



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, Melton, on **Tuesday, 26 November 2019 at 2:00 pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

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

- | | | |
|----------|---|----------------|
| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | East Suffolk Enforcement Action - Case Update ES/0195
Report of the Head of Planning and Coastal Management | 1 - 16 |
| 5 | DC/19/3662/FUL - Land Adjacent To Mallards, 5 St Mary Way, Westerfield, Ipswich, IP6 9BQ ES/0196
Report of the Head of Planning and Coastal Management | 17 - 44 |
| 6 | DC/19/3489/VOC - 1 Hill Farm Cottages, Hill Farm Road, Playford, IP6 9DT ES/0197
Report of the Head of Planning and Coastal Management | 45 - 51 |
| 7 | DC/19/3882/FUL - Haresfield, Badingham Road, Framlingham, IP13 9HS ES/0198
Report of the Head of Planning and Coastal Management | 52 - 57 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/planning/planning-applications/planning-committee/> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

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

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

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

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

Filming, Videoing, Photography and Audio Recording at Council Meetings

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

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



The national Charter and Charter Plus Awards for Elected Member Development

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

www.local.gov.uk/Community-Leadership



PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

26 November 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 October 2019. At present there are 14 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 October 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	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"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. 	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received 	30/11/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				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"> • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 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 • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 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. • 10/11/2015 – Informal hearing held • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 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. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. 21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 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). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019. 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 05/11/2019. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> Authorisation granted to serve Enforcement Notice. 13/09/2013 -Enforcement Notice served. 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months 11/07/2014 - Final compliance date 05/09/2014 - Planning application for change of use received 21/07/2015 – Application to be reported to Planning Committee for determination 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice 	29/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. 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. 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 	24/11/2024

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> • EN served on 21/12/2016 • Notice becomes effective on 25/01/2017 • Start date has been received. Public Inquiry to be held on 08/11/2017 • Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. • 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). • Site visit to be conducted once compliance period has finished. • 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. • Site visit due on 07/01/2019. • 07/01/2019 – Site visit undertaken, no compliance with Notice. Case 	30/11/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>referred back to Legal Services for further action.</p> <ul style="list-style-type: none"> • 26/02/2019 – Update to be given at Committee. • Awaiting update from Legal. • 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 03/09/2019 • 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action. • Court date arranged for 05/11/2019 	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period • Appeal submitted. Awaiting Start date 	17/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • 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 	29/02/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	
ENF/2018/0057 /	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> • Breach of Condition Notice served • Application received to Discharge Conditions • Application pending decision 	31/12/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> Listed Building Enforcement Notice served on 17/05/2019. Notice takes effect on 20/06/2019. Three months for compliance Appeal has been submitted, awaiting a start date. 	29/02/2020
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 Stop Notice Served 25/05/2019 comes into effect 28/05/2019. Appeal has been submitted. Awaiting Start date. 	29/02/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> Breach of Condition Notice served 01/08/2019. 	01/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> Enforcement Notice served 16/08/2019. Appeal submitted, awaiting start letter. 	29/02/2020

Committee Report

Planning committee - 26 November 2019

Application no DC/19/3662/FUL

Location

Land Adjacent To Mallards
5 St Mary Way
Westerfield
Ipswich
IP6 9BQ

Expiry date 29 November 2019

Application type Full Application

Applicant Mr & Mrs Gittins

Parish Westerfield

Proposal Construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway.

Case Officer Natalie Webb
01394 444275
natalie.webb@eastsuffolk.gov.uk

1. Summary

- 1.1. The application seeks permission for the construction of two new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and an extension of the vehicular access driveway at Land Adjacent to Mallards 5 St Mary Way in Westerfield.
- 1.2. The application is presented to planning committee in accordance with the Constitution of East Suffolk Council as the Planning Application is, in the opinion of the Head of Planning and Coastal Management of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect. In this instance the proposal is contrary to policies within the Development Framework
- 1.3. The application is recommended for approval, subject to conditions outlined below.

2. Site description

- 2.1. The application site occupies an elevated position to the rear of 5 and 6 St Mary's Way and housing on Westerfield Road and Church Lane. It comprises the rearmost half of the back garden for 5 St Mary's Way and an undeveloped area of rough grassland, trees and shrubs to the rear of 6 St Mary's Way and Acorns on Westerfield Road. Access to the site is from St Mary's Way.
- 2.2. The site lies outside of, albeit immediately adjoins the physical limits boundary. The site does not affect the setting of a listed building, nor is it within any designated areas.
- 2.3. The site is abutted by residential development to the south and west, with an area of undeveloped grassland immediately north and east of the site, with agricultural fields further north. Planning permission has been granted at appeal for the erection of five dwellings to the rear of The Mount just to the east of St Mary's Way (planning reference: DC/16/2765/FUL, appeal reference APP/J3530/W/17/3167309).
- 2.4. Previous applications for residential development have been submitted and subsequently refused or withdrawn on this site as follows:
 - DC/17/5215/OUT - Erection of five dwellings
Application refused and subsequent appeal dismissed (APP/J3530/W/18/3200488), however this appeal established that the principle of development was acceptable, subject to overcoming the impact to residential amenity (more information in Planning Considerations below and a copy of the decision is attached in Appendix 1).
 - DC/18/5206/FUL - Erection of three dwellings
Application refused on 25 February 2019, as matters within the Inspectorate's decision had not fully been overcome.
 - DC/19/2583/FUL - Erection of three dwellings
As above, the application had not fully overcome initial concerns about the impact to residential amenity, therefore was advised to withdraw the application and reconsider the scale and amount of units on 'plot 2.'

3. Proposal

- 3.1. The application is for construction of two new dwellings (one detached chalet bungalow, referred to as Plot 1 and one detached bungalow referred to as Plot 2) with detached garages, and an extension of the vehicular access/driveway.
- 3.2. Following the earlier 2019 application, the applicant has reduced the number of dwellings to the south of the site (one instead of two) and has reduced the height of the southern unit to a single-storey dwelling.

- 3.3. The dwellings are proposed to be positioned to face one another either side of the proposed access, with the northern of the two units being the chalet bungalow, set on a similar alignment to the existing neighbouring dwelling (6 St Mary's Way).
- 3.4. Both properties are proposed to have a detached double garage and off-road parking areas for two cars in front of the garage.

4. Consultations/comments

- 4.1. A total of letters of objection have been received raising the following matters:

- Access
- Anti-social Behaviour
- Backland Development
- Boundary issues
- Building work
- Contamination
- Cumulative Development
- Design
- Density of Development
- Dominating/Overbearing
- Drainage
- Fear of Crime
- Health and Safety
- Impact on Character of Area
- Landscape impact
- Light Pollution
- Loss of Light
- Loss of open space
- Loss of outlook
- Loss of Privacy
- Loss of view
- Noise
- Over Development
- Over Shadowing
- Overlooking
- Parking
- Principle of Use
- Property value
- Scale
- Security
- Setting of precedent
- Smells
- Sustainability
- Traffic or Highways
- Trees
- Wildlife

