



Agenda
Item
4

PLANNING COMMITTEE

Date: 15 March 2018

APPLICATIONS FOR PERMISSION TO CARRY OUT DEVELOPMENT OR TO DISPLAY ADVERTISEMENTS (PC 11/18)

Schedule by Head of Planning and Coastal Management

Number of items: 8

FOR THE PURPOSE OF THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985 THE RELEVANT BACKGROUND DOCUMENT IN RESPECT OF EACH ITEM IS THE PLANNING APPLICATION FILE, INCLUDING SUBMITTED PLANS, CONSULTATIONS AND LETTERS OF COMMENT, BUT EXCLUDING INFORMATION EXEMPTED UNDER THE PROVISIONS OF THE ACT AND IDENTIFIED AS SUCH. ANY REPRESENTATIONS AND ADDITIONAL INFORMATION SUBMITTED AFTER THE PREPARATION OF THIS SCHEDULE RECEIVED NO LATER THAN 24 HOURS PRIOR TO THE COMMITTEE MEETING WILL BE REPORTED VIA THE ALTERATIONS AND ADDITIONS REPORT CIRCULATED AT THE MEETING.

PLEASE NOTE THAT THE ORDER OF THE ITEMS LISTED MAY BE CHANGED AT THE MEETING TO ACCOMMODATE PUBLIC SPEAKING.

SHOULD ANY OF THE FOLLOWING APPLICATIONS BE SUBJECT TO A SITE VISIT, THIS WILL NORMALLY TAKE PLACE ON THE SECOND MONDAY FOLLOWING THE DATE OF THE MEETING.

INDEX

Item No	Page No	Case Officer	Application No	Address
1	3	NW	DC/18/0046/FUL	London House, The Knoll, Alderton, Woodbridge, IP12 3BS
2	10	LC	DC/18/0272/FUL	Beach Hut 1, Pier South, Sea Road, Felixstowe
3	17	LC	DC/17/3967/FUL	Site of the former Cavendish Hotel, Sea Road, Felixstowe IP11 2AX
4	33	JB	DC/17/2929/FUL	79 Dobbs Lane, Kesgrave, IP5 2QH

5	39	LC	DC/18/0218/FUL	Land Opposite The Giants House, the Street, Newbourne, Suffolk IP12 4NY
6	48	JB	DC/18/0203/VLA	Land Fronting Broadlands Way South West of District Centre, Bixley Farm, Rushmere St Andrew IP4 5SU
7	53	RS	DC/17/2512/OUT	Land at Crown Nursey, High Street, Ufford, IP13 6EL
8	73	KS	DC/17/4568/FUL	Land To Rear Of Westleton House, The Street, Westleton IP17 3AD

1. ALDERTON – DC/18/0046/FUL – Proposed Cattery Units at London House, The Knoll, Alderton, Woodbridge, IP12 3BS for Mr Daniel Collins

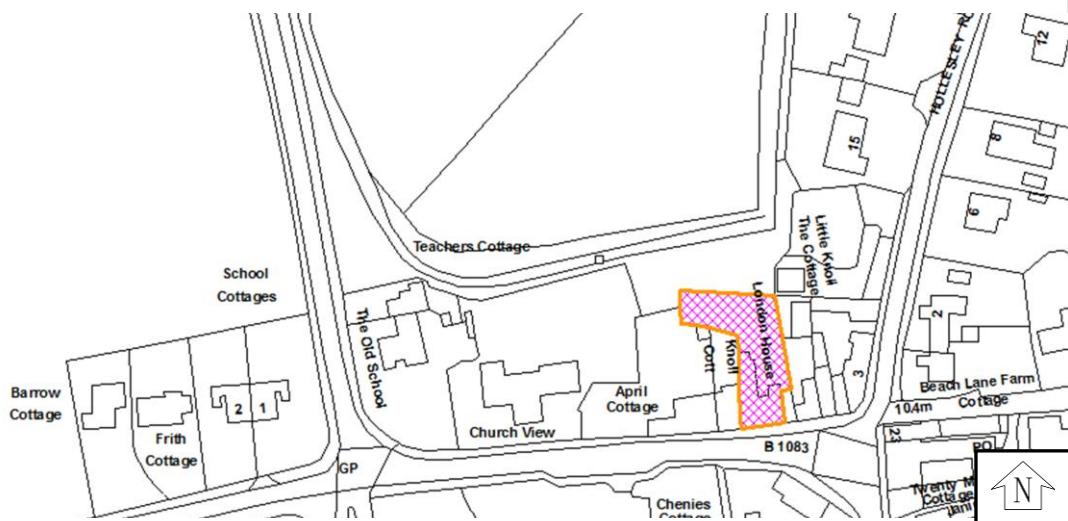
Case Officer: Nick Westlake

Expiry Date: 1 January 2018

DC/18/0046/FUL- Land To Rear Of London House, The Knoll, Alderton, IP12 3BS

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



EXECUTIVE SUMMARY

The application is for a single storey small scale cattery to the rear of the host dwelling holding five pens. The Committee Referral process was triggered by the Objections from the Parish Council. There have also been objections from the immediate neighbour. The Local Highways Authority and Environmental Health Team have raised no objections.

The Committee Referral Panel resolved to refer the item to Committee to enable the concerns raised by the Parish Council and local resident, particularly those relating to parking and residential amenity to be debated.

The application is recommended for approval.

1. SITE DESCRIPTION

- 1.1. The application site is located on the Northern side of Woodbridge Road, close to the village shop in the area of the village known as 'The Knoll'. It is within the village of Alderton which is classified as a Key Service Centre in the Core Strategy. The host dwelling is found within the Physical Boundary Limits of Alderton, that also forms part of the wider Area of Outstanding Natural Beauty.

- 1.2. The host dwelling itself is a two storey end of terrace residential dwelling known as London House with a large rear garden formed within a dog leg shape. The rear garden measures some 25 metres in depth with a maximum width of 25 metres at the far end of the garden reducing to 12 metres in width closest to the rear building line of the host property. There is space to park 4 vehicles off street to the rear of the host building at present.
- 1.3. There is a small access way of approximately three metres wide between the host property and the neighbouring dwelling to the east, known as The Knoll. This access is shared by both properties; this has been confirmed by legal evidence supplied by the applicant. The two properties are separated in the rear garden space by a two metre high brick wall running the full length of the garden northwards. The land rises slightly in a northerly direction, away from the house.
- 1.4. There was a previous application at the same site for a similar application. This application (Planning Reference: DC/17/3978/FUL) was withdrawn on the advice of Officers. The application was lacking information in relation to access agreements and also operational details for the consulted parties to adequately assess the proposal.
- 1.5. Historically, there were two planning refusals on the site dating back to 1961, the first related to the part conversion of the dwelling to form an extension to the café, Ref: E6781. There was a follow up application some two months later in 1961 for the proposed conversion of part of the dwelling to café dinning rooms and use of the garden as car park Planning Ref E6781, this was also refused.
- 1.6. There was a separate planning application in 1970 on the site that approved the use of the café for additional use by a pre school play ground.
- 1.7. Therefore, there was a café and pre school ground operating at the host dwelling after the 1970's however, there is no planning record of this application being implemented or reversed back into a residential dwelling. This change must have occurred through a permitted development application.
- 1.8. The present use of the site is a standard C3 Use Class Residential Dwelling House with no external or internal alterative business use.

2. PROPOSALS

- 2.1. Originally when this application was submitted the applicant proposed two separate outbuildings to house the cattery business. There was proposed one outbuilding holding 5 pens and separate smaller outbuilding holding 2 pens.
- 2.2. During the course of the application the applicant has removed the smaller pen as part of the proposal and subsequently only wishes to proceed with the single larger holding pen.
- 2.3. This pen would be located approximately 1.5 metres from the north boundary of the site and at its closest point 1.0 metre from the eastern boundary. This facility would hold up to five cats, and be 7.8 metres in length, 4.1 metres in depth, 2.5metres in height to the eaves and 3.5 metres in overall height.

- 2.4. The proposed cattery pen would be positioned some 18 metres from the rear wall of the host property and 20 metres from the rear wall of the neighbouring property to the east, The Knoll.

