life span of probably 10-15 years, with a consequent need for a further major Coastal Defence scheme on the frontage, potentially incompatible with the type of concrete wall structure proposed. Therefore, the creation of further beach hut sites at this location may only be sustainable in the short-term.”*

##### **4.2 Suffolk County Council Highways Authority: No objection**

##### **4.3 Suffolk County Council Lead Local Flooding Authority : No comments**

##### **4.4 Suffolk County Council Public Rights of Way : No response**

##### **4.5 Environment Agency : No objection**

##### **4.6 Head of Economic Development : No response**

##### **4.7 Third Party Representations : Four letters of objection have been received raising the following matters:**

- Not in accordance with Policy FPP20;
- Overcrowding;
- Restricts access between beach huts;
- Beach huts vary in size – not all standard as stated;
- Renting the huts will lead to people being less inclined to maintain them;
- Inconvenience caused during construction and relocation of huts on/off platform;

- Financial cost and benefit;
- Amenity and enjoyment affected; and
- Impact on Conservation Area.

## 5 PUBLICITY

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

Category	Publication date	Expiry	Publication
May affect archaeological site Conservation area	25.01.2018	14.02.2018	East Anglian Daily Times

## 6 SITE NOTICES

6.1 The following site notice(s) have been displayed at the site:

Site notice type	Reason	Date posted	Expiry date
General site notice	<ul style="list-style-type: none"> <li>• May affect archaeological site</li> <li>• Conservation area</li> </ul>	14.05.2019	05.06.2019
General site notice	<ul style="list-style-type: none"> <li>• May affect archaeological site</li> <li>• Conservation area</li> </ul>	26.01.2018	15.02.2018

## 7 PLANNING POLICY

7.1 National Planning Policy Framework (2019).

7.2 East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (adopted July 2013) ("The Core Strategy") policies:

SP1 Sustainable development  
 SP1A Presumption in favour of sustainable development;  
 SP8 Tourism;  
 SP19 Settlement policy;  
 SP21 Felixstowe with Walton and Trimley Villages;  
 DM23 Residential amenity.

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

FPP2 Physical limits boundaries; and  
 FPP20 Spa Pavilion to Martello Park.

7.4 Felixstowe South Conservation Area Appraisal (June 2009).

## 8 PLANNING CONSIDERATIONS

### Principle of Development

- 8.1 The site is located within the physical limits boundary of Felixstowe, classified as a major centre within the district. Accordingly, in principle proposals for development within the defined physical limits boundary will be acceptable, subject to other relevant policies in the Felixstowe Peninsula Area Action Plan Development Plan Document (2017) and the Core Strategy.
- 8.2 The resort of Felixstowe, located on the coast and adjacent to the Area of Outstanding Natural Beauty (AONB), is a priority for new tourist activity. Where improving the tourism potential is seen as an important element in achieving the regeneration of the town and providing continued support in principle to the tourist industry remains a priority within the local plan. However, it is recognised that such support needs to be tailored to ensure that any expansion does not materially harm, in particular, the natural, historic and built environment assets that are the main attractions for visitors to the area and which are so important to the quality of life of local residents.
- 8.3 Local planning policy highlights the role that beach huts play in providing an essential contribution to the Felixstowe tourist industry. However, these are limited by policy to certain areas of the sea front, concentrated between Felixstowe Ferry Golf Club House to Cobbolds Point. This approach of concentrating beach huts in specific areas enables the number of beach huts in Felixstowe to be managed in a planned manner and avoid conflict with other sea front activities and beach huts should be sited so as not to cause unnecessary blockages to the promenade. With regard to the subject site location, the area between Spa Pavilion to Martello Park, beach huts will be carefully monitored and limited to those that currently exist and any increased provision will be directed towards other parts of the sea front (namely Felixstowe Ferry Golf Club to Cobbolds Point Policy FPP18) as appropriate.
- 8.4 In principle, the provision of six new beach huts within the subject site location goes against Policy FPP20 of the Felixstowe Peninsula Area Action Plan Development Plan Document (2017). However, the provision of six additional beach huts will have less than minor adverse effects on visual amenity, considering they are well maintained. Furthermore, although access to the beach huts will be limited, there is the ability for the huts to be managed to ensure that huts are allocated based on individual requirements. The proposal can be relocated along the promenade, with access retained during winter months, as shown in the submitted plans. Moreover, the proposal does not restrict access or adversely affect the setting of the adjacent conservation area or the appearance of the seafront. The additional beach huts will be of the same scale to those already on the site and would not block the promenade or interfere with the seaside views of others.
- 8.5 As supported by Felixstowe South Conservation Area Appraisal (June 2009), beach huts are a very important to retain as a feature and for local use. In this area, beach huts are all characteristic and make a good group contribution – timber structures and cladding, tin or felt roofs – small scale, unpretentious and seasidey, which should be retained. With this in mind, the additional huts would further preserve this important and characteristic seafront attraction and feature.