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Westerfield Parish Council	27 September 2019	11 October 2019
<p><i>"This application was considered at a meeting of Westerfield Parish Council on October 9, 2019.</i></p> <p><i>Following discussion and consideration of comments by seven members of the public, the Parish Council unanimously decided to oppose the application, for the following reasons:</i></p> <p><i>Recent Site History</i></p> <p><i>In 2017 an outline planning application DC/17/5215 was lodged to build 5 houses on St Marys Way.</i></p> <p><i>Residents potentially affected by this development objected, the Parish Council objected and Suffolk Coastal refused the application. The application went to appeal and the Planning Inspector also refused the application.</i></p> <p><i>In 2018 an application DC/18/5206/OUT was lodged to build 3 houses on this site. The Parish Council considered the effect of this application on the character and community of Westerfield and the planned housing provision in the village. The District Council subsequently refused the application.</i></p> <p><i>These previous applications to develop this site have been refused on the grounds that:</i> <i>it would be obtrusive and would affect the privacy of existing dwellings. It would extend the physical boundary of the village and, would not be in accordance with the adopted Local Plan. There would appear to be no reason why these judgements should be ignored when considering further applications.</i></p> <p><i>A further planning application DC/19/2583/FUL was made in June 2019 but after discussions with the District Council this was withdrawn.</i></p> <p><i>A further planning application DC/19/3662/FUL has now been submitted for this site for two new dwellings. The cross-sections through the proposed site and access arrangements are similar to the previous application. The basis of objection for the previous applications is still applicable.</i></p> <p><i>Detailed comments on points made in planning application</i> <i>Residents have expressed concerns about the obtrusive nature the development would have on adjacent dwellings, exacerbated by the site gradient. This is particularly relevant to the occupiers of Number 6, and indeed to any future residents in No 5, but also to a number of adjacent properties including Acorns, Bewick House, Kimanda and Maaya Mela. The plan shows the erection of a two metre fence covering some distance.</i></p> <p><i>When the gradient is taken into consideration the height difference from the ground floor of some of these properties and surrounding gardens to the top of the fence appears to be more than 4 metres. We believe this is aesthetically unacceptable.</i></p>		

The application makes reference to the recent application at the Mount. This Parish Council strongly disagreed with the decision to grant approval for this site following an appeal. It undermines the integrity of the Local Plan. Local residents objected, the Parish Council objected, and the Local Authority rejected it. This judgement should not be taken into consideration when considering subsequent developments. Each application has to be considered on its own merits, following due process. What is true for one development is not necessarily true for another.

The justification in this application is unconvincing. It disputes a key aspect of the Local Plan, the Site Allocations Policies, which identifies land suitable for development in the plan period. This site is not included in the Local Plan. Furthermore, Westerfield already has planning approval for developments covering the period 2010 to 2019 far in excess of targets given in the Local Plan.

The development is not near any retail services and one of the key issues in the village according to residents is the danger of walking on roads, with no pavements, which are subject to heavy traffic. Pedestrian access to the centre of the village such as the Church, Village Hall and local bus stop and train station is via Church Lane, a narrow lane which has no pavements and has over 4,500 vehicles travelling on it every day.

Residents in St Marys Way also frequently experience difficulty in accessing their property due to parked cars using the facilities in the centre of the village as the Village Hall car park only caters for 19 vehicles.

The bus and train services only run about every hour. There is no bus service in the evenings or Sundays and there are effectively no direct trains for journeys to and from Woodbridge and Lowestoft.

It is noted that there is no flooding and drainage assessment in the application and there is no assessment on the impact to wildlife. In fact there is no consideration of biodiversity.

Analysis of housing requirement in Local Plan

Suffolk Coastal has an adopted Local Plan, approved by central government, covering the period 2010 to 2027 which is compliant with the NPPF. According to the NPPF, Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development. Local Plan policy SP1A complies with this by stating 'Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. The Local Plan has identified sites in Westerfield to satisfy housing needs, detailed in the Site Allocations document. This site is not included.

Strategic Policy SP19 in the Local Plan determines the scale of development for Local and Key Service Centres to be 17% of the total housing proposed for Suffolk Coastal during the plan period. The Site Allocations document actually allocated 61 units for Westerfield in the plan period 2010 to 2027 which is far in excess of what would be reasonably expected. The document recognised this. Since the Local Plan was issued a number of additional developments have been approved for Westerfield.

Since 2012 the total number of new dwellings in Westerfield that have already been built, are under construction, have recent valid planning approvals, or is a preferred site (land south of Lower Road)

in the current Local Plan, covering the period 2010 to 2027 is 91. This council has just been informed by the Planning Authority that it is recommending approval for an application for one of the allocated sites in Westerfield to have its number increased from 35 to 75; increasing the total number for Westerfield from 193 in 2010 to a potential 324. This is significantly more than allocated in the Site Allocations Document, which is significantly more than what would be expected in the Core Strategy requirement. This represents an increase of 57%, without any improvement or increase to services in the village. Details can be provided if requested. The Parish Council believes that Westerfield is already taking more than its fair share of new housing and there is no requirement for any additional housing in the current plan period. East Suffolk District Council have now completed a review of the Local Plan which covers housing needs up to 2036. This emerging Local Plan has been submitted to the Secretary of State for approval and has recently been the subject of an examination in Public by the Governments Inspector. If in the very near future, as expected, the new Local Plan gains approval the document states that no new housing is needed in Westerfield above and beyond what is already planned during the plan period.

Meeting requirements of Local Plan

The contribution to new housing allocations in Westerfield (now classified as a small village) already exceed the number expected with the current local plan up to 2027 and the emerging Local plan does not consider any further allocations are needed for the period up to 2036. It is also clear that both the existing and emerging local plans consider that for development in Small Villages “residential development will be permitted within defined Settlement Boundaries where it is: (a) A small group of dwellings of a scale appropriate to the size, location and character of the village, or (b) infill development in accordance with SCLP 5.7). The Settlement Boundary is clearly defined in the Local Plan.

The location of this proposed development is outside the Settlement Boundary. Westerfield has already been allocated new housing within the Settlement Boundary, so there is no requirement to build outside this boundary. The application attempts to ‘water down’ the importance of the various policies. It is quite wrong to arbitrarily apply weightings to different policies to try to justify an application. There should be no policy conflict.

Summary

Westerfield Parish Council considers that this application should be rejected for the following reasons:-

- 1. The proposed development is visually detrimental to the occupiers of nearby properties and their privacy. In particular the roof lines of the proposed buildings exceed the heights of existing properties by an intrusive amount.*
- 2. The application fails to justify the development is needed. Appraisal of their assessment shows no benefit and some adverse impacts.*
- 3. The application is non-compliant with key policies in the Local Plan associated with Local Service Centres in the Current Plan and Small Villages in the emerging Plan.*
- 4. This development is not needed as Westerfield has already been allocated additional development in excess of the current Local Plan requirement.*

Furthermore, the emerging new Draft Local Plan states that no new development is needed in Westerfield up to 2036, other than what is already planned.

In the event that Planning Officers are minded to approve the application, in spite of the Parish Council's opposition, the Council requests that the matter be referred to the District's full Planning Committee."

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	27 September 2019	30 September 2019
<p>Summary of comments:</p> <p>No objection subject to conditions in respect of details to be submitted for refuse/recycling storage/presentation areas; access to accord with highways drawing DM01 (with an entrance width of 4.5m); vehicular access to remain 4.5m in width for 10m from the edge of the carriageway; details to prevent the discharge of surface water onto the highway; driveway gradient shall not be steeper than 1 in 20 for the first 5m, the remainder of the access driveway shall not be at a gradient steeper than 1 in 8; parking and manoeuvring to be in accordance with PW1020-PL02 Rev D.</p>		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	27 September 2019	15 October 2019
<p>Summary of comments:</p> <p>Recommends conditions in respect of Site Investigation, Remediation, Validation and Unexpected Contamination.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	27 September 2019	8 October 2019
<p>Summary of comments:</p> <p>Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.</p>		

Consultee	Date consulted	Date reply received
Ecology (Internal)	27 September 2019	18 October 2019
<p>Summary of comments:</p> <p>Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	27 September 2019	No response
Summary of comments: None received.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 27 September 2019

Expiry date: 18 October 2019

5. Planning policy

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 5.4. The Development Plan for the District consists of:
 - East Suffolk Council Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013),
 - East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017)

- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- Policies of any relevant Neighbourhood Plan

5.5. The relevant policies of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

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

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

SP3 - New Homes (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

XSP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

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

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

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

DM7 - Infilling and Backland Development within Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

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

- 5.6. The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017) are:

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

- 5.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination . Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The policies that are now considered to have some weight in determining applications are not applicable to the consideration of this scheme

6. Planning considerations

Principle of Development

- 6.1. As stated above, the site lies outside of the Physical Limits Boundary, as identified within Policy SP19 and is therefore considered to be within the countryside (SP29). The site is however adjacent to the physical limits boundary, which identifies Westerfield as a Local Service Centre. The services and facilities within the village include employment sites, a public house, village hall, church, railway station and bus stops.
- 6.2. Appeal APP/J3530/W/18/3200488 in respect of refused application DC/17/5215/OUT - Erection of five dwellings, identified three main considerations:
- The impact on residential amenity; particularly 5 and 6 St Mary's Way (in regards to privacy and outlook);
 - The affect on the character and appearance of the area;
 - Whether the development was in a suitable location having regard to local and national policies relation to development in the countryside.