3. CONSULTATIONS

- 3.1. **Alderton Parish Council:** do not use the word 'Objection', but raise concerns stating:
"Alderton Parish Council remains concerned about the granting of the above planning permission for the following reasons:

Location - Its position is in the middle of a row of cottages, giving rise to discomfort for the neighbours on either side. Generally speaking catteries seem to be situated in more isolated positions away from other residential properties.

Parking - The property, London House, fronts onto the road, opposite a sharp blind bend, the Land registry no. SK125838 enclosed with plans does not show this, please refer to section further to the right which is more appropriate. The road is used by many cars, vans, trucks, large lorries, tractors and other large agricultural machinery every day. Parking on the road outside the property creates a hazard for vehicles going in both directions with many near misses frequently occurring. This is a safety concern and would be exacerbated by the drop-off/pick up of the cats.

Drainage - After cleaning and washing down the units, the only drainage is a 'soak away'. This is inadequate.

On balance, therefore, Alderton Parish Council would prefer that planning permission was not granted."

- 3.2. **Suffolk County Council - Highway Authority:** raise no objections
- 3.3. **SCDC - Head of Environmental Services and Port Health:** raise no objections. Highlight that a licence will be required for the cattery boarding.

3.4. Third Party Representations:

One letter of Objection has been received raising the following material planning considerations:

- The impact of the cattery structure upon the visual amenity of the adjoining property.
- The impact of vehicles being parked within the site, upon the visual amenity of the adjoining property.
- Highway safety issues relating to an increased demand for vehicles to park on the highway, outside the designated parking bays, forcing vehicles on to the wrong side of the road close to a junction and blind bend.
- Impact of animal wastewater should be connect to the foul sewer not a soakaway.
- Impact of faeces and cat urine odour in close proximity upon amenity
- Impact of noise upon amenity.
- Impact of Opening Hours upon neighbours.

The representation of objection also raises matters that are not material planning considerations, such as private access rights, and that the applicant also appears to be the agent.

One letter of support has been received raising the following material planning considerations:

- Due to its small size, it will not cause undue noise, environmental health hazards or excess traffic.
- As a new enterprise it may well provide a useful service for villagers and opportunities for future ventures, showing the village welcomes and supports new business ideas.

4. RELEVANT POLICIES

4.1 NPPF

4.2 NPPG

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

SP1 – Sustainable Development

SP1A – Presumption in Favour of Sustainable Development

SP7 – Economic Development in the Rural Areas

SP15 – Landscape and Townscape

SP19 – Settlement Hierarchy

SP27 – Key and Local Service Centres

DM19 – Parking Standards

DM21 – Design: Aesthetics

DM22 – Design: Function

DM23 – Residential Amenity

DM28 – Flood Risk

4.4 The Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Document (January 2014):

SSP2 - Physical Limits Boundaries

5. PLANNING CONSIDERATIONS

Principle of development

5.1 The application site occupies a sustainable location in a designated Key Service Centre, where there is a presumption in Policy SP27 (Key and Local Service Centres) to “*Secure the provision of services and facilities required to meet the day to day needs of the local population, primarily at locations within the Key Service Centres....*”

- 5.2 However, this presumption in favour of the provision of such services and facilities does not override the requirement to consider all other material planning considerations and planning policies including those relating to residential amenity, highway safety and visual amenity.

Residential Amenity

- 5.3 Catteries of this nature are generally a low impact activity in terms of noise and smells generated and also vehicle trips undertaken to the site. As the scale of the business is quite small (a maximum of 5 pens within one unit) and taking into consideration the location of the pen and the distance to the neighbouring properties it is not considered significant harm would be caused to the amenity of adjacent residents in terms of noise, smells or general loss of outlook.
- 5.4 The Head of Environmental Health has also not raised any objections. A planning condition is suggested to ensure the safe and hygienic removal of waste materials to be agreed by the local planning authority.
- 5.5 On achieving planning permission the owner has to obtain a license for cattery use which has to be adhered to and is fully controllable so no adverse issues with health etc should be caused to any surrounding adjacent neighbours.
- 5.6 Due to the modest size, scale and height of the outbuilding and the position to the very rear of the garden, it is not considered that the structure would give rise to any significant loss of residential amenity to the neighbour to the east of the site in terms of loss of outlook, over shadowing or over dominance near the shared boundary.
- 5.7 The building to the north of the site behind the approximate 2.0 metre high brick wall is a cart lodge with first floor usable space. This building will not lose any residential amenity as a result of the small scale and relatively low height of the proposal of the host dwelling.
- 5.8 The hours of opening and drainage provision is suggested to be conditioned as part of this planning proposal in the interests of safeguarding residential amenity.

Highway Safety

- 5.9 With regards to highways matters, due to the proposed size of the business it is not considered the scheme would generate excessive vehicle numbers that would be harmful to the amenity of residents or cause any highway safety concerns.
- 5.10 There are 4 parking spaces to the rear of the site accessed via the shared access with The Knoll although this would be reduced as a result of the proposal due to the siting of the Cattery.
- 5.11 Public on street parking is also available immediately in front of the host building. Those adjacent to the site are not restricted in terms of hours of use or in terms of those that are permitted to use it. There is also further on street parking available outside the shop, and a layby opposite the Old Post Office.
- 5.12 Those parking on the highway must adhere to the Highway Code and the Local Planning Authority can not place restrictions on the public highway. Therefore if

vehicles are currently and continue to be parking in inappropriate locations on the highway, this is a matter for enforcement by Suffolk Police. This is not a matter that the Local Planning Authority can control through this application.

- 5.13 The Local Highway Authority has raised no objections to the scheme, neither do they offer any planning conditions. Therefore, in terms of highway impacts no objection is offered.

Visual Amenity

- 5.14 In terms of size, the proposals will fall outside what would be accepted under permitted development if they had been proposed as domestic outbuildings. However the proposal remains relatively modest in overall size, height and scale given the overall size of the plot. The Landscape and Agricultural Officer has no objections to the proposal.
- 5.15 Due to the width, depth and location of the garden to the rear of London House, and the mature trees to the north, the proposed outbuildings would not be overly prominent or visually impactful on the wider AONB or in the streetscene.

Conclusions

- 5.16 The application site occupies a sustainable location in a designated Key Service Centre where the principle of a cattery is entirely supported by local and national planning policy. The form of development – small scale commercial enterprise– is again considered to be acceptable subject to accordance with policy DM21, DM22 and DM23 of the CS.
- 5.17 The built form of the proposed cattery and the impact on neighbouring properties is considered acceptable, as is the highways impact of the development. There is no architecturally important townscape or sensitive landscape affected by the development proposal, the proposed layout would have regard to the means of access from Woodbridge Road and would accord with the pattern of development in the locality. Thus there would be no visual harm incurred to the area more generally.
- 5.18 For the reasons set out above, the development proposal accords with policies DM21, DM22 and DM23 of the CS.

RECOMMENDATION: AUTHORITY to APPROVE subject to no issues being raised over and above those already considered in this report (cons period expires 7 March 2018) and the following conditions:

1. Standard time limit
2. Plans/drawings considered/approved
3. Materials
4. Hours of opening (for cats to be deposited and collected)
5. Drainage.
6. Waste disposal

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/0046/FUL

Committee Date: 15 March 2018

2. **FELIXSTOWE – DC/18/0272/FUL – Beach platform repairs and extension and the provision of 6 new beach huts, Beach Hut 1, Pier South, Sea Road, Felixstowe for Suffolk Coastal District Council**

