



## Planning Advisory Panel – SOUTH (14 April 2020)

### Delegated Report

**Application no** DC/19/3623/VOC

**Location**

Land West Of Ferry Road Residential  
Centre  
Ferry Road  
Felixstowe  
Suffolk

**Expiry date** 15 December 2019

**Application type** Variation of Conditions

**Applicant** Generator Optima (Ferry Road) Ltd.

**Parish** Felixstowe

**Proposal** Variation of Condition 1 on Application DC/16/3776/ARM (Submission of reserved matters pursuant to outline planning permission DC/13/3069/OUT for the creation of 197 no. one, two, three and four bedroom houses and apartments, plus associated roads, paths, driveways, car parking, landscaping and public open space.)

**Case Officer** Jamie Behling  
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### Summary

The proposal seeks to vary Condition 1 of DC/16/3776/ARM pursuant to outline planning permission DC/13/3069/OUT to regularise plots 115-153 which includes the resizing of footprints and repositioning of dwellings and the removal of windows on the side elevation of flat block E. Also to reposition the fence on the southern boundary inward to the site and to alter the roof structures of plots 142-143 and 145-146 from gabled to hipped.

This application is to be considered at the Planning Advisory Panel in accordance with the scheme of delegation, as the officer's recommendation is contrary to the recommendation of objection from the Town council and a statutory consultee (SCC Highways) commenting they have had

insufficient reassurances to support, which was subsequently sent to Highways but no further comments have been received.

The application accords with planning policy, the applicant is not an elected member or member of staff or close relative, the land is not owned by the district council. The ward members have not commented.

Officer recommends approval.

### **Site description**

Land west of Ferry Road Residential Centre is a construction site for the erection of 197 dwellings which consists of a mix of housing and apartments. The site is a new estate built on the northern boundary of Felixstowe town with open countryside to the north and west and residential houses to the south and east. The site is part way through the construction building up the roadside frontage to the west first and has recently reached the point where development has reached the south-east corner of the site where the proposed plots meet onto the boundaries of the residential properties of Estuary Drive and Brinkley Way.

A significant amount of amendments have been made to the scheme since its first approval, many submitted through non-material amendments slightly altering the overall design each time.

An enforcement case ref. ENF/2019/0514/COND was raised over concerns the structures were being built to close to the boundaries of these adjoining properties altering the relationship they would have. Upon investigation the developer was building the affordable housing to a specification slightly larger than what had been approved through planning system, trying to meet Nationally Described Space Standards. Since this finding the developer has submitted amended non-material amendments for plots 184-197 as these would not have caused any material harm as the increased size was directed toward the centre of the site rather than toward the boundaries. This is the final part of the remediation aimed to regularise all contradicting structures on site to the existing approved plans.

### **Proposal**

The proposal seeks to vary condition 1 of application DC/16/3776/ARM in conjunction with DC/13/3069/OUT to alter the roof forms, from gabled to hipped, on plots 142, 143, 145 and 146.

### **Consultations/comments**

One representation of Objection from Ferry Road Campaign Group raising the following material planning considerations:

- Harm to neighbouring Amenity
- Non compliance with plans
- Inaccurate plans

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

Consultee	Date consulted	Date reply received
Felixstowe Town Council	20 February 2020	9 March 2020
<p>Summary of comments:  Felixstowe Town Council  "Committee recommended REFUSAL on the basis that the proposed changes to the design is contrary to policy DM23 as follows:</p> <p>(a) in respect of the changes to the windows to Block E in contravention to DM23(c), and:</p> <p>(b) concerns about the reduction in the length of the gardens for plots 137-148 in contravention of DM23(e) where it relates to the resulting physical relationship with other properties.</p> <p>For those reasons Committee requests the applicant to submit a full planning application for the development site."</p>		

Consultee	Date consulted	Date reply received
Parish Council	20 September 2019	9 October 2019
<p>Summary of comments:  Felixstowe Town Council  Superseded  "Committee welcomed the proposed change to roof design in response to local neighbourhood concerns. However, the Committee greatly regrets the simplification of the design features - notably the brickwork pattern - which will result in a diminished street scene quality. We request that the District Council explore with the developer the possibility of retaining the brickwork pattern. Notably this would underline the long-standing policy that affordable housing should not be overtly identifiable in mixed-use development."</p>		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 February 2020	25 February 2020
<p>Summary of comments:  SCC Highways comment they have insufficient assurances that the submitted plans reflect what has been approved in the past. A following email was supplied by the applicant which SCC</p>		

Highways has not responded to with further comments.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 September 2019	11 October 2019
Summary of comments: Superseded No Objections.		