## Coastal Management

- 8.6 The existing platform wall is of relatively modest design for a structure that is at times exposed to significant wave attack, and will remain at risk of storm damage and undermining from wave action during winter months. At each pre-season it will be necessary to top up the space contained within the walls with locally excavated beach material. Despite it being noted in supporting documents that the beach in this area is self sustaining, East Suffolk Council is of the view that the health of the beach in this location is critically dependent upon ongoing investment in management of the existing groyne field that stabilises the beach and currently minimises the potentially damaging effect of storms and chronic erosion.
- 8.7 The Council has a capital programme item to replace the existing groyne field within 10 – 15 years in anticipation that by this date it will no longer be possible to sustain the ageing timber and concrete groynes. At this time the groynes will be removed and replaced probably with rock groynes of similar design to those over much of the South Felixstowe frontage. When this occurs, based upon experience of the performance of other local beaches with rock groynes, the beach levels between the groynes will be more variable than present and it will not be possible to retain a beach hut platform of the style currently in use at this site.
- 8.8 It is therefore recognised that alternative beach hut placement arrangements will probably be required in time. Furthermore, if works are required to repair and/or renew existing groynes or the seawall that adjoin the platform to deliver agreed shoreline management policy (including the provision of access for construction equipment), parts of the platform may need to be removed. The presence of the existing beach hut platform wall is not ideal from a coastal management perspective, however, the potential adverse effects are considered small and manageable.
- 8.9 Overall, the proposed extension of the platform wall will not cause significant adverse effect to the coastal environment. However, the life of the extended platform, and the linked ability to position beach huts to seaward of the seawall, is likely to be limited by the residual life of the existing groyne field which is estimated at 10 – 15 years. A condition is to be applied in any approval to ensure that the local authority can determine the source of 'local' beach material to fill / refill the platform on every occasion that filling is required.
- 8.10 The Council's Coastal Management Team do not object to the application.

## **9 Conclusion**

- 9.1 Despite the policy primarily directing beach huts to other locations along Felixstowe sea front, the proposal does not result in increased harm to visual amenity and would not compromise existing sea defences or adversely effect the coastal environment. The additional huts will allow for the continued use of the existing huts through the financial ability to maintain an existing group of huts. Overall, the proposal will provide further huts that positively contribute to the seaside appeal of Felixstowe and the subsequent tourism offer of the area.

## **10 RECOMMENDATION**

### **10.1 Approve subject to controlling conditions including the following:**

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

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

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

- Proposed winter beach hut locations - SR 353-1004 (Received on 29 April 2019);
- Proposed plan and south east elevation - SR 353-1002-B (Received on 20 February 2019); and
- North east and south west elevations - SR 353-1003-B (Received on 20 February 2019).

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

3. No development shall commence until there has been a management plan for maintenance of the beach huts, the associated beach maintenance, submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for the promenade and beach areas for a period of 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the areas occupied by the beach huts are properly maintained in the interest of amenity and coastal management.

4. Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to respective beach hut(s) shall have been submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: To ensure the design and layout of the development provides and maintains safe and convenient access for people with disabilities.