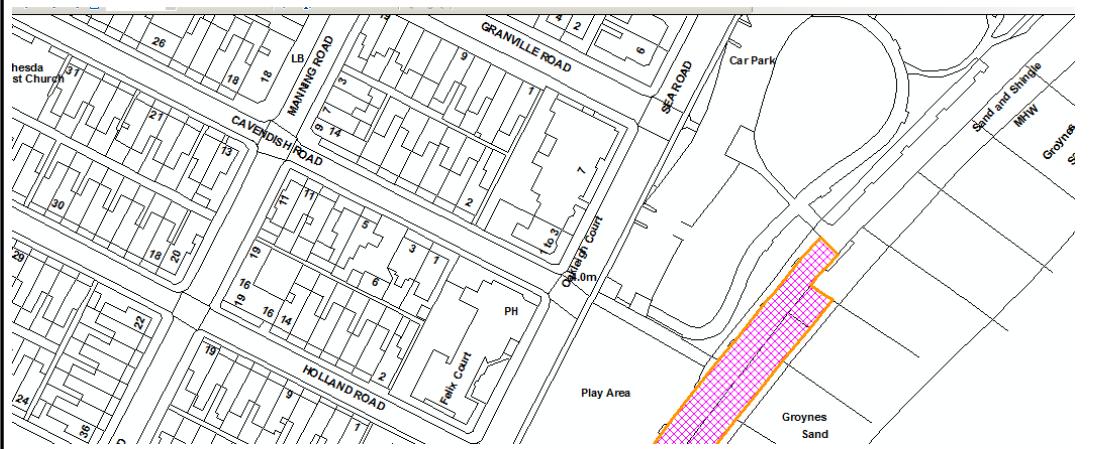
Case Officer: Lisa Chandler

Expiry Date: 15 March 2018

DC/18/0272/FUL – Beach Hut 1 Pier South Sea Road Felixstowe

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



EXECUTIVE SUMMARY

Planning Permission is sought for repairs to the existing beach platform and extension to it along with a further six beach huts. The existing beach huts are to be moved as required to accommodate the six new beach huts.

This item has come before members because Suffolk Coastal District Council is the applicant and Felixstowe Town Council has objected to the proposal as have local residents / beach hut owners.

The application is recommended for conditional approval.

1. SITE DESCRIPTION

- 1.1 There are 16 existing beach huts that occupy the platform, they are currently sited on the promenade which happens during the winter months to reduce their exposure to storms and high tides. The six new huts will have to be repositioned annually for the same reason on the promenade.

- 1.2 The application site is approximately 150 metres south of the Pier, the promenade is 7.5 metres wide at this point, the raised platform on the beach is between 7 – 7.5 metres wide, the platform has concrete retaining walls and is filled with beach gravel and sand, it sits between groynes numbered A58 and A61 and two groynes (A59 and A60) extend off the retaining wall. The existing platform accommodates 16 beach huts positioned equally spaced apart between 1 April/Easter and the end of September each year. Over the winter months they are repositioned by their owners on the promenade against the sea wall to reduce damage from winter waves and high tides.
- 1.3 The area of proposed engineering works and summer season beach hut locations are adjacent to but outside of the Felixstowe South Conservation Area. The winter storage area, on the promenade, is within the Conservation Area. The site is owned and managed by the District Council and is adjacent to the Council owned car park and events space.

2. PROPOSALS

- 2.1 The proposal is for engineering works to repair and extend a beach platform to enable to the siting of 6 additional beach huts. The retaining wall will require work in addition. An additional 10.5 metres is proposed to be added to the northern end of the platform and 6 metres at the southern end. The new concrete retaining wall would match the existing wall and would remain flush with the level of the promenade and front wall. The wall would be approximately 1 metre above the level of the beach; however, this would vary depending on the level of beach material and the location between groynes. The wall would be 1.5m deep overall and 300mm wide.
- 2.2 The proposal is for regular spacing between the beach huts of approximately 600mm between huts and a larger central gap of 1.8m aligned with the path leading to the car park. The huts would be of standard size to match the existing with doors facing onto the beach. They will be in painted timber with felt roofing, an area of at least 2.5m wide will be provided in front of the huts on the platform. Additional space is available on the promenade to accommodate the additional 6 huts in the winter time without restricting the width of access along the promenade and maintaining space around the existing sea front benches. The application has been slightly amended since original submission to demonstrate maximum beach hut sizes as set out in the beach hut licence and spacing gaps of 870mm between beach huts.
- 2.3 There is no relevant planning history in relation to this location.

3. CONSULTATIONS

- 3.1 **Felixstowe Town Council:** OBJECT to the application stating: "Committee recommended REFUSAL on the grounds that it is clearly contrary to FPP20 which states that:

"The provision of beach huts will be carefully monitored and limited to those which currently exist. Any increased provision will be directed towards other parts of the sea front (namely Felixstowe Ferry Golf Club to Cobbolds Point, Policy FPP18 as appropriate).

Committee believes that a row of beach huts of this length and spacing on the beach in front of the promenade would result in a loss of tourism amenity, also an aim of

FPP20, as large rows of closely spaced huts can be seen as intrusive and to detract from the seaside experience, in particular loss of sea views from the promenade.

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

- 3.2 **Environment Agency:** Holding objection in the absence of a flood risk assessment. An FRA is required to demonstrate that the development is safe without increasing risk elsewhere, and where possible, reduces flood risk overall. An FRA has been submitted and sent to the EA, Planning Committee will be updated verbally on their response.
- 3.3 **Suffolk County Council - Flooding Authority:** No formal comments to make as the proposal is a minor application.
- 3.4 **Suffolk County Council - Highway Authority:** have commented that the proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Do not wish to restrict the grant of permission.
- 3.5 **Third Party Representations:** Three Letters of Objection have been received raising the following points (from 3 different addresses):
 - It is a positive move to repair and reinforce the platform but new beach huts will over crowd the site and adversely affect the amenity of existing hut owners.
 - Space between huts at 600mm is smaller than the previous 700mm and will struggle to allow access for pushchairs.
 - Access will be denied to wheelchair users if the gap is reduced to 600mm.
 - Access will not enable repair, maintenance, decoration of beach huts which is required under the licence.
 - Access through middle of the row would lead visitors to the platform, they will have to travel north or south in front of beach huts to access the beach at an appropriate level.
 - Distances between beach huts elsewhere are wider than the 600mm proposed.
 - Not clear where existing huts will be placed.
 - Costs increasing but amenity and enjoyment being adversely impacted.
 - Not clear if to be sold or rented, either causes problems.

4. RELEVANT POLICIES

- 4.1 NPPF – The National Planning Policy Framework is supportive of proposals which contribute to a sustainable tourist economy and the expansion of tourist and visitor facilities. However, it also seeks to ensure that new development does not have an adverse impact on flood risk and where possible reduces flood risk.

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

Objective 6: tourism – sets out the support that the plan provides for the tourism industry in the town.

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP8 – Tourism

SP21 – Felixstowe with Walton and the Trimley Villages

DM28 – Flood Risk

- 4.3 The Felixstowe and Peninsula Area Action Plan (Adopted January 2017) states:

“Beach huts provide an essential contribution to the Felixstowe tourist industry and provide a unique seaside experience enjoyed in various locations on the east coast. The 2001 Local Plan limited beach huts to certain areas of the seafront such as Cliff Road, Golf Road and The Dip which has resulted in the large number of beach huts seen in this part of Felixstowe. The AAP continues this established policy. This approach of concentrating beach huts in specific areas enables the number of beach huts in Felixstowe to be managed in a planned manner and avoid conflict with other seafront activities. Beach huts should be sited so as not to cause unnecessary blockages to the promenade.”

Policy FPP20 (Spa Pavilion to Martello Park): The provision of beach huts will be carefully monitored and limited to those which currently exist. Any increased provision will be directed towards other parts of the sea front (Namely Felixstowe Ferry Golf Club to Cobbolds Point Policy FPP18) as appropriate.

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 Policy FPP20 of the Felixstowe and Peninsula Area Action Plan 2017 limits the presence of beach huts in this stretch of the coastline to those existing. However, the East Suffolk Business Plan 2015 includes a number of key objectives supporting tourism and specifically the provision of new beach huts in the District. A specific action for Suffolk Coastal District Council is to increase the number of beach huts provided in the District by at least 10%, the provision of 6 additional beach huts in this area, although contrary to policy FPP20, would have a minimal impact on the surrounding area. Given that provision of the beach huts is proposed alongside the repair and maintenance of an existing essential asset, it is considered that the balance between the Business Plan and FPP20 is tipped towards the provision of an extended beach platform and six new beach huts. There are no negative impacts that can be tangibly assessed through the introduction of six additional beach huts in this location.
- 5.2 The proposal is for a modest, beneficial and respectful addition to the existing beach huts in this area and will be a welcome enhancement to the area and Felixstowe’s tourist and visitor offer. Policy SP8 of the Local Plan 2013 supports tourism activities across the District in particular Felixstowe as a priority area for new tourist activity,

SP21 refers to Felixstowe and the aim to achieve a thriving seaside town through seeking to expand the tourism role alongside regeneration projects. Therefore although the proposal is contrary to policy FPP20 it is not contrary to policies SP8 and SP21, and therefore a balanced approach to the proposal must be taken.