## Publicity

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

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

Category	Published	Expiry	Publication
Major Application	26 September 2019	17 October 2019	East Anglian Daily Times

## Site notices

General Site Notice  
Reason for site notice: Major Application May Affect Archaeological Site in the Vicinity of Public Right of Way  
Date posted:  
Expiry date:

General Site Notice  
Reason for site notice: Major Application May Affect Archaeological Site in the Vicinity of Public Right of Way  
Date posted: 23 September 2019  
Expiry date: 14 October 2019

## Planning policy

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

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

## National Planning Policy Framework

### **Planning considerations**

#### Officers Considerations - Visual Amenity, Landscape

The alteration to the southern boundary fence set 700mm within the site than previously positioned is unlikely to cause any significant harm to the visual amenity of the landscape providing further space to the rear of neighbouring properties to preserve the existing vegetation and create any additional screening if desired by these neighbours.

The alterations to the roof layouts of plots 142-143 and 145-146 are consistent with other roof layouts within the street scene sympathetically mirror the design and style of plots 133-138. The changes made would have no harmful effect to the character of the street scene or the wider landscape. There is already a precedent set for hipped roofs within the vicinity with the addition of similar unlikely to significantly harm the visual amenity of the area.

The removal of the windows, serving the kitchen/living rooms of the three flats on the west side of Flat Block E, would not create any significant harm to the overall character of this part of the building or the wider development, with the windows holding no crucial design requirement to make the scheme acceptable. The loss of the windows is unfortunate however due to the positioning of plot 120, the windows are unlikely to be seen and provide no views other than of a blank brick wall of the adjacent two-storey dwelling.

The resizing and repositioning of plots 115-120 and 127-153 are of the original design and style, only the size and scale would be marginally changing. As the character of the buildings is being retained and the location is the same within the site, the overall look of the landscape and street scene will not be noticeably changing from the original vision of the proposal and therefore the visual amenity of the area will remain more or less the same.

As the proposed alterations are only considered minor when seen within the overall scheme from a design point of view when considered within the wider development, the S73 application is considered to comply with policies SP15 and DM21.

#### Residential Amenity

The repositioning of the southern boundary fence will provide 700mm of space between the rear of the neighbouring properties and the site. This is to allow any existing vegetation to be retained on the boundary of the site without having to cut it back or remove it. It is considered that this alteration would not cause any harm to the amenity of neighbouring properties due to the development being reduced in scale and brought inward away from neighbours.

The changes to make the roofs hipped on plots 142-143 and 145-146 reduce the massing and bulk of the buildings more in line with similar plots on the same street. The reduced scale would mean that the impact and sense of overbearing to the neighbours to the south would be lessened without too much harm to the design. The new design would improve the relationship the new

dwelling would have with the existing neighbours and allow better access to light and reduced shadowing. Therefore, this element of the application is considered acceptable.

The omission of the windows from Block E would mean less overlooking to plot 120 however this is a blank brick side wall of a dwelling which is positioned close to the block of flats. No views are lost and currently the design appears poorly thought out with windows in badly designed positions. The rooms losing the light have large French doors that service the kitchen/living room and can provide ample levels of natural light to the dwellings even through the loss of these openings.

The plots that require the dwellings to slightly increase in size and scale range from plot 115-153 and increases do not exceed 1 metre in any direction. Plots 143-159 are extending to the rear to the west towards community allotments, causing relatively minor concern to neighbouring amenity due to their relationship and boundaries with residential sites. Plots 127-132 the developer has repositioned the wall, that had been previously built, to keep this row of houses in line with the original plans, extending the houses forward into the site rather than backward toward neighbours. The plots that cause the higher concerns are plots 137-148 which extend outward to the south toward neighbouring properties. Plots 139-148 extend a further 0.65 metres and plots 137-138 extend 0.88 metres to the rear, encroaching toward the neighbours to the south. These plots had nearly been finished once it was found the working drawings did not match the approved planned drawings, so it would not have been a straight forward fix to realign the dwellings with the approved plans and thus this application was presented to regularise the plots. It is regrettable that this oversight was discovered so late into the development and it is the local planning authorities preference to try to protect the amenity of neighbouring properties as much as it can, however due to the minor changes to the dimensions of being less than a metre, it is likely this would not of made the development unacceptable at the original approval and therefore it is considered that these alterations cannot be refused on the grounds of impact to residential amenity and therefore comply with policy DM23.