6.3. Paragraphs 24 and 25 of the Appeal Decision state,

".....The proximity of the village means that the development would provide some support for local services as advocated by paragraph 78 of the NPPF.

Concluding on this main issue, the development would conflict with Policies SP19, SP29 and DM3 of the Core Strategy in terms of its location beyond the physical limits boundary. However, based on the site specific circumstances in terms of accessibility of services and facilities and the effect of development on the character and appearance of the area, I give limited weight to this conflict. Therefore, I consider the site would provide an appropriate location for housing having regard to local and national policies relating to the countryside."

- 6.4. This statement is a material consideration in assessing the sustainability of the proposal. In acknowledging that the proposal would be contrary to Policies SP19, SP29 and DM3, of which Officer's had previously concluded that the development was not acceptable; in respect of the above, the application is considered to accord with SP1 and SP1a of the Core Strategy. In this instance, on the basis of the conclusions of the appeal decision, the Principle of Development is therefore found to be acceptable.

Design and Layout

- 6.5. The existing access is to be extended into the site, to provide parking and manoeuvring for both plots. The access will run centrally between the two dwellings, both of which will have an active frontage onto the carriageway; similarly to other dwellings along St Mary's Way.
- 6.6. Plot 1 is to be located adjacent to 6 St Mary's Way. It is proposed as a one and a half storey, chalet style dwelling, with four bedrooms. It is to be formed of three sections; a small hipped roof segment to the most western part of the site, the main section, with gable running parallel with the highway and a gable fronting the highway to the most eastern part of the development.
- 6.7. Plot 2 is proposed as a single-storey, three-bedroom bungalow with a detached double garage to the west of the proposed dwelling, adjacent to 5 St Mary's Way.
- 6.8. The dwellings are proposed to be constructed from red multi brick and a combination of pantiles and natural slate roof tiles (depending on section) and have grey aluminium windows. Specific material finishes are requested by condition. It is noted however that 6 St Mary's Way has been renovated and styled with a modern finish. A detached double garage is also proposed to the eastern front of the dwelling.
- 6.9. The design, form, scale and layout of the development would respect the existing development within St Mary's Way. It therefore meets the requirements of Policy DM21 (Design: Aesthetics).

Landscape, Visual Amenity and Impact on Character of the Area

- 6.10. The site is located at the end of St Mary's Way and contains various trees and shrubs to the rear of No 6 and Acorns, with lawn to the rear of No 5. The site is contained along its eastern

boundary by established vegetation. There is also considerable vegetation within the northernmost part of the site including trees. As such, the site has the character and appearance of neglected garden land, separating it from fields and open countryside to the east and north-east.

- 6.11. The proposed development would elongate the cul-de-sac form of St Mary's Way further to the north and east. While it would be distant from Church Lane and Westerfield Road and not relate particularly well to either road, the same can be said for existing development at St Mary's Way and the approved scheme at The Mount. Whilst it is noted that the ground is elevated, it would not be highly visible from either Westerfield Road or Church Lane due to intervening properties and vegetation. The level changes within the site range from 36.535 FFL (finished floor levels) at the entrance to approximately 39 FFL at the most eastern garden area of Plot 1. There is also a good degree in separation between the existing development and proposed, as shown on PW1020-PL02 Rev D.
- 6.12. Concern has been raised that the proposed development would be higher than the existing development form, however the submitted streetscenes, Plot 1's hipped roof section, is shown to be of the same height as the recently approved and constructed extension at 6 St Mary's Way. The ridge height of the proposed one and a half storey dwelling, will slightly exceed that of 6 St Mary's Way, but with additional landscaping (details to be confirmed by condition) will not look at odds with the existing streetscene. Plot two has a similar height difference with neighbouring property 5 St Mary's Way, but will be subservient to the dwellings approved under DC/16/2765/FUL to the east of the site; plot 2 essentially steps the height from the existing development on St Mary's Way and those approved to the rear of The Mount.
- 6.13. East Suffolk Council's Landscape and Arboricultural Officer offered comments on this and the previous withdrawn applications.
- 6.14. The former response raised initial concerns in respect of the proposed development in that the development would extend from the existing village edge into the sensitive rural landscape. The Suffolk Coastal Landscape Settlement Sensitivity study records the potential high sensitivity of this landscape to harm from development, but also acknowledges that the highest degree of sensitivity rests with the higher elevated land within the study area, and that the lower ground (as this is) is less sensitive to development. Nonetheless, the Study recommends that should development be permitted, a robust and suitable planting scheme should be required for any boundary against open rural landscape.
- 6.15. The proposal will see the removal of a number of trees including native hawthorn scrub. This may be harmful to local biodiversity and given that there is a requirement in the NPPF to have biodiversity nett gain from development. Unless it can be satisfactorily demonstrated that appropriate landscape planting scheme can be achieved to protect the rural edge.
- 6.16. Following receipt of the amended application, the Landscape and Arboricultural Officer confirmed that in principle these comments still apply although acknowledges that the reduced number of units will have a lesser impact and that the approved multiple unit scheme to the east will reduce the need for a vegetated boundary on the eastern side of this current proposal. As such has "no significant grounds for objection."

- 6.17. Whilst it is regretful that some of the existing planting is shown to be removed, none of this planting is protected and could be removed without consent. The applicant has suggested new planting is will be provided, further details of the proposed hard and soft landscaping are sought by condition, which should be of a standard to accord with the specifications set out within The Suffolk Coastal Landscape Settlement Sensitivity study. This provides an opportunity for the proposed landscaping to be a betterment than that the existing.
- 6.18. Therefore, there is little to suggest the development would be harmful in terms of the character and appearance of the area or that the development would be a contrived extension which would relate poorly to the existing settlement.
- 6.19. Appeal APP/J3530/W/18/3200488 paragraph 21 also concluded that the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policy SP15 of the Core Strategy which, amongst other things, seeks to preserve and enhance the character of the district's settlements and landscapes. It would also comply with paragraph 127 of the NPPF insofar as it seeks development sympathetic to local character.

Ecology and Biodiversity

- 6.20. The proposed development will result in the loss of a small area of trees, scrub and grassland on the edge of the village. These habitats are likely to be of some value to a range of locally occurring species, potentially including nesting birds, great crested newts and reptiles. The submitted Ecological Appraisal (Liz Lord Ecology, August 2019) includes appropriate recommendations to avoid impacts on such species during development.
- 6.21. The Appraisal also recommends that as many of the western boundary trees as possible are retained (paragraph 6.1), however from the plans provided it appears that they are all to be removed and replaced with a newly planted tree screen along the northern part of the western boundary (drawing number PW1020-PL02 Rev. D).
- 6.22. Local Plan policy DM27 requires that "all development proposals should protect the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats". Initial development will result in an adverse impact on local biodiversity and therefore the enhancement recommendations made within the Ecological Appraisal and the mitigation recommendations should be secured by condition.

Habitat Regulations / Recreational Avoidance Mitigation Strategy (Suffolk RAMS)

- 6.23. As recognised in the Ecological Appraisal, the site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).
- 6.24. A RAMS payment of £321.22 per dwelling (total contribution of £642.44) was paid on 4th November 2019, therefore compliant with Policies SP14 and DM27.

Land Contamination

- 6.25. The site is currently undeveloped grassland/amenity space. A phase one contamination report was submitted with the application, which has recommended that a phase two report is undertaken. This is recommended by pre-commencement condition, in addition to conditions in respect of remediation, validation and the unexpected discovery of contamination. Overall, given the undeveloped nature of the site, it is likely that any risk of contamination is low; however, compliance with the recommended conditions will formally rule out any risk.