- 5.3 In this instance, it is considered that given the number of beach huts proposed is small, and their proposed co-location alongside existing beach hut provision, the overall impacts of the proposal can be considered negligible and therefore on balance compliance with policies SP8 and SP21 of the Local Plan tips the balance in their favour over compliance with Policy FPP20 of the AAP.

Coastal Management

- 5.4 Coastal management policy for the majority of the Felixstowe peninsula is to Hold the Defence line, there is no requirement for Coastal Change Management Areas to be identified. Assumptions are that the proposed works will extend and repair an existing concrete wall located approximately 10 metre seaward of the formal Felixstowe seawall to create an enlarged platform upon which beach huts will be placed during summer months. The existing platform wall is of relatively modest design for a structure that is at times exposed to significant wave attack. The extended and repaired platform wall will remain at risk of storm damage and undermining from wave action during winter months. At each pre-season it will be necessary to top up the space contained within the walls with local beach material.
- 5.5 From a sustainability perspective it is noted in the supporting documents that the beach in this area is self-sustaining, the health of the beach here is critically dependent upon ongoing investment in management of the existing groyne field which stabilises the beach and currently minimises the potentially damaging effects of storms and chronic erosion. Looking ahead the Council has a capital programme item to replace the existing groyne field within 10 – 15 years in anticipation that by this date it will no longer be possible to sustain the ageing timber and concrete groynes. At this time the groynes will be removed and replaced probably with rock groynes of similar to those over the majority of the South Felixstowe frontage. When this occurs, based upon experience of the performance of other local beaches with rock groynes, the beach levels between the groynes will be more variable than present and it will not be possible to retain a beach hut platform of the style currently in use at this site. At that time it is likely that alternative beach hut placement arrangements will be required at that time.
- 5.6 The presence of the existing beach hut platform wall is not ideal from a coastal management perspective however; its potential negative impacts are small and manageable. The proposed extension of the platform wall represents a small change in impact that is not significant. The life of the extended platform, and the linked ability to position beach huts to seaward of the seawall, will probably be limited by the residual life of the existing groyne field which is estimated at 10 – 15 years.
- 5.7 The applicant is aware of the lifespan of the existing groynes and the potential future need to relocate the beach huts. Siting of the beach huts will be regularly reviewed in the future in order to adapt to coastal protection circumstances. This future review mechanism does not impact on the determination of this planning application.

Flood Risk Assessment

- 5.8 The Environment Agency have submitted a holding objection to the proposal in the absence of a Flood Risk Assessment. This has now been submitted and has been sent to the Environment Agency for their review. Given the traditional siting of beach huts in this location, and the proposal to store them on the promenade during the winter months (as per the existing beach huts), it is not anticipated that they will sustain their objection to the proposal. It is not considered to be contrary to policy DM28 in relation to flood risk. The beach huts will not be resided in and they are intended for occupation during the summer months only. Their siting in the location proposed will not have an adverse impact on flood risk elsewhere. Planning Committee will be updated verbally on this matter.

Representations

- 5.9 Representations have been received from owners of some of the existing beach huts in this location, primarily raising concerns regarding the spacing proposed between beach huts and subsequent implications for access, disabled access and maintenance purposes. To address these concerns revisions have been made to the originally submitted drawings, a wider gap is proposed between the existing and new beach huts – wider than that existing elsewhere between beach huts, this will enable disabled access and maintenance of the units to be undertaken with relative ease as required.
- 5.10 The centrally located access point has been removed in favour of wider spacing between huts, this will reduce the number of movements from the promenade to the beach from behind the beach huts, and this would appease some of the concerns relating to encouragement of additional movement to the front of the beach huts on the platform.

Conclusions

- 5.11 It is clear that policy FPP20 seeks to restrict the addition of beach huts in this location, however, as has been detailed policies SP8 and SP21 of the Local Plan support improvements to the tourism and visitor offer in Felixstowe and therefore a balanced approach should be taken to the application.
- 5.12 Having regard to the platform repairs and extensions there are no objections to this element of the proposal. Objections received relate to the beach hut provision. Action and amendments have been undertaken to address the concerns within the representations received and it is considered that on balance the proposal for six additional beach huts in this location can be considered favourably when balancing the conflicting requirements of Policies SP8 and SP21 with policy FPP20.

RECOMMENDATION: APPROVE subject to controlling conditions including the following:

1. Standard time limit
2. Plans/drawings considered/approved as amended

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/0272/FUL

Committee Date: 15 March 2018

Site Visit:

Committee Date:

3. FELIXSTOWE – DC/17/3967/FUL – Description: erection of building containing 48 flats over ground floor commercial units. Erection of 11 houses (includes new private access road, parking, and external works), Site of the former Cavendish Hotel, Sea Road, Felixstowe IP11 2AX for Blue Street Properties

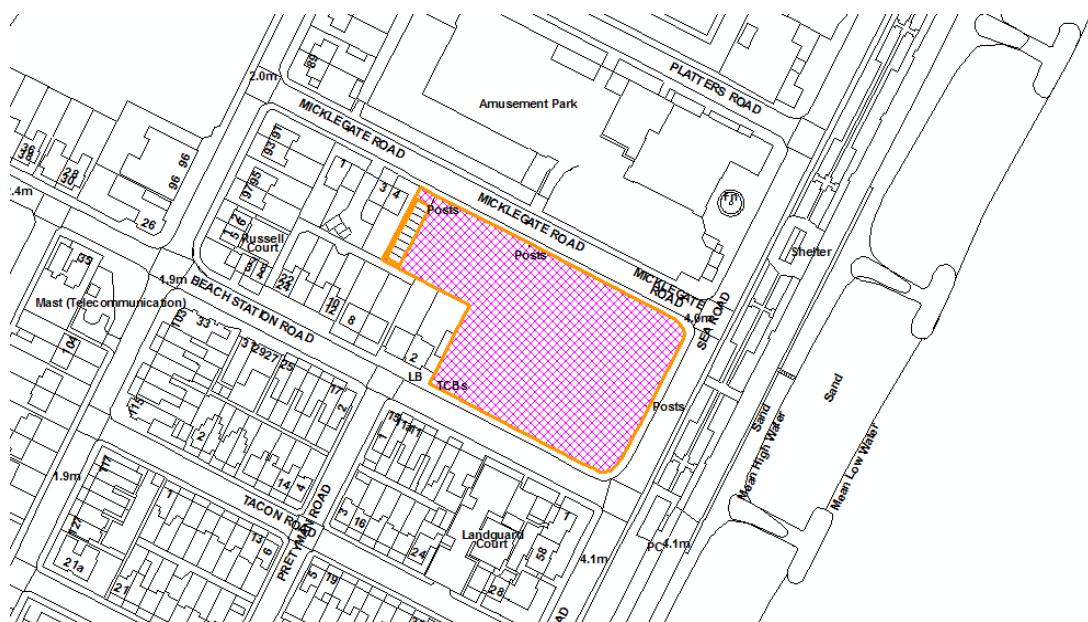
Case Officer: Lisa Chandler

Expiry Date: 19 December 2017

DC/17/3967/FUL Site of the former Cavendish Hotel Sea Road Felixstowe

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



1. SITE DESCRIPTION

- 1.1 The site was originally home to the Cavendish Hotel, a three storey building built in 1932 in the Art Deco style. However, since 1988 when the Hotel was demolished the site has been left vacant. More recently the vacant asphalted site has been home to the Sunday Market in Felixstowe, the other six days of the week the site is inactive and secured with gates. The site is almost one half of a complete block with streets on three sides including Sea Road to the front.
- 1.2 There is existing combination of wall, hedging and fencing around the site with accesses on Beach Station Road and Micklegate Road. To the north east of the site across Micklegate Road is the Mannings Amusements site – a prominent feature on the sea front at Felixstowe - currently flanked by the vacant site to the south west. There are residential properties to the south and west of the site on Micklegate and Beach Station Roads and the seafront and promenade to the opposite side of Sea Road to the east.