### SCC Highways

Highways have concerns over the soft landscaping around the boundaries of the site and whether these are likely to change to a situation that was not agreed within the developers' S278, and S38, legal agreements with the highway authority. These are currently still conditioned to comply with the original Landscaping plan Master Plan E16850-TLP-001 rev. G and the Landscape Hardworks and Boundaries Strategy E16850-TLP-003 rev. G under condition 1 of DC/16/3776/ARM and approved again to discharge condition 6 under DC/17/5394/DRC. Assurances have been given from the applicant that no changes are proposed to the landscaping other than those required to make the minor adjustments for the proposal. Also drawing number 14-2370-002 rev. X is an up to date representation of all amendments and applications subsequently approved since the initial submission under DC/16/3776/ARM in 2017. Fresh confirmation of compliance with condition 6 on the approval of reserved matters will be obtained after the decision, and it is considered that the submitted drawings reflect the current road layout approved and that the assurances SCC Highways has requested have been given.

### Conclusion

As the proposal causes minimal harm to the visual amenity of the area and no significant harm to residential amenity of neighbouring properties the proposal is considered acceptable.

## Recommendation

Approve subject to appropriate conditions.

### Conditions:

1. Outline Permission - Condition 4  
No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.  
Reason: To ensure that satisfactory access is provided for the safety of residents and the public.
2. Outline Permission - Condition 5  
Details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be as approved by the Local Planning Authority under DC/17/5394/DRC on the 04/04/2018. The approved scheme shall be retained thereafter and used for no other purpose.  
Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.
3. Outline Permission - Condition 6  
Details of the areas provided for storage of Refuse/Recycling bins shall be as submitted to and approved in writing by the Local Planning Authority under DC/17/5394/DRC on the 04/04/18 and amended under DC/17/5197/AME on the 22/12/2017.  
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.  
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
4. Outline Permission - Condition 9  
The mechanism approved under DC/19/2764/DRC on the 03/09/2019, that ensures householders are being provided with appropriate information on sustainable means of transport in the wider area shall be provided to all residents as agreed unless otherwise approved in writing by the Local Planning Authority.  
Reason: To ensure that future residents are provided with sufficient information to enable them to use alternative modes of transport other than the private car in the interests of sustainability.
5. Outline Permission - Condition 11  
The surface water drainage scheme approved under DC/17/5394/DRC on the 04/04/2018 shall be implemented in accordance with the approved details before the development is completed.  
Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.

6. Outline Permission - Condition 12  
The permission hereby granted shall be carried out in complete accordance with recommendations made within the approved Ecological Survey.  
Reason: To ensure appropriate planting and biodiversity enhancements.
  
7. Outline Permission - Condition 13  
The Construction Management Plan approved under DC/18/3736/DRC on the 29/11/2018 shall be implemented in its entirety.  
Reason: In the interest of residential amenity
  
8. Reserved Matters - Condition 1  
The development hereby permitted shall be constructed in accordance with the approved drawings listed below (or those which are subsequently submitted for determination) for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Location Plan OLP002-01-01 rev. B