Flood Risk

- 6.26. The site is not located within Flood Zone 2 or 3. The site is in Flood Zone 1, the low risk zone and therefore there are no concerns regarding flooding.

Highway Safety, Parking and Connectivity

- 6.27. Access to the site is from an extension of St Mary's Way. Whilst this road narrows from Church Lane to the application site, the road is suitably wide enough to allow traffic to pass. St Mary's Way is also a no-through road, suggesting that road users of the cul-de-sac are residents or those visiting residents.
- 6.28. There is a footway along both sides of St Mary's Way, which runs round to the frontage of the development, adjoining Church Lane, but does not continue through the village or link to services. This aside the highways authority has not raised any objection in respect of highways safety, subject to compliance with conditions outlined above.
- 6.29. The development has also provided adequate parking provision in accordance with the Suffolk Guidance for Parking 2019, compliant with Core Strategy Policy DM19.

Residential Amenity

- 6.30. Policy DM23 states that development will be acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.
- 6.31. A total of 10 representations were received which objected to the proposals, a number of points were raised, which have been covered within the Officers report. One of the reoccurring concerns being the impact on residential amenity. This was also one of the main considerations of appeal APP/J3530/W/18/3200488 and was ultimately the reason for the appeal being dismissed. This is detailed in paragraph 31 which states:

"....there would also be adverse impacts in terms of the living conditions of neighbouring occupiers, particularly at 6 St Mary's Way, and conflict with Policy DM23 of the Core Strategy. I remain unconvinced that the site could satisfactorily accommodate the proposed development without harm to privacy and outlook for occupiers of No 6 in particular, or that such matters could be adequately resolved at the reserved matters stage. As such, I attach significant weight to the adverse impacts of development."

- 6.32. There are significant changes in the proposal from the dismissed appeal; firstly the number of dwellings proposed has been reduced from five to two, and where previously three of those dwellings fronted on to the rear garden of 6 St Mary's Way. Now one singular dwelling runs linear with no.6, removing any substantial concerns of overlooking and loss of privacy. There are also no first-floor windows immediately adjacent to no.6, with only three rooflights shown over the ground floor until the first-floor windows on the eastern gable. The additional landscaping (details to be agreed) will further protect the existing amenity of the existing dwelling.
- 6.33. The dwelling immediately behind 5 St Mary's Way was of lesser concern within the Inspectors closing statement, however, this has also been re-orientated and reduced in height, which is an improvement to the previous schemes.
- 6.34. It is also recommended that permitted development rights for both properties are removed in respect of no extensions or alterations, no works to the roof (including insertion of dormers or rooflights), no outbuildings without first seeking planning permission.
- 6.35. As such it is considered that the proposal does not cause any loss of outlook, loss of light, or increased overlooking/loss of privacy that would consider the proposal to be contrary to the aspirations of DM23. The proposed development has therefore overcome the main issues raised within the previous appeal decision.

Community Infrastructure Levy (CIL)

- 6.36. New development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy. The site lies within the high charging zone and is currently liable for £199.18 (2019 indexed CIL rate) per square meter.

Planning Balance

- 6.37. There were three main reasons for refusal on the earlier application for five dwellings, as outlined by the Planning Inspectorate:
1. The impact on residential amenity; particularly 5 and 6 St Mary's Way (in regards to privacy and outlook);
 2. The effect on the character and appearance of the area;
 3. Whether the development was in a suitable location having regard to local and national policies relation to development in the countryside.
- 6.38. The Inspector has previously concluded that the second and third points were acceptable (as detailed above). Officer's consider that the amended scheme is acceptable and would not cause adverse harm in respect of loss of privacy or outlook to the residents of numbers 5 and 6 St Mary's Close. As such, has overcome all reasons for the previous appeal being dismissed. The development for the reasons outlined within this report, is therefore on balance considered acceptable.

7. Conclusion

- 7.1. Whilst the proposal is contrary to development plan policies SP19, SP29 and DM3, appeal APP/J3530/W/18/3200488 determined that the site was well related to existing development and would be an appropriate location for housing, without affecting the surrounding character. Five new dwellings have also been allowed on appeal to the immediate east of the application site, to the rear of The Mount.
- 7.2. The main concern of any proposed development of the site was the impact on the residential amenity of neighbouring properties, due to the change in gradient from west to east. The proposal has re-orientated and reduced the amount of units provided to two dwellings, one north and one south of the plot, with the latter being single-storey. It is therefore considered that the impact on neighbouring residential amenity (primarily that of 5 and 6 St Mary's Way) has been reduced to an acceptable level, which accords with Core Strategy Policy DM23.
- 7.3. Additional landscaping and the removal of Permitted Development rights will further ensure that amenity of existing and future occupants is protected. Furthermore, the required financial contribution towards Suffolk RAMS has been paid.

8. Recommendation

- 8.1. Recommendation to Grant Planning Permission, subject to the conditions outlined below (pre-commencement conditions have been agreed with the agent in writing).

9. Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's PW1020-PL01 REVB, PW1020-PL02 REV D, PW1020-PL03 REV C, PW1020-PL04 REV B, PW1020-PL05 REV B and OAS/17/237/TS01 REV B received on 18th September 2019.

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

3. Before the first use details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. 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. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Drawing No. DM01; and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

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

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

6. The vehicular access hereby permitted shall be a minimum width of 4.5 metres for a distance of 10 metres measures from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

7. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

8. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

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

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

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

10. The use shall not commence until the area(s) within the site shown on Drawing No. PW1020-PL02 Rev D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

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

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

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

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

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

13. Prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

15. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

16. No development shall commence until details of the roof and wall materials to be used for the new dwellings and associated garages, have been submitted to and approved by the local planning authority.

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

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part[s] [1], Class[es] [a, b, c and e] of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.
Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

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

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

19. The mitigation measures outlined in the hereby approved Ecological Appraisal (Liz Lord Ecology, August 2019) shall be implemented in their entirety.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

20. Prior to the commencement of development, details of the enhancement measures outlined in the hereby approved Ecological Appraisal (Liz Lord Ecology, August 2019) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter implemented in their entirety.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

Informatives:

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

2. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended)

The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

Please note: 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.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

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

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

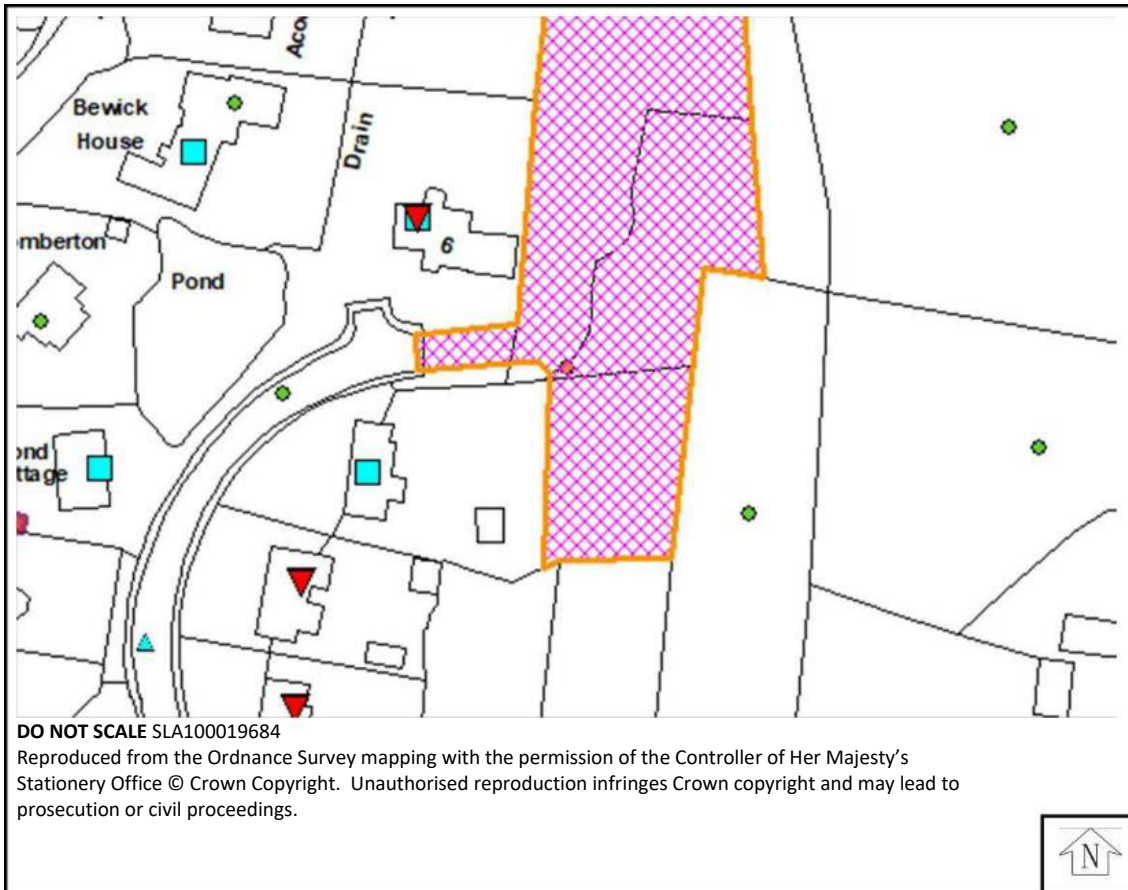
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