2. PROPOSALS

- 2.1 The proposal is for a six storey building with commercial units on the ground floor and 48 flats above to the eastern end of the site. Parking is proposed at the centre of the site and adjacent to existing dwellings two terraces of 2.5 storey high town houses are proposed – 11 in total. Parking for the townhouses is split between on plot parking for units 5 – 11 on Micklegate Road and parking to the rear of units 1 – 4 accessed via Micklegate Road.
- 2.2 Sea Road is characterised by its mix of gardens, promenade, amusements, cafes, B&B's, hotels and residential. Its late C19th origins were based on the grid layout put forward by Colonel Tomline for development of Felixstowe in this area. Sea Road is characterised by larger blocks (up to four storeys) with smaller two-storey streets of mostly residential at right angles leading to Langer Road/Manning Road. Most late C19th and early C20th development in Felixstowe South took place at the north end around Undercliff Road West in the area that is now in the Conservation Area (2009).
- 2.3 South of the Conservation Area most development is post WW1 and the area adjoining this site – Mannings Amusements – has a distinctive Art Deco character (as did the Cavendish Hotel). This illustrates how long this area took to develop – over many, many decades – as a result of the town growing on the cliffs and behind to the north in preference to the less attractive low-lying land to the south. Several sites remained undeveloped in the Felixstowe South area until relatively recently – more than 100 years since being set out. Development of the Port of Felixstowe in the 1960s did provide some boost to this area in terms of new building.
- 2.4 This site is allocated in the Felixstowe Peninsula Area Action Plan for redevelopment. However part of the site is within a flood zone, the design of the development has taken this into consideration. The site has the potential to be a very prominent feature on the Felixstowe seafront and the design of the frontage building as been developed carefully with planning, conservation and urban design officers of the local planning authority. Original proposals reflected Art Deco influences from the former hotel on

the site, but this was not considered successful in early designs and the applicant was persuaded that a contemporary design would be more appropriate in this location. Earlier designs proposed a stepped approach up to 7 / 8 storeys high, this was considered unacceptable in this location by officers and a continuous frontage of no more than 5 storeys (with a further storey if it could be set back in an acceptable manner), was suggested as more appropriate with a continuous frontage to Sea Road. The main frontage building is of a contemporary design to complement the existing buildings in the vicinity with a more traditional style and design to the townhouses at the rear to be more in keeping with the existing residential properties in close proximity.

- 2.5 The massing of the frontage building has been revised and reduced since originally proposed in order to reduce the overall bulk of the proposal and to ensure the building has a prominent appearance on the sea front without having a dominating effect on its nearest neighbouring properties. In order to compliment the area and reflect the character of Felixstowe, traditional materials are proposed to be used including red and grey facing bricks and a smooth render. The contemporary styling is aided by the use of particular bonding in the brickwork to create additional styling to the external appearance of the building and the proposal for a dark grey zinc standing seam for roof coverings and grey windows and doors. The townhouses will have a more traditional dark grey flat profile tile. The original proposal had commercial units on the ground and first floor but this was considered to conflict with the residential properties proposed, the submitted application confines commercial units to the ground floor only. During the pre-application process we were mindful that planning permissions can be sold on, given the prominence and potential importance of this site, it was a priority to set a high bar in terms of the standard and nature of design in order that any subsequent scheme could be positively influenced in terms of quality.
- 2.6 The application proposal includes 68 car parking spaces for the flats and four spaces for the commercial units. Access to the parking and servicing of commercial units has been revised since original submission to meet concerns raised by SCC Highways Authority. Minor revisions in relation to flood risk have been made to ensure the development can be constructed without unacceptable flood risk given its location partially in a flood zone.
- 2.7 The application site is located outside of the Conservation Area - approximately 350 metres to the Felixstowe South Conservation Area and 350 metres to the north-east of Martello Tower 'P' – a Scheduled Monument – this is the closest listed building to the site and required Historic England to be consulted on the proposal. Their comments are included in the consultation response section.
- 2.8 The application was accompanied by a Design and Access Statement, a Land Contamination Assessment, Transport Statement, SuDS maintenance plan and a Flood Risk Assessment.

3. CONSULTATIONS

- 3.1 **Felixstowe Town Council:** Recommend APPROVAL to the application stating:
Subject to the following comments being taken into account:-

- a) Provision of affordable homes should be provided; unless Suffolk Coastal District Council consider that the site is not suitable, in which case a commuted sum must be provided towards affordable homes in Felixstowe;
 - b) Suffolk Coastal District Council are requested to seek clarity regarding the re-location of the Sunday Market in line with policy FPP3; and,
 - c) There is an ongoing problem of significant storm water flooding at properties in close proximity of the site in Langer Road. This application needs rigorous analysis in that regard to ensure that there is no potential of any sort to be exacerbated and to explore whether the storm water aspects of this development could be arranged to mitigate the existing problem.
- 3.2 **Environment Agency:** Receipt of revised information – remove previous objection to the proposal as the site is currently defended and the Shoreline Management Plan policy is an aspiration to hold the line. Part of the site is within tidal flood zone 3a so the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment.
- 3.3 **Historic England:** Concerned that the scale and design of the building would be inappropriate for the setting of the conservation area. [Historic England then wrongly identify the site as lying ‘just to the south’ of the Felixstowe (*sic*) Conservation Area when it is actually some 350 metres from the edge of the Conservation Area].
- 3.4 **The Felixstowe Society:** Welcome the long awaited investment in this derelict site.
- 3.5 **Suffolk County Council - Archaeological Service:** No significant impact on known archaeological sites or areas with archaeological potential. No objection to the development and do not believe any archaeological mitigation is required.
- 3.6 **Suffolk County Council - Flooding Authority:** originally recommended a holding objection but upon receipt of amended information recommend approval subject to conditions: disposal of surface water and details of implementation, maintenance and management of the strategy agreed.
- 3.7 **Suffolk County Council - Fire and Rescue Service (Water Office):** Fire hydrant provision will need to be covered by appropriate condition. Recommend the installation of automatic fire sprinklers.
- 3.8 **Suffolk County Council – Developer Contributions Manager:** SCDC adopted their Community Infrastructure Levy charging schedule on 28 May 2015 which was implemented on 13 July 2015. Most infrastructure requirements will be covered under Regulation 123 List of the CIL charging schedule. Local schools – currently forecast to be surplus places available to accommodate all pupils forecast to arise from the development. Pre-school funding will require future CIL funding for early years of £49,998. Specific transport comments given by SCC Highways. No CIL contribution for libraries required. Waste and garden composting bins should be provided for each unit [only practicable for the housing]. SCC recommends superfast broadband is provided in all development.
- 3.9 **Suffolk County Council - Highway Authority:** have recommended:

It is noted that the 3no. commercial units will have 4 no. vehicle parking spaces between them. This is well below the recommended level of parking provision in Suffolk Guidance for Parking (2015) and may lead to additional parking on the highway. However, it is noted that the commercial units are in a sustainable location, are providing adequate cycle parking and staff showers to encourage travel to work by sustainable modes of travel. For these reasons, the Highway Authority is not recommending refusal based on a lack of parking provision but does recommend that additional parking for the commercial units is provided. Should permission be granted, the Highway Authority recommends a number of conditions. A request for a contribution towards real time passenger travel information has not been justified so has been withdrawn.