Site Layout 14-2370-002 rev. W

Massing Plan 14-2370-003 rev. F

SK100A submitted with application DC/13/3069/OUT

Refuse and Cycle Store Strategy Plan 14-2370-004 rev. F

Boundary Treatment Plan 14-2370-005 rev. G

Material Plan 14-2370-006 rev. G

Fire Strategy Plan 14-2370-007 rev. F

Affordable Allocation Plan 14-2370-008 rev. G

Public Right of Way 14-2370-010 rev. H

Landscape Masterplan E16850-TLP-001 rev. G

Planting Strategy E16850-TLP-002 rev. G

Landscape Hardworks and Boundaries Strategy E16850-TLP-003 rev. G

Drainage Strategy 666646-DWG-SBU-C005 rev. P7

Levels Strategy 666646-DWG-SBU-C010 rev. P5

Ground Condition Sections (Sheet 1 of 2) 666646-DWG-SBU-C020 rev. P1

Ground Condition Sections (Sheet 2 of 2) 666646-DWG-SBU-C021 rev. P1

Street Scenes (Sheet 1 of 2, Views A to D) 14-2370-020 rev. D

Street Scenes (Sheet 2 of 2, Views E to H) 14-2370-021 rev. B

House Type B, Floor Plans and Elevations 14-2370-102 rev. B

House Type D, Floor Plans and Elevations 14-2370-106 rev. G

House Type D Variant, Floor Plans and Elevations 14-2370-107 rev. F

House Type F, Floor Plans and Elevations 14-2370-112 rev. D

House Type G, Floor Plans and Elevations 14-2370-114 rev. G

House Type G Variant, Floor Plans and Elevations 14-2370-115 rev. B

House Type H, Floor Plans and Elevations 14-2370-116 rev. G

House Type K, Floor Plans and Elevations 14-2370-120 rev. D

House Type L, Floor Plans and Elevations 14-2370-122 rev. B

House Type M, Floor Plans and Elevations 14-2370-124 rev. F

House Type N, Floor Plans and Elevations 14-2370-126 rev. E

House Type N Variant, Floor Plans and Elevations 14-2370-26.1

House Type P, Floor Plans and Elevations 14-2370-128 rev. C

House Type 4B, Floor Plans and Elevations 14-2370-130 rev. G

House Type 3B, Floor Plans and Elevations 14-2370-132 rev. D  
House Type 2B, Floor Plans and Elevations 14-2370-134 rev. D  
House Type 2B Bungalow, Floor Plans and Elevations 14-2370-136 rev. F  
House Type 1B FOG, Floor Plans and Elevations 14-2370-142 rev. D  
House Type 1B FOG Variant 2, Floor Plans & Elevations 16-2370-144 rev. A  
House Type 1B FOG Variant 3, Floor Plans & Elevations 16-2370-145 rev. B  
Garages, Floor Plans and Elevations 14-2370-146 rev. A  
Bin and Cycle Store, Floor Plans and Elevations 14-2370-147  
Flat Block A, Floor Plans and Elevations 14-2370-150 rev. C  
Flat Block B, Floor Plans and Elevations 14-2370-151 rev. B  
Flat Block C, Floor Plans 14-2370-152 rev. D  
Flat Block C, Elevations 14-2370-152.1 rev. A  
Flat Block D, Floor Plans and Elevations 14-2370-153 rev. D  
Flat Block E, Floor Plans and Elevations 14-2370-154 rev. D  
Proposed Plots 54- 57, 94 and 96 15-2432-3100  
Existing House G Repositioned Plot 90 15-2432-3112  
Surface Water Drainage Strategy 666646-DWG-SBU-C007 rev. P2  
CIL Additional Information Form  
Design and Access Statement (dated August 2016)  
Phase 2 Geo-environmental Assessment Report (dated August 2015)  
Statement of Community Engagement (dated September 2016)  
Drainage Statement (dated 01 November 2016)

Reason: To secure a properly planned development.

9. Reserved Matters - Condition 2

Development shall be carried out in accordance with the approved materials submitted under DC/18/4666/DRC on the 29/11/2018. .

Reason: To ensure the satisfactory external appearance of the development.

10. Reserved Matters - Condition 3

All development shall be undertaken in complete accordance with the badger survey approved under DC/17/2792/DRC on the 25/07/2017.

Reason: To ensure that appropriate investigation of a protected species is undertaken.

11. Reserved Matters - Condition 4

The definitive line of the public right of way across the site must be physically marked out on site at the start of the development, and remain open, unobstructed and undisturbed for as much of the construction phase as possible. If crossed by construction traffic, then that crossing point must be maintained in a good state of repair and be safe and fit for use at all times.

Reason: In the interests of the amenity of the public

12. Reserved Matters - Condition 5

The scheme detailing how all areas of public open space will be managed and maintained shall be as approved under DC/18/0379/DRC on the 02/02/2018.