5. The source of 'local' beach material to fill / refill the platform is to be agreed with the Coastal Management team on every occasion that filling is required.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the coastal environment.

**BACKGROUND INFORMATION**     Application File Reference DC/18/0272/FUL

**DC/19/1186/FUL**

**EXPIRY DATE** 27 June 2019

**HOUSEHOLDER APPLICATION**

**APPLICANT** Cllr Steve Gallant

**ADDRESS** 246 Ferry Road, Felixstowe, Suffolk IP11 9RU

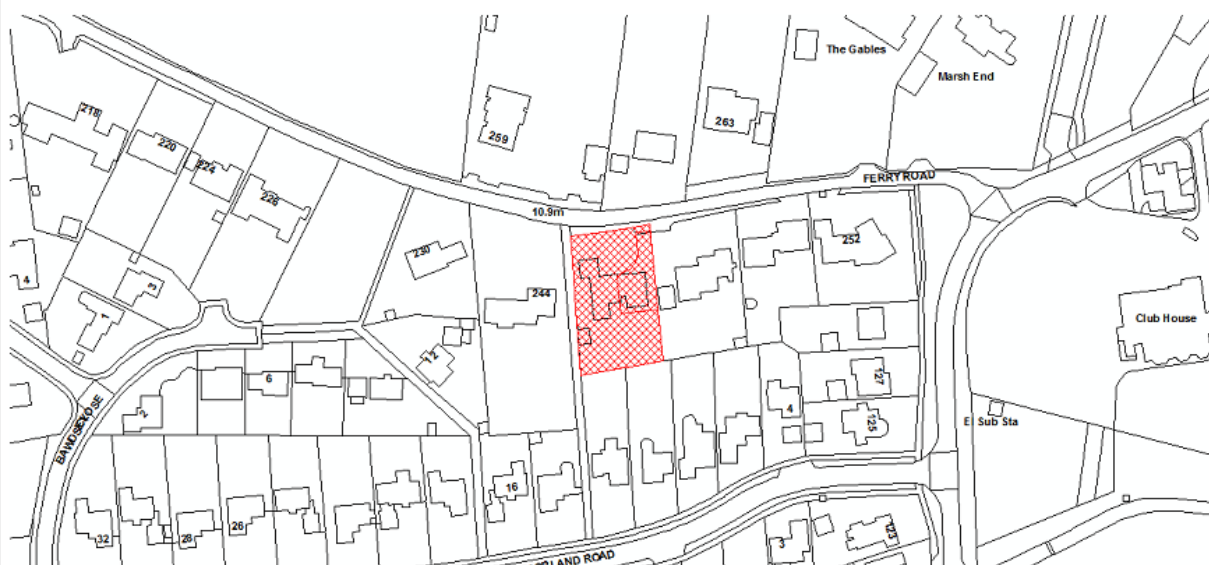
**PROPOSAL** Change of use from annex of dwelling to holiday let unit

**CASE OFFICER** Rachel Lambert  
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**DC/19/1186/FUL - 246 Ferry Road, Felixstowe, IP11 9RU**

**DO NOT SCALE** SLA100019684

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## 1 EXECUTIVE SUMMARY

The proposal seeks to change the use of a residential annex to a holiday let unit.

This item has come before members on the grounds that the applicant is a Councillor at East Suffolk Council.

The proposal will not have a detrimental impact on highway and access arrangements, the holiday let occupancy will be restricted under condition so that it is used solely as holiday accommodation, and there will be no adverse impact on the environment of residential amenity. Additionally, the local plan recognises the benefits that tourism brings to the local economy, which the proposed use supports.

The application is recommended for approval subject to conditions.

## 2 SITE DESCRIPTION

- 2.1 The site is located at 246 Ferry Road, Felixstowe) and currently comprises a detached two-storey dwelling. A first floor extension, single-storey rear extension and alterations to driveway (to create attached annexe) was permitted under C/09/1350.

## 3 PROPOSAL

- 3.1 Change of use from annex of dwelling to holiday let unit.