- 3.10 **SCDC - Head of Environmental Services and Port Health:** Air quality – increase in traffic flows could require an air quality assessment. Electric vehicle charging – facility to recharge for residents and visitors to the residential or commercial units should be provided – conditions. Contaminated land – Phase II site investigation is required to check for contamination across the site – condition. Noise – potential for noise nuisance from the commercial units – noise assessment should be submitted to cover all proposed plant and machinery and sound insulation testing. Odour – may require kitchen extract equipment for commercial units – suitably filtered system required. Demolition – construction management plan – hours of working and details of how noise, dust and light will be controlled.
- 3.11 **SCDC - Principle Housing Officer:** Affordable housing should be included in the proposal.
- 3.12 **Anglian Water:** The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a surface water drainage strategy covering the issue(s) to be agreed. Advisory comments on other matters included. Pre-Planning Assessment Report from Anglian Water later submitted.
- 3.13 **Felixstowe Forward:** Felixstowe Forward supports this planning application. It meets the local plan and is situated in an area of Felixstowe which would benefit from additional housing and commercial units.
- 3.14 **NHS England:** expect the impacts of the proposal to be fully assessed and mitigated by way of a developer contribution secured through the CIL.
- 3.15 **Third Party Representations:**

23 Letters of Objection have been received raising the following points:

- Townhouses adjacent to my house will lead to loss of light and loss of view.
- Main block inappropriate in size.
- Three stories would be more appropriate.
- Main building too high and wide.

- Overdevelopment.
- Dominating / overbearing on seafront.
- Overshadowing.
- Loss of privacy.
- Setting of precedent.
- Not enough parking proposed.
- Should be reduced by one storey in height at least.
- Increase on original Felixstowe Plan from 40 to 59 plus commercial is unacceptable.
- Congestion will be caused by increasing volume of traffic.
- Impact on drainage and sewerage.
- Local school not large enough to cope.
- Where will the market go?

23 Letters of Support have been received raising the following points :

- Strongly support the proposed development.
- This end of the seafront needs more investment.
- Fantastic opportunity to turn a large area of waste land into a thriving area of restaurants / shops.
- Affordable housing should be included.
- Existing site is an eyesore.
- Support any proposals that help to boost tourism, trade and population in Felixstowe.
- Year 6 representatives of Colneis County Junior School held an assembly to explain the plans to the school of 350 children. Playground vote resulted in 187 voting for and 35 voting against the proposal out of 222 children and teachers who voted. 84.2% for the proposal.
- Better to have something that benefits the area.
- As a local business support additional housing and regeneration of this site.
- Lovely design, Felixstowe needs to progress to the 21st Century.
- Will hopefully be a catalyst for other development.

4. RELEVANT POLICIES

- 4.1 The NPPF para.7 refers to sustainable development – economic, social and environmental benefits – the development is considered to provide all three during construction and operational phases. The new commercial units will provide employment opportunities, this will boost tourism offer in this part of the town and

provide employment during construction also. The provision 1, 2 and 3 bedroom homes across the site will provide a mix of housing opportunities on the site and finally the regeneration and re-use of the brownfield site has environmental benefits and being within a short walk of local services and facilities will be a sustainable location to live.

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

SP1a – Sustainable Development
SP1 – Presumption in Favour of Sustainable Development
SP2 – Housing Numbers and Distribution
SP3 – New Homes
SP6 – Regeneration
SP8 - Tourism
SP19 – Settlement Policy
SP21 – Felixstowe with Walton and the Trimley Villages
DM2 – Affordable Housing on Residential Sites
DM10 – Protection of Employment Sites
DM19 – Parking Standards
DM21 – Design: Aesthetics
DM22 – Design: Function
DM23 – Residential Amenity
DM26 – Lighting
DM28 – Flood Risk

- 4.3 The Felixstowe Peninsula Area Action Plan January 2017 identifies the site as ‘Land at Sea Road, Felixstowe’ and is subject to Policy FPP3 – site is proposed for a mixed use development of commercial / tourism uses and residential dwellings with ground floor frontage of the site to be retained for commercial / tourism related activities in keeping with the resort profile. The policy refers to a minimum of 40 dwellings; the viability of this site was tested at the pre-adoption stage of this document.

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 This site is an allocated development site in the Felixstowe Peninsula Area Action Plan, Policy FPP3 refers to the site at 0.58 hectares of land identified for a mixed use development of commercial / tourism uses and approximately 40 residential dwellings. A positive mixed use scheme will significantly enhance this area of the town which has always been considered a poor relation in terms of environmental quality. The area does offer tremendous opportunities via its seaside location, the addition of new development such as that proposed is therefore considered to appear timely. The

proposal has come forward as a mixed use development of commercial / residential with similar numbers of residential as identified in the policy. The ground floor frontage has been retained for commercial related activities in keeping with surrounding resort activities. However, the application does not provide affordable housing in accordance with policy DM3 (discussed below). However, flood mitigation measures have been incorporated into the design (see below) and adequate capacity in the foul sewerage network has been confirmed by Anglian Water. Appropriate notice has been given in relation to the Sunday Market, and SCDC's economic development team have been involved in the search for a replacement Sunday Market site.

- 5.2 Policies SP1 and SP1a relate to sustainable development and the presumption in favour of sustainable development. In this instance the mixed use development proposed is considered to comply with the requirements of both of these policies in particular in relation to regeneration of this area of Felixstowe and the intensification of use on the currently under-used Sunday Market site. The loss of the Sunday Market is regrettable but the proposed use is more sustainable from a timely and land use perspective. The additional residential units and the addition of four commercial units will promote this area of the seafront as a destination and creating a new element to the existing residential community.
- 5.3 Policy DM3 is the Local Plan new homes policy and references development proposal providing a full range of size, type and tenure of accommodation. The block to the front proposes a combination of one, two and three bed flats, whilst the town houses to the rear are three beds. The total mix will be: 1 bed flats = 20, 2 bed flats = 16, 3 bed flats = 12 and 3 bed houses = 11, this is considered to be an appropriate mix of size and type of dwellings for this site. The tenure proposed is all private housing stock – this will be discussed further in the affordable housing section. Notwithstanding the mix of tenure element, the proposal complies with policy SP3.
- 5.4 Policy SP2 refers to housing numbers and distribution and SP3 – new homes, the proposal is in Felixstowe – a major centre for new residential development and there is a mix of unit sizes 1, 2 and 3 bed flats and 3 bed houses on the site as proposed in accordance with these policies. Policy SP19 is the settlement policy – Felixstowe is a major centre and a sub-regional centre for commercial and social facilities. 51% of the District's housing growth is proposed for Felixstowe, as such the provision of a mixed residential / commercial uses on this site complies with policy SP19. More specifically Policy SP21 refers to Felixstowe with Walton and the Trimley Villages and the proposal to reverse the recent trend of population imbalance and decline in the fortunes of the town by regenerating and facilitating growth in the appropriate manner. This mixed use development in accordance with policy FPP3 for this site will support the overall aims and objectives of policy SP21.

Regeneration and Tourism

- 5.5 Policy SP6 of the Local Plan refers to economic regeneration being a priority in Felixstowe. Policy SP8 refers to tourism and the need to manage tourism and protect and promote features that make the district attractive to tourists in particular focusing on the resort of Felixstowe as a priority area. The development of this largely vacant

and underused site on the sea front at Felixstowe adjacent to the Mannings Amusement centre and within walking distance of the Martello Park and Felixstowe Pier will promote this area of Felixstowe and give a new offer to the tourist as well as providing facilities for use by local and new residents. The proposal is therefore considered to comply with policies SP6 and SP8 of the Local Plan.

- 5.6 Policy DM10: Protection of Employment Sites, will only grant the change of use of existing employment sites if the long term demand for the all or part of the site cannot be demonstrated. In this instance the Sunday Market use of the site could have continued but this was grossly under-using a prominent sea-front site which would not meet the aspirations for improving the offer that Felixstowe can make from a tourist and residential perspective. Hence, the site's allocation for future development. In this instance in accordance with policy DM10 c) there would be a substantial planning benefit in permitting alternative uses on this site. As the proposal is for a mixed commercial / residential site an element of economic benefit will be retained.