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

Background information

See application reference DC/19/3662/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PY0RGMQXML800>

Map



Key



Notified, no comments received



Objection



Representation



Support

Appeal Decision

Site visit made on 25 September 2018

Appendix 1

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 October 2018

Appeal Ref: APP/J3530/W/18/3200488

Mallards, 5 St Mary's Way, Westerfield IP6 9BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Gittins against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/5215/OUT, dated 8 December 2017, was refused by notice dated 6 March 2018.
 - The development proposed is erection of five new dwellings with car parking spaces accessed off St Mary's Way.
-

Decision

1. The appeal is dismissed

Procedural Matters

2. The original application was made in outline with all matters reserved. A proposed site plan (drawing number 2) has been provided to show a potential form of development including access, landscaping and layout. While I have had regard to this plan, I have treated all elements shown as indicative only.
3. A revised version of the National Planning Policy Framework (NPPF) was published on 24 July 2018. Both main parties have been given the opportunity to comment on the revised NPPF in relation to this appeal, and I have taken comments made into account.

Main Issues

4. The main issues are:
 - (a) the effect of the proposed development on the living conditions of occupiers of neighbouring properties, particularly 5 and 6 St Mary's Way with regard to privacy and outlook;
 - (b) the effect of the proposed development on the character and appearance of the area; and
 - (c) whether the site would provide a suitable location for housing, having regard to local and national planning policy relating to development in the countryside.

Reasons

Living conditions

5. The appeal site occupies an elevated position to the rear of 5 and 6 St Mary's Way and housing on Westerfield Road and Church Lane. It comprises the rearmost half of the back garden for 5 St Mary's Way and an area of rough grassland, trees and shrubs to the rear of 6 St Mary's Way and Acorns on Westerfield Road.
6. From the southernmost part of the site, there are direct views across the back garden of 5 St Mary's Way to the rear elevation of that property. 6 St Mary's Way is located immediately to the west of the appeal site. Despite the amount of vegetation in the northern half of the site, it was possible at my site visit to look down towards the rear and side elevations of No 6 and its back garden. I observed a number of windows on the rear elevation of No 6 including a conservatory, while there is a first floor side window facing the site. It is not possible to know exactly which rooms each window serves, but some will certainly be habitable including the conservatory. In terms of the garden, I could see the patio next to the house and other parts of the garden looking over the existing boundary fence.
7. The proposed development is in outline with all matters reserved. The layout and form of the dwellings shown on the proposed site plan are indicative and I note the appellant's comments that this could be refined at reserved matters stage with a condition attached to this decision prohibiting the indicative layout. However, it seems probable that access would occur between Nos 5 and 6 due to the location of the existing road. Moreover, given the shape of the site and the number of dwellings proposed, it also seems likely that a linear form of development would take place from north to south, served by an access road along the western edge of the site. In order to accommodate the development, it seems likely that some of the existing trees would be removed particularly in the northern half of the site.
8. It is possible that a house to the rear of No 5 could be orientated to face northwards with no windows on the western elevation to prevent overlooking issues. While there would be a reasonable distance between this new house and No 5 and the opportunity for sympathetic boundary treatments, the elevated position of the new house would likely have some adverse effect on the living conditions of occupiers of No 5 in terms of outlook.
9. For the remainder of the site, a linear form of housing facing towards No 6 could result in overlooking to the side and rear elevation and back garden, including from the northernmost house. Movement along the access road could also result in privacy issues. The outlook from No 6 and its garden would change significantly with a line of housing to the east. The elevated position of the appeal site would accentuate these negative effects.
10. I note that the new access road would not necessarily be elevated, but without significant excavation the ground levels for the houses would still be higher than No 6. The appellant argues that the access road could be moved further east to allow for increased landscaping along the boundary with No 6 and that housing could be moved further east to increase separation distances. However, with limited site width, the differences and improvements in increased landscaping and separation distances would be modest. Moreover,

the remaining space for private gardens as result of this eastwards shift would likely be inadequate for the living conditions of future occupiers.

11. The dwellings could be restricted via planning condition to single storey with no windows above ground floor and lower finished floor levels, but on an elevated site there is still likely to be overlooking towards No 6 from the front of these properties. A landscaping screen along the western site boundary with No 6 is unlikely to be sufficiently wide or dense to block views from the development. A condition preventing windows on the west elevation other than those approved at the reserved matters stage would not address the likelihood that this elevation would be the front elevation for most of the properties where it would be reasonable to expect a number of windows including those serving habitable rooms. Similarly, a condition restricting westward extensions would do little to address the likely impact of the main properties themselves.
12. While I appreciate that the outline application is intended purely to establish the principle of 5 dwellings on the site, I am unconvinced that the number of dwellings and the access road could be satisfactorily accommodated without adverse effects on the living conditions of neighbouring occupiers given the constraints of the site. This is even with the potential mitigation measures and conditions put forward by the appellant. The fact that future occupiers could decide whether or not to live at Nos 5 or 6 does not justify the negative effects.
13. Concerns regarding effects on living conditions have been expressed in two previous appeal decisions¹ for housing on this site in 1978 and 1982. I have little evidence of any significant changes to the site in terms of living conditions since those decisions were issued or evidence to demonstrate that the effects could be adequately addressed at the reserved matters stage. While there is a lack of detailed guidance regarding separation distances between properties, I consider that the proximity, elevation and number of properties would be harmful.
14. Houses on Westerfield Road and Church Lane, including Acorns, Bewick House, Kimanda and Maaya Mela are further away with intervening buildings, boundary treatments and vegetation, reducing any effects relating to outlook, privacy and light. Nevertheless, this does not diminish the negative effects I have identified, particularly with regards to 6 St Mary's Way.
15. Concluding on this main issue, the proposed development would have an unacceptable effect on the living conditions of neighbouring occupiers, particularly at 6 St Mary's Way in terms of privacy and outlook. Therefore, the development would not accord with Policy DM23 of the Suffolk Coastal Core Strategy and Development Management Policies 2013 ('the Core Strategy') which seeks to avoid an unacceptable loss of amenity to adjoining occupiers with regards to various matters including privacy and outlook.

Character and appearance

16. Housing development in Westerfield is focused along the main routes of Westerfield Road, Church Lane and Lower Road, but also in side streets and cul-de-sacs. St Mary's Way is an example of the latter and is perpendicular to housing on Church Lane to the south and parallel to housing on Westerfield Road to the west. Elsewhere in the village, Fullers Field is a residential cul-de-

¹ T/APP/5382/A/78/01518/G5 and T/APP/5382/A/81/11690/G4

sac off Swan Lane that is currently being extended further northwards with a development of around 23 dwellings. Fieldfare Way on the south side of Church Lane is a small new cul-de-sac development of 6 dwellings. Planning permission has been granted at appeal for 5 dwellings to the rear of The Mount just to the east of St Mary's Way.