## 4 CONSULTATIONS

- 4.1 Felixstowe Town Council “Committee recommended APPROVAL”
- 4.2 Suffolk County Council (Highways Authority) : No objection
- 4.3 East Suffolk Head of Environmental Health : No comment received
- 4.4 Third Party Representations : None received

## 5 PUBLICITY

- 5.1 The application has been subject of the following advertisement in the press:

Category	Publication date	Expiry	Publication
Public right of way affected	28.03.2019	18.04.2019	East Anglian Daily Times

## 6 SITE NOTICES

- 6.1 The following site notice(s) have been displayed at the site:

Site notice type	Reason	Date posted	Expiry date
General site notice	In the vicinity of a public right of way	28.03.2019	18.04.2019

## **7 PLANNING POLICY**

7.1 National Planning Policy Framework (2019).

7.2 East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (adopted July 2013) ("The Core Strategy") policies:

- SP1 Sustainable development
- SP1A Presumption in favour of sustainable development;
- SP8 Tourism;
- SP19 Settlement policy;
- SP21 Felixstowe with Walton and Trimley Villages;
- DM19 Parking standards; and
- DM23 Residential amenity.

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

- FPP2 Physical limits boundaries; and
- FPP24 Holiday accommodation.

## **8 PLANNING CONSIDERATIONS**

8.1 The site is located within the physical limits for Felixstowe. Accordingly, in principle proposals for development within the defined physical limits boundary will be acceptable, subject to other relevant policies in this Area Action Plan, other Development Plan Documents, the Core Strategy and Neighbourhood Plans.

8.2 Improving the tourism potential of Felixstowe is seen as an important element in achieving the regeneration of the town. Providing continued support in principle to the tourist industry will therefore, remain a priority within the local plan. The need to strengthen Felixstowe as a seaside destination is recognised under Policy FPP24. As such, holiday accommodation is encouraged and supported across the Felixstowe Peninsula where proposals will have a positive impact on the local economy and respect the character of the surrounding street scene. In this instance, as the unit is already established, there are no additional impacts on the surrounding street scene. Furthermore, the proposal will not have a detrimental impact on highway and access arrangements, the holiday let occupancy will be restricted under condition so that it is used solely as holiday accommodation, and there will be no adverse impact on the environment of residential amenity. The local plan recognises the benefits that tourism brings to the local economy, which the proposed use supports and is therefore deemed acceptable.

8.3 The unit provides adequate internal and external amenity space, with a separate access provided at the front of the dwelling. The holiday let unit comprises two bedrooms, with a kitchen, lounge/diner and bathroom. A segregated outside amenity area at the rear is allocated for the use of the holiday let occupants. Overall, the application to change the use of the existing unit to holiday accommodation is not considered to cause adverse effects on the surrounding environment, neighbouring properties or on the future occupants of the unit.

8.4 Proposals for all types of new development are required to conform to the Council's adopted parking standards as set out in a Supplementary Planning Document (SPG3). Details provided indicate that there is sufficient parking on site, with the local highways



authority raises no concerns in relation to safety or traffic impacts. As such, the proposal is deemed in accordance with the respective policy.

- 8.5 The application is considered to be policy compliant and would add to the tourism offer in Felixstowe. No objections have been received and the application is therefore positively recommended.

## **9 Conclusion**

- 9.1 Overall, the proposed change of use to a holiday let is deemed acceptable and in accordance with all relevant local planning policies.

## **10 RECOMMENDATION**

- 10.1 Approve subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the proposed site layout and internal floor plan received on 18 March 2019.

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

3. The premises herein referred to shall be used for holiday letting accommodation or as an 'annexe' and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order (1987) (as amended). The duration of occupation by any one person, or persons, of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the local planning authority agrees in writing to any variation. The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right. This condition is imposed to ensure that the development is occupied only as bona-fide holiday accommodation or as an ancillary annexe, in the interests of residential amenity.

**BACKGROUND INFORMATION** See application reference:

- C/09/1350: Erection of first floor extension, single-storey rear extension and alterations to driveway (to create attached annex)