Affordable Housing

- 5.7 Policy FPP3 and Policy DM2: Affordable Housing on Residential Sites both require an element of affordable housing to be provided on residential development sites – in this instance 33% of the units to be provided should be affordable. In exceptional circumstances, should it be considered that the site is not suitable to accommodate an element of affordable housing; a financial or other contribution towards the provision of affordable housing on a different site within the same area may be considered appropriate. In this instance, the applicant has provided a viability assessment which demonstrates that the provision of affordable housing units on this site would not be viable. It would also be difficult if not impossible to find a registered social landlord prepared to take on a proportion of flats within a larger block such as that proposed on this development site.
- 5.8 The viability assessment submitted has been independently tested and verified by an independent professional and originally it was agreed that it is demonstrated that development of this site with affordable housing included would be unviable, however, a subsequent independent assessment confirmed otherwise. Reference was made to the independent appraisal of this site carried out in the viability testing during the local plan process but although it tested viable at that time, it is not yet clear whether the proposal would be viable if affordable housing was to be provided, partly due to the high build costs associated with the high standard of design sought by this Authority for this key site. This is being discussed with the independent assessors and the applicants and discussions are ongoing given the importance of affordable housing provision in the District. At this stage, it cannot be confirmed whether the proposal complies with the aforementioned policies. At this stage there are potentially two options – it is agreed that at this time the development does not appear viable and therefore to ensure the Council benefits from any future uplift in housing market prices, the applicant has agreed to a Section 106 agreement that will allow an overage sum to be agreed in order to manage future market forces. A suggestion would be after 80% of sales a revised viability is provided and any profit over 20% of GDV is split 50/50 via a commuted sum. Alternatively if it is agreed that the development can

withstand an element of affordable housing provision either on-site provision or an off-site contribution will be requested.

Design of Development

- 5.9 As stated previously the site lies around 350m south from the Felixstowe South conservation area but does not affect its setting. There are no listed buildings on the site but it could be described as falling within the setting of the Grade II listed Martello Tower that is also a Scheduled Monument. Any development proposal here of height may impact the inter-visibility between Martello Towers that is an important feature of their significance. Historic England was consulted due to the proximity to the Martello Tower, however, their response focused on the relationship with the Conservation Area. This is not their remit, and our own conservation expert disagrees with their assessment of the application site as being just to the south of the Felixstowe Conservation Area, given that it is around 350 metres away with other developments in-between, this is not considered to be 'just to the south'. Historic England considers the new building will be 'out of scale' bulky and overbearing – this is not agreed with. Scale juxtapositions are characteristics of urban form and energise townscape where they are appropriate. Sea Road is characterised by large buildings that have substantial scale and architectural presence (and deliberately so), but also, negatively, by gaps and it is appropriate, therefore, for new development to positively add to townscape in the same vein as the best buildings on Sea Road. Given the distance between the edge of the Felixstowe South Conservation Area and the application site, it cannot be considered to contribute to the setting of the Conservation Area. Historic England were consulted in order to comment on the relationship with the Scheduled Monument Martello Tower P, they make no comment in relation to this choosing to focus on a mistaken requirement for the Council to refer to their statutory duty of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act when determining the application. As this reference is for development of land within Conservation Areas, Historic England is incorrect in their recommendation. It is reasonable to assume that Historic England has not identified any harm arising to the significance of Martello Tower P from the proposed development which was the opinion of the District Council during the pre-application process.
- 5.10 The design of the development proposed is characterised by a large-scale frontage block that extends the full width of the urban block, with rear parking accessed via a transverse lane. Residential terraces provide infill and partial enclosure to Beach Station and Micklegate Roads. The mix of uses to the Sea Road block is very welcome and it is considered that the commercial ground floor uses facilitate a separate and interesting architectural treatment from the residential flats above – this is indicated on the Sea Road elevation where they are shown as being fully glazed.
- 5.11 At pre-application stage the applicant was advised that any proposed frontage block should be of no more than five storeys in height to reflect the characteristic of Sea Road that has relatively large blocks often occupying the full width of the urban block up to four storeys in height. By stepping the sixth floor back to create a roof terrace, the principal block will appear primarily as a five storey buildings and this is considered acceptable in mastering its size. Given that the Mannings Amusements next door

provides the distinctive local landmark it is pleasing that the applicant has not sought to provide and landmark features or towers in the final proposal.

5.12 The standard sought at pre-application stage was high as it was considered that development of this site needed to be of sufficiently high quality to lift the quality of the immediate surroundings. The submission is considered to be of a high standard for the following reasons:

- The size of the frontage block and its scale relationship to its Sea Road setting acknowledge and re-inforce its urban context and are derived from the size of the site: this is a large site and it justifies a development of the scale proposed.
- The sea facing elevation acknowledges and exploits its aspect, views and situation to inform its architecture and its architectural expression of balconies and terraces, which are key features of Felixstowe as a seaside resort town.
- The modelling of the frontage block with its vertically emphasised projecting blocks (in brick) contrasting with the horizontal form of the building will provide a good level of architectural interest and mitigate the significant scale and bulk of the building.
- The use of brick (red and grey) relates well to the site's built context where red brick predominates as the principal material of construction in Felixstowe.
- The contemporary character of the design is entirely appropriate as a 21st century response to the site, its setting and the opportunities afforded by its seaside location. In this way, the design will contribute positively to the ongoing evolution of this part of the town (with its architecture of most periods from the 1870s onwards) and to the local distinctiveness of the area.
- The ground floor commercial uses will provide an active frontage that will engage positively with the streetscene and the nearby promenade and seafront, which is a well used pedestrian area.
- The flank elevations successfully achieve the transition in scale between the frontage block and the side streets – existing and proposed dwellings. This is assisted by the modelling of the flanks and the use of varied materials.
- The rear parking area is sufficiently overlooked and enclosed to ensure that this important space has its own positive and useful character.
- The flats have balconies for external space and terraced houses have rear garden areas. Given the close proximity to the promenade, seafront greenspace areas and the sea, this is considered acceptable. Martello Park is within walking distance of the site.

The proposed design of the residential terraces has a step up in scale and a modelled gable and projecting features that relate well to adjacent housing on Beach Station Road and on the other side of the site to Micklegate Road. The position of the new terraces, the access lane and the parking court have been designed to take account of the streetscenes opposite in terms of built form, openings and boundaries and this has some merit. The character of the rear parking area will need to be carefully designed at the detailed stage to ensure that it is an attractive and safe space and one that

doubles up as a service access and circulation space for the commercial units and residential flats. Part of the quality of this space will be informed by the quality of the rear elevation of the frontage block, which will have a high degree of visibility, the same materials used for the frontage of the block will be expected to be used at the rear and sides.

- 5.13 Section 7 of the NPPF confirms that the Government attaches great importance to the design of the built environment. Para. 58 details the ways in which development decisions should support key design criteria that include: functionality; sense of places; mix of uses; response to local character; and visually attractive. The NPPG goes into further detail on design and urban design considerations which provide a helpful guide for assessing design quality. The submitted scheme is considered to satisfy this criteria and detailed criteria on design aesthetics and functionality found in Local Plan policies DM21 and DM22.
- 5.14 Para. 60 of the NPPF states that planning decisions ‘should not attempt to impose architectural styles of particular tastes’. This can be contentious where the view is taken that designs should ‘fit in’ to their context. Felixstowe has a very strong prevailing architectural style derived from its rapid development in the late Victorian and Edwardian era. New development can echo aspects of the architecture of that period – a high degree of modelling, choice of materials, use of seaside features such as balconies and verandas, bold forms, - and in this way, respond to the local context whilst being authentic to the current era. The immediate architectural setting of the application site is weaker in terms of quality and representativeness of the town’s characteristic architecture. Hence the necessity for a design that is not reticent or modest but one that positively enhances its context through the bold quality of its design is required and it is considered that this is achieved in this instance and the proposal complies with the aforementioned policy and guidance.
- 5.15 There is no public art included with the proposals, however, this could be required by condition to meet the requirements of policy DM25. In addition, there is no plan for external lighting of the building, this could be critical given its sea front location, a condition will be required to ensure appropriate levels of external lighting in accordance with policy DM26 is required.

Flood and Water issues

- 5.16 Policy DM28 of the Local Plan refers to flood risk and the requirement for development to meet the tests in the NPPF. In this instance the site is an allocated site in the Felixstowe Peninsula Area Action Plan 2017 and it is acknowledged that part of the site is within the flood zone. Having regard to the Sequential Test, the site is an allocated site for redevelopment and part of its unique selling point is its seafront location, as such there are no other sequentially preferable sites that meet the identified unique selling point of the site. Having regard to the Exception Test, the site is able to be developed and adding benefit to the local area that is no outweighed due to its location, the site will be safe for its lifetime and will not have any cumulative impact on surrounding areas through off-site flood risk. Residents will be safe in a flood event and a flood and evacuation plan has been proposed that will meet the

need of the Exception Test. The development is therefore considered to comply with policy DM28 of the Local Plan.