17. As noted above, the site is located at the end of St Mary's Way and contains various trees and shrubs to the rear of No 6 and Acorns, with lawn to the rear of No 5. At my site visit, I observed that the site is contained along its eastern boundary by established vegetation and what appears to be garden land to the rear of Maaya Mela. There is also considerable vegetation within the northernmost part of the site including trees. As such, the site has the character and appearance of neglected garden land, separating it from fields and open countryside to the east and north-east.
18. The proposed development would elongate the cul-de-sac form of St Mary's Way further to the north and east. While it would be distant from Church Lane and Westerfield Road and not relate particularly well to either road, the same can be said for existing development at St Mary's Way and the approved scheme at The Mount. The housing being built at Fullers Field will be a long distance from main routes too. While the ground is elevated, it would not be highly visible from either Westerfield Road or Church Lane due to intervening properties and vegetation.
19. There would be little negative effect on the countryside given the character and appearance of the site and the opportunity to retain and enhance screening along the eastern boundary. I am also conscious that the approved scheme at The Mount would adjoin the countryside in a similar location to the appeal scheme. Notwithstanding my concerns regarding negative effects on living conditions, there is little to suggest the development would be harmful in terms of the character and appearance of the area.
20. I note that the aforementioned appeal decisions from 1978 and 1982 as well as an earlier decision² from 1975 found that development in this location would result in a small residential estate alien to the character of Westerfield and intrude into the open countryside. However, I have based my assessment of this main issue on what exists on the ground today, including more recent housing developments in Westerfield and the character and appearance of the site in relation to the surrounding area. As such, I do not consider that the development would be a contrived extension or relate poorly to the settlement.
21. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policy SP15 of the Core Strategy which, amongst other things, seeks to preserve and enhance the character of the district's settlements and landscapes. It would also comply with paragraph 127 of the NPPF insofar as it seeks development sympathetic to local character.

Suitability of location

22. The appeal site is just beyond the physical limits boundary for Westerfield and so is considered to fall within the countryside. Policy SP19 of the Core Strategy sets out a settlement hierarchy for the district, where Westerfield is identified

² T/APP/5382/A/74/12509/G6

as a Local Service Centre. Policy SP29 limits new development in the countryside to that which of necessity requires it to be there and accords with other Core Strategy policies or accords with the special circumstances outlined in paragraph 55 of the NPPF (now paragraph 79 of the revised NPPF). Policies DM3 and DM4 set out the circumstances in which housing in the countryside will be permitted, none of which apply to the proposed development.

23. The proposed development would not be isolated due to its location on the edge of the village and not far away from other places, buildings or people. As such, there would be no conflict with paragraph 79 of the NPPF which seeks to avoid isolated homes in the countryside. The services and facilities within the village include employment sites, a public house, village hall, church, railway station and bus stops. Pavements and street lighting along Church Lane is not extensive but the speed limit is 30mph and it is a short distance to Westerfield Road where better pavement and lighting provision exists. As such, it is possible to walk to these services and facilities, while the bus and train provide a reasonable option of public transport to Ipswich and other local towns.
24. I have already found that the development would have an acceptable effect on the character and appearance of the area as a result of its location. The proximity of the village means that the development would provide some support for local services as advocated by paragraph 78 of the NPPF.
25. Concluding on this main issue, the development would conflict with Policies SP19, SP29 and DM3 of the Core Strategy in terms of its location beyond the physical limits boundary. However, based on the site specific circumstances in terms of accessibility of services and facilities and the effect of development on the character and appearance of the area, I give limited weight to this conflict. Therefore, I consider the site would provide an appropriate location for housing having regard to local and national policies relating to the countryside.

Planning balance

26. The Council states that it can demonstrate a 5 year housing land supply based on its June 2018 Housing Land Supply Assessment (HLSA) which puts the figure at 9.3 years. The Council also points towards an appeal decision³ dated 20 July 2018 which confirms that a 5 year housing land supply exists. The appellant disputes this position arguing the HLSA pre-dates the revised NPPF and the new standard method for assessing housing need. The appellant's assessment puts this figure at below 5 years.
27. Paragraph 11(d)(ii) of the NPPF states that where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole ("the tilted balance"). A lack of housing land supply would trigger paragraph 11(d)(ii) and the tilted balance.
28. The limitations of the written representations procedure make it difficult for me to come to a conclusion on the housing land supply position. Nevertheless, it would be prudent to consider the proposal against the tilted balance bearing in mind that the appellant disputes the Council's position.

³ APP/J3530/W/16/3160194

29. The benefits of the proposed development would involve the contribution of 5 dwellings to help boost local supply and the provision of economic investment in terms of their construction and subsequent support for local services. It would also be possible to access services in larger settlements by non-car modes of transport. However, regardless of the housing land supply position, the number of new dwellings would be limited and so I can only attach moderate weight to these benefits. While the appellant refers to the provision of affordable housing, there is no mechanism before me to secure such provision and so I give very little weight to this aspect. There would be no harm to the character and appearance of the area, but this carries neutral weight in the overall balance.
30. Turning to the adverse impacts, the development would be located beyond the physical limits boundary and conflict with Policies SP19, SP29 and DM3 of the Core Strategy. Nevertheless, the proximity of the development to the village and the accessibility of services and facilities limit the weight I attached to this adverse impact and policy conflict.
31. However, there would also be adverse impacts in terms of the living conditions of neighbouring occupiers, particularly at 6 St Mary's Way, and conflict with Policy DM23 of the Core Strategy. I remain unconvinced that the site could satisfactorily accommodate the proposed development without harm to privacy and outlook for occupiers of No 6 in particular, or that such matters could be adequately resolved at the reserved matters stage. As such, I attach significant weight to the adverse impacts of development.
32. Therefore, even with the application of paragraph 11(d)(ii) of the NPPF, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. This weighs against the grant of planning permission and there are no considerations that lead me to conclude against the development plan and the harm I have identified.

Other Matters

33. Interested parties have raised a number of other matters, but given my overall conclusion, it has not been necessary to consider them in any detail.

Conclusion

34. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Committee Report

Planning Committee - 26 November 2019

Application no DC/19/3489/VOC

Location

1 Hill Farm Cottages
Hill Farm Road
Playford
Suffolk
IP6 9DT

Expiry date 30 October 2019

Application type Variation of Conditions

Applicant c/o Watkins, Stewart & Ross Solicitors

Parish Playford

Proposal Variation of Condition 2 of E/6694 - Build a pair of agricultural worker's cottages. Removal of condition 2

Case Officer Danielle Miller
01394 444594
Danielle.miller@eastsuffolk.gov.uk

1. Summary

- 1.1. This application seeks a variation of condition 2 of application E/6694 to remove the agricultural occupancy from 1 Hill Farm Cottages. The other cottage granted under E/3394 is proposed to retain the occupancy condition.
- 1.2. The removal of this condition would be contrary to planning policy and therefore it has come before planning committee for determination.
- 1.3. This application is recommended for approval as the occupancy of this cottage without compliance with this condition has been established through a certificate of Lawfulness application (DC/19/1979/CLE).

2. Site description

- 2.1. The site lies at the end of Hill Farm Road in an elevated position overlooking the Fynn River Valley. There is no physical limits boundary to the settlement of Playford, however for an agricultural workers cottage it is reasonably well-related to the core of the village and occupiers would not be physically isolated from the community.
- 2.2. The site relates to a pair of cottages numbers 1 and 2 Hill Farm Cottages, Hill Farm Road in Playford.
- 2.3. The dwelling was built following the grant of outline planning consent; E6694 to build a pair of agricultural workers cottages, and detailed planning consent E7309. A standard condition (2) was imposed requiring their occupation to be limited to a person solely or mainly employed in agriculture or forestry.
- 2.4. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: 'horticulture, fruit growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land).
- 2.5. A previous Certificate of Lawfulness application (DC/19/0510/CLE) was withdrawn following the officers recommendation to submit additional financial information in support.
- 2.6. A Certificate of Lawfulness (DC/19/1979/CLE) was subsequently submitted with additional information, for *“Certificate of Lawfulness (Existing) - Occupation of 1 Hill Farm Cottages in non compliance with agricultural occupancy condition”* . This was granted 25 June 2019.
- 2.7. An ROC (DC/18/0738/ROC) was refused which sought to lift the agricultural tie (condition 2) because it would have removed the occupancy restriction from both cottages, which would have been contrary to planning policy relating to dwellings in the countryside and there was no justification to remove the condition on the other property (2 Hill Cottages) as an established breach of the occupancy condition had not been established.