Reason: In the interest of visual amenity

13. Reserved Matters - Condition 6

The detailed planting scheme submitted to and approved in writing by the local planning authority under DC/18/0379/DRC on the 02/02/2018 shall be carried out in its entirety.

Reason: To ensure that there is suitable and appropriate landscaping of the site

14. Reserved Matters - Condition 7

Swift boxes as agreed by the local planning authority under DC/19/1355/DRC on the 09/05/2019 shall be installed and retained in the approved locations.

Reason: To secure ecological enhancements to the site.

**Informatives:**

1. The existing street lighting system may be affected by this proposal. The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01473 264929, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.
2. The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.
3. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
4. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.
5. Suffolk County Council's highway apparatus appears to be affected by this proposal. The applicant must contact the East Area Manager, telephone 01728 403000 agree any necessary alterations to be carried out at the expense of the developer.
6. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

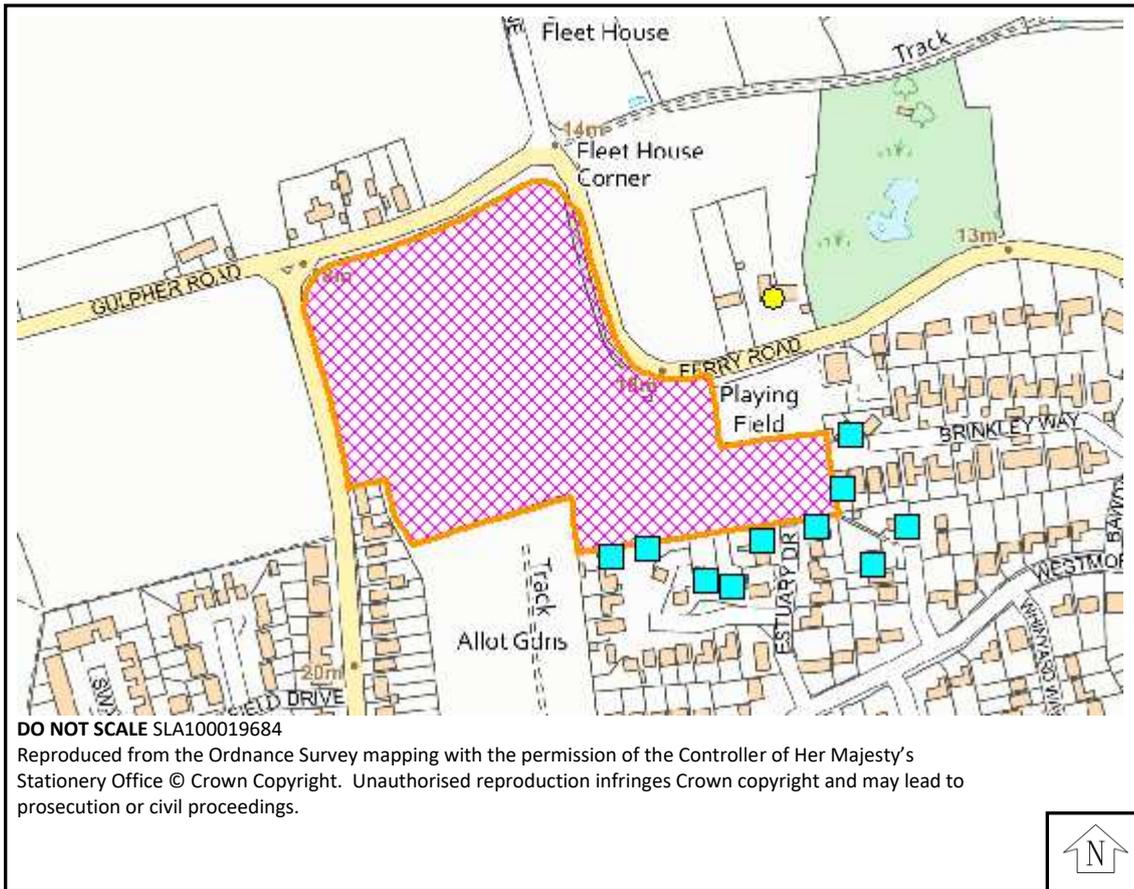
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

7. A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
8. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)
9. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

### **Background information**

See application reference DC/19/3623/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXXG2FQXMJE00>

# Map



## Key

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