3. Proposal

- 3.1. The application seeks to vary condition 2 of the original planning permission relating to agricultural occupancy.
- 3.2. The condition applies to One and Two Hill Farm Cottages. The applicants' therefore propose a variation to the overall condition to exclude 1 Hill Farm Cottages from being restricted.
- 3.3. The wording of the condition is proposed to be varied to:-

'The occupation of the dwellings shall be limited to persons solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such persons, and to any resident dependents with the exception of Number 1 (One) Hill Farm Cottages.'

4. Consultations/comments

4.1 There have been no third party comments.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	9 September 2019	23 September 2019
Summary of comments: <i>"Playford Parish Council fully support this application"</i>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	9 September 2019	30 September 2019
Summary of comments: No Comments		

5. Publicity

None

6. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 12 September 2019

Expiry date: 3 October 2019

7. Planning policy

7.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.

- 7.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 7.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 7.4. The Development Plan for the District consists of:
- East Suffolk Council Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013),
 - East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017)
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
 - Policies of any relevant Neighbourhood Plan.
- 7.5. The relevant policies of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP3 - New Homes (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP28 - Other Villages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- 7.6. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination . Presently,

only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The policies that are now considered to have some weight in determining applications are not applicable to the consideration of this scheme.

8. Planning considerations

- 8.1. Application DC/19/1979/CLE granted a lawful development certificate for an existing use; in breach of planning condition under the Town and Country Planning Act 1990; Section 191 as amended by section 10 of the planning compensation act 1991. The breach relates to planning consent E/7309; condition:

“ The dwellings shall be occupied by persons whose employment or latest employment is or was employment in agricultural, as defined by Section 119 (1) of the Town and Country Planning Act, also the dependants of such persons as aforesaid.”

- 8.2. The lawful development certificate confirmed that there has been in breach of the Condition 2 for a minimum of 10 years where the council have not taken any enforcement action against them as such the use should continue to be lawful. This is a material consideration in this current application.
- 8.3. There is no physical limits boundary to the settlement of Playford, however for an agricultural workers cottage it is reasonably well-related to the core of the village and occupiers would not be physically isolated from the community. As such, an unrestricted dwellinghouse on this site would not significantly conflict with the aims of NPPF paragraph 79 (which seeks to avoid isolated new homes in the countryside). However it would not meet any of the other criterion under policy DM3 (Housing in the Countryside), and an unrestricted dwellinghouse would not accord with current settlement policies in respect of housing (SP19 and SP28).
- 8.4. Given the above it is important for the council to consider the fallback position which in this instance was the granting of the certificate of lawfulness. The council are unable to take any action against the occupants for breach of condition as it has been in excess of 10 years, as such the property can be continually lived in without compliance. The granting of this permission would not change the existing use allowed on the property. The history for the site demonstrates that there is limited need for the agricultural occupancy condition in this area.
- 8.5. Originally the applicants applied for a ROC; however the condition they sought to change covers both the dwellings at nos. 1 and 2. It was therefore not possible to remove the condition as it would also de-restrict the dwelling at 2 Hill Farm Cottages. As such this Variation of Condition was submitted to overcome this issue.
- 8.6. If the current variation of condition were to be granted, the occupancy condition would remain on the other dwelling (2 Hill Farm Cottages).

- 8.7. There is no need to reimpose the other conditions from the original planning permission (E7309) as they relate to pre-construction and/or pre-occupation matters, and as the dwellings have been built and occupied they are no longer applicable.

9. Conclusion

- 9.1. An unrestricted dwellinghouse in this location does not significantly conflict with the aims of NPPF paragraph 79, it would not accord with core strategy policies SP19, SP28 and DM3, however the council consider in this instance the fallback position in terms of the certificate of lawfulness means that the granting of this application would not alter the current allowed use of the site.

10. Recommendation

- 10.1. Officers recommend approval of the VOC given the fallback position set out above.

11. Conditions:

- 1) The occupation of the dwellings shall be limited to persons solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such persons, and to any resident dependents with the exception of Number 1 (One) Hill Farm Cottages.

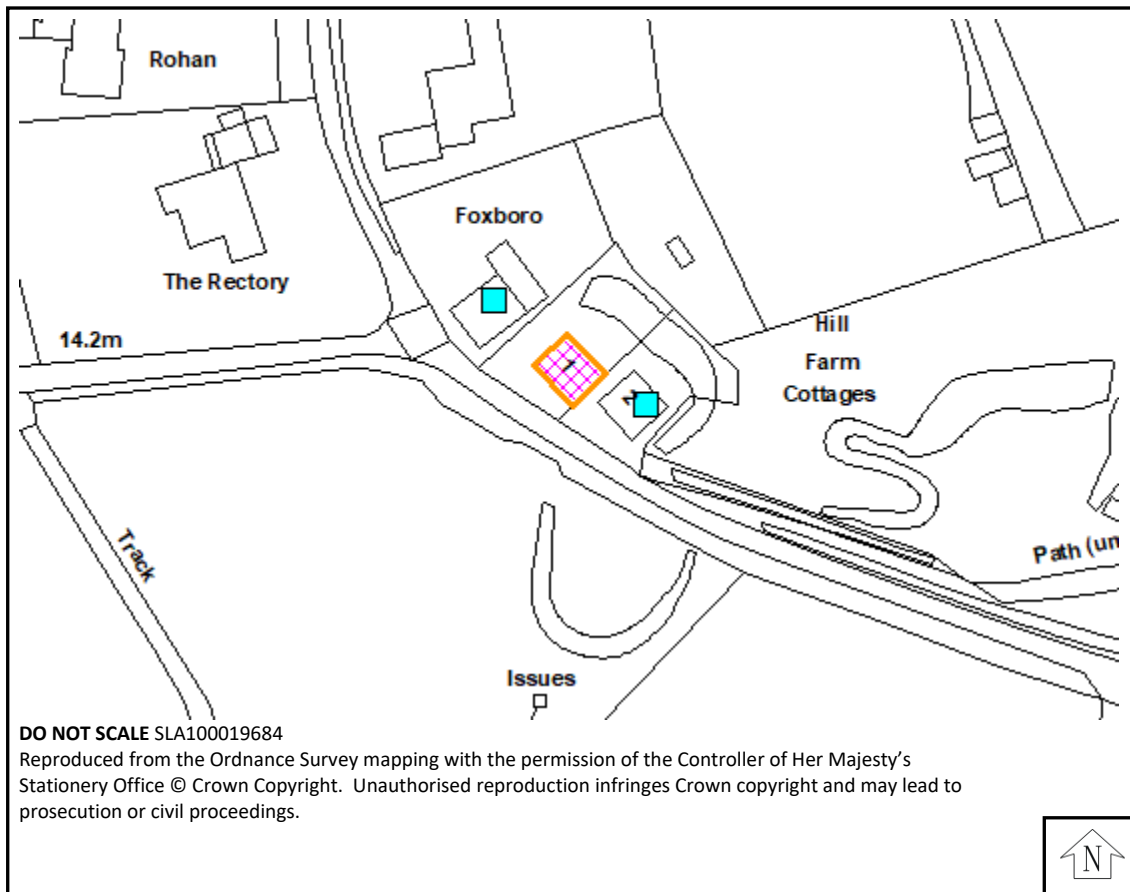
12. Informatives:

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





13. Background information

- 13.1. See application reference DC/19/3489/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXCZY2QXMBJ00>

Map



Key

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

Committee Report

Planning committee - 26 November 2019

Application no DC/19/3882/FUL

Location

Haresfield
Badingham Road
Framlingham
IP13 9HS

Expiry date 5 December 2019

Application type Full Application

Applicant Mr Richard Carter

Parish Framlingham

Proposal Construction of a two bay car port with storage above

Case Officer Charlie Bixby
01394 444572
charlie.bixby@eastsuffolk.gov.uk

1. Summary

- 1.1. The proposal is for a detached two bay cart lodge with storage space above.
- 1.2. The application is required to go to planning committee as the applicant is directly related to a member of staff, the item therefore automatically triggers the requirement to be determined at planning committee.
- 1.3. The proposal would not adversely affect visual or residential amenity, and accords with planning policy. It is therefore recommended for approval subject to conditions.

2. Site description

- 2.1. The site itself is within the Framlingham settlement boundary but away from the main built up hub of Framlingham and located on the road heading to Badingham.
- 2.2. The application host property is a large detached bungalow well set back from the highway. The site frontage features a sizeable parking/turning area with associated

driveway and a detached two bay garage ahead of the principal elevation. The site has associated hedgerow on all boundaries and has neighbouring properties on both sides, the property to the east of the site is located significantly further forward than that of the application property.

- 2.3. The adjacent neighbour to the east has recently gained permission for a holiday let in a similar location to that of the proposed cart lodge.

3. Proposal

- 3.1. The proposal is for construction of a two-bay car port with storage above; the proposed building would be located ahead of the existing application property and directly opposite the existing garage on site, the proposed building is to be located on the south-west boundary.
- 3.2. The proposed cart lodge will have three open sides and one back wall and will appear modest with sympathetic materials mostly timber and weatherboarding with a slate roof, the storage will be access through a hatch in the roof.

4. Consultations/comments

- 4.1. One neighbour has made comments on the plans but has not supported or objected to the proposal.

Parish/Town Council

Consultee	Date consulted	Date reply received
Framlingham Town Council	15 October 2019	22 October 2019
Summary of comments: <i>"The Town Council supported the application."</i>		

5. Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 October 2019

Expiry date: 13 November 2019

6. Planning policy

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes,

statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.

- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 6.4. The Development Plan for the District consists of:
 - East Suffolk Council Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013),
 - East Suffolk Council Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017)
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
 - Policies of any relevant Neighbourhood Plan
- 6.5. The relevant policies of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

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

SP23 - Framlingham (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- 6.6. The relevant policies of the 'Made' Framlingham Neighbourhood Plan (March 2017):
 - FRAM1 - Framlingham Town Physical Limits Boundary
 - FRAM4 - Design Standards

- 6.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination . Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The policies that are now considered to have some weight in determining applications are not applicable to the consideration of this scheme.

7. Planning considerations

Visual Amenity and Streetscene:

- 7.1. The proposed design, size and scale of the proposed cart lodge is considered to be modest; the proposed cart lodge will appear visually recessive to the existing property and well-related in terms of the use of sympathetic materials, the proposed new outbuilding is ahead of the principal elevation of the main dwelling when ideally it would be located either in line or behind the front elevation. However in this area many other properties have buildings ahead of the principal elevation, which forms an essential part of the pattern of development in this area so it is considered to be acceptable in this instance.
- 7.2. The proposed building would be overshadowed by the adjacent neighbours much larger scale detached holiday let, rather than the new additional building result in harm to the existing.
- 7.3. The proposal will result in little to no impact upon the streetscene. The existing property and proposed detached outbuilding are well screened from the immediate streetscene by the front tall hedgerows and there is considered to be minimal visual impact upon the streetscene impact as a result.
- 7.4. The proposal is therefore considered to meet and comply with local planning policies SP15 and DM21 as well as the neighbourhood plan policies

Residential Amenity:

- 7.5. The proposed location of the cart lodge is not considered to have a harmful impact upon the adjacent neighbour or wider residential amenity due to the distances from private amenity areas and windows serving habitable rooms.
- 7.6. The proposed building would be overshadowed by the adjacent neighbours larger detached holiday let, rather than the new additional result in harm to the existing.
- 7.7. The proposal will result in no additional adverse residential amenity impacts and overall is considered to be compliant with DM23 - Residential Amenity.

8. Conclusion

- 8.1. Overall the proposed cart lodge is considered to be a modest form of development with a suitable design and overall scale. The proposal will not detract from the existing property

or the character of the area and is considered to be well-related in terms of materials and visual appearance. It is therefore recommended for approval subject to appropriate conditions.

9. Recommendation

9.1. Recommendation for approval.

9.2. 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 Proposed All Plans & Site Plan received 11/10/19 & 15/10/19, 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

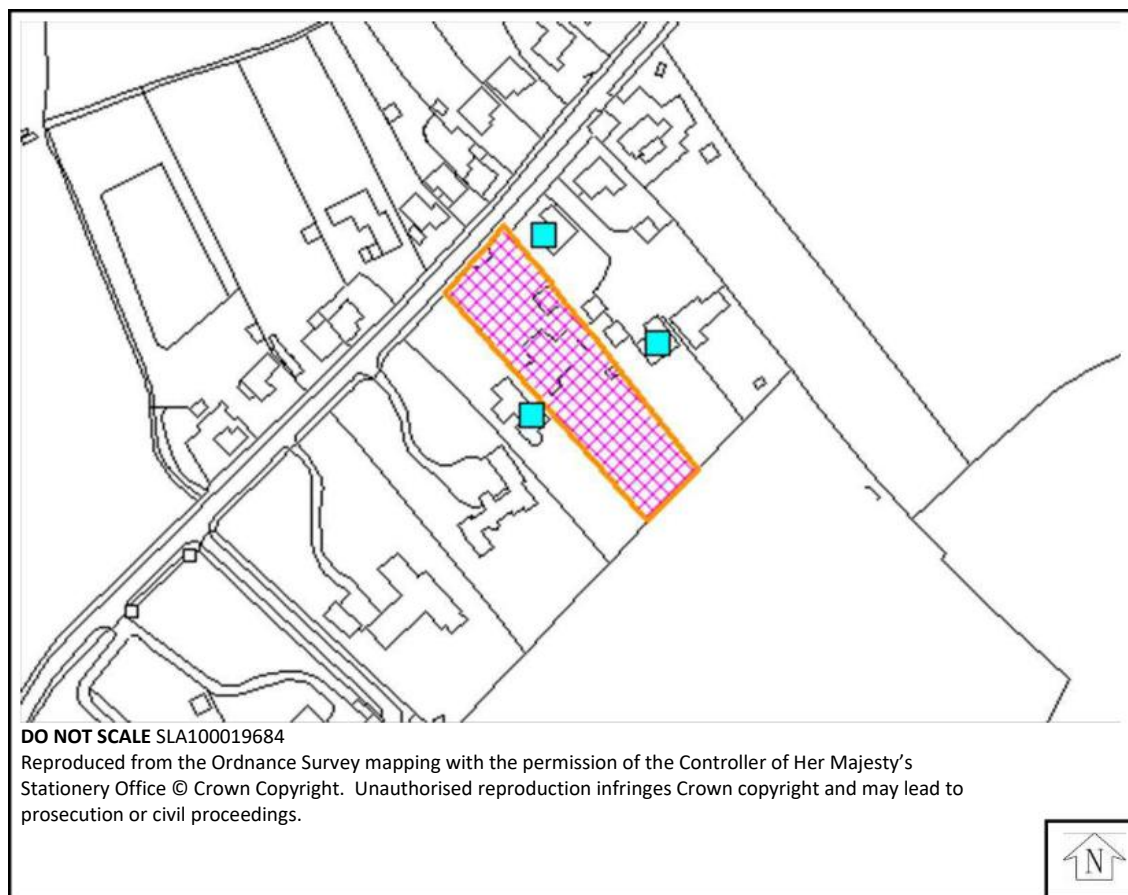
10. Informatives:

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





11. Background information

- 11.1. See application reference DC/19/3882/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYR5JCQXMWL00>

Map



Key

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