- 5.17 From surface water perspective there has been concern raised regarding the potential drainage from the site. The local lead flood authority, SCC, originally submitted a holding objection to the proposal that the applicant has sought to address, this has been withdrawn subject to appropriate conditions being applied to any consent granted.

Traffic implications

- 5.18 There were initial concerns with the scheme from SCC Highways but these were addressed with the provision of additional information. There is still an ongoing concern that there is limited parking available for the commercial units. However, given the sustainable nature of the location this is considered desirable but not essential. There is adequate parking for the residential units which is the priority in this instance.
- 5.19 There was a request for real time passenger transport information at the nearest bus stop (Langer Road) but this could not be justified in this instance as it is not essential to make the development acceptable.

Representations

- 5.20 There have been a number of representations in support of the proposal and a number against. Those in support are enthusiastic about the contemporary design and the opportunity to regenerate this site and hopefully attract further development and investment to Felixstowe. The additional housing is welcomed. It is heartening to see the local junior school assessing the proposals and enabling their pupils to have an independent voice in their response to the Council.
- 5.21 There are a number of local residents of Beach Station Road and Micklegate Road who are against the proposal. There are concerns regarding the height and bulk of the main block and the potential for it to block view and light to residents behind. In addition, the townhouses adjacent the existing townhouses are objected to for reasons relating to loss of view, light and privacy. The site has been deliberately designed to minimise impact on the adjacent properties hence the stepping of the sixth floor, the stepping of the side returns of the main block and the reduction in height to two and a half storey townhouses adjacent to the existing 2 – 3 storey houses on Micklegate Road and Beach Station Road. There will be a change for these properties as they are currently next to a site that is vacant for 85% of each week. However, this is not an efficient use of a brownfield prominent seafront site. Until 1988 there was a three storey building on the site so there is precedent for built form on this site.
- 5.22 Having regard to the Mannings site adjacent and the three storey flats to the other side, the local planning authority worked closely with the applicant's designer in creating a proposal that is considered appropriate in scale, massing and size on this site. The frontage block is set at a sufficient distance from the new townhouses and existing residential properties to the rear so as to avoid unnecessary or unacceptable overshadowing. There will be a loss of view but that is inevitable with any frontage development on this vacant block and the planning system is not able to protect views.

Loss of light is a material planning consideration and in this instance there is not considered to be any significant impact on existing dwellings having regard to light with the development proposed. The proposal is considered to comply with policy DM23.

Conclusions

- 5.23 The principle of development of this site for a mixed use commercial / residential scheme is accepted in the site allocation under policy FPP3 of the Felixstowe Peninsula Area Action Plan. The design of the development has evolved through extensive pre-application discussions and is considered to be of a high calibre that will regenerate this seafront location and provide some high quality residential and commercial units to complement the existing offering in the vicinity such as Mannings next door.
- 5.24 There has been concerns raised regarding the height of the building and it is acknowledged that it will be a tall building on this seafront location and it will be taller than the nearest buildings. However, the design and structure of the build compliments the existing buildings and is of a higher quality than the surrounding architecture. The block can accommodate a building of this size and stature and it is considered that the building will add to the seafront experience. The recessing of the top floor minimises the overall scale of the building and the stepping down on the side returns as the building meets the 2 and half storey town houses proposed ensures that the building will not have a dominating impact on existing buildings in the vicinity.
- 5.25 Views from existing buildings will be altered with the development as proposed but this is not a justification or a reason for refusing the development. The bulk of the new build is set at a distance form the dwellings to the rear so as to not directly overshadow or dominate. However, there will be loss of view but this cannot be protected under the planning regime and to do so would sterilise this site for all but a single storey building which is not practical and not in accordance with the policy designation.
- 5.26 Affordable housing requirements are currently still outstanding and being reviewed.
- 5.27 In conclusion, it is considered that the development as proposed will be a massive benefit to Felixstowe and will help regenerate this vacant site in a prominent seafront location.

RECOMMENDATION: Delegate authority to the Head of Planning and Coastal Management to negotiate an acceptable outcome having regard to affordable housing provision in relation to this site. If this cannot be achieved within 6 months of the committee resolution, planning permission be refused for reasons relating to lack of affordable housing provision. If an acceptable outcome is achieved, the proposal would be subject to the following conditions:

1. Standard time limit
2. Plans/drawings considered/approved
3. Details of the Management Company to be appointed to manage the communal residential areas and initiate the Flood Evacuation Plan (as per Appendix 6 of the

submitted Flood Risk Assessment) are to be submitted to and approved by the Local Planning Authority prior to first occupation of the flats / houses hereby approved.

4. Construction management plan to be submitted and improved including hours of working.
5. – 9. Contaminated land standard conditions.
6. Sound insulation test to be carried out prior to occupation of any unit.
7. Details of extract equipment to be provided along with a scheme for ventilation, extraction and long term maintenance.
8. Highways condition re: main car park access to be available before occupation.
9. Private driveway accesses onto Micklegate Road to be completed and made available for use before occupation.
10. Details of the proposed pedestrian crossings to be submitted for approval and completed prior to first occupation.
11. Access to be properly surfaced with a bound material for a minimum distance from the edge of the metalled carriageway.
12. Area for storage of refuse / recycling bins to be provided and retained prior to first occupation / use.
13. Means of preventing discharge of surface water from the development onto the highway to be submitted, approved and implemented.
14. Gates or barriers to be set back a minimum distance of 5.5 metres from the back edge of the footway.
15. Parking areas and secure cycle storage to be provided prior to first use / occupation of the site.
16. Visibility splays to be provided.
17. Landscaping scheme to be submitted for approval.
18. Implementation of landscaping scheme.
19. Samples of external facing and roofing materials including fenestration detailing to be submitted and approved.
20. Fire hydrants to be provided in locations to be agreed in writing with the Local Planning Authority.
21. Removal of permitted development rights for houses (due to flood implications).
22. Boundary treatments in particular between private and public areas are to be submitted to the Local Planning Authority for approval in writing.
23. Details of the strategy for the disposal of surface water on the site to be submitted and approved in writing.
24. Details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site are to be submitted and approved in writing.

25. Details of external lighting to the frontage block to be submitted for approval.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/17/3967/FUL

Committee Date: 15 March 2018

Site Visit:

Committee Date:

4. KESGRAVE – DC/17/2929/FUL – Replacement dwelling. Retrospective application to cover revised works on site due to existing structure not being structurally sufficient: 79 Dobbs Lane, Kesgrave, IP5 2QH for Mr Anthony Edwards.

Case Officer: Joe Blackmore

Expiry Date: 20 March 2018

DC/17/2929/FUL - 79 Dobbs Lane, Kesgrave, Ipswich, Suffolk, IP5 2QH

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



EXECUTIVE SUMMARY

Retrospective planning permission is sought to regularise unauthorised development at 79 Dobbs Lane, Kesgrave.

Planning permission was granted for a loft conversion and extensions to the property and this has been implemented. Officers were notified of a planning breach with regard to development on site not according with the approved plans, and the application has been submitted to regularise the unauthorised works.

On balance, the unauthorised works on site are considered acceptable and the application is therefore recommended for approval contrary to five letters of objection and an objection from the Kesgrave Town Council. The item is before members of the Planning Committee due to the level of local interest and because of the retrospective nature of the application seeking to address unauthorised development that has taken place.

1. SITE DESCRIPTION AND PLANNING HISTORY

- 1.1 The application site is located within the town of Kesgrave and lies to the west side of Dobbs Lane. The site is rectangular in shape and covers an area of some 0.017 hectares. The northwest of the site is bounded by the car park serving Foxwood House - a detached office block which sits on the corner plot at the junction of Dobbs Lane and Dobbs Drift; and to the southwest of the site are the rear gardens of residential properties at Jackson close. Adjoining the southern site boundary is the neighbouring property at 81 Dobbs Lane, which hosts a detached brick-built dwelling.
- 1.2 The site therefore sits at the north-western end of a row of residential properties - predominantly detached dwellings of a mixed scale and form. The dwelling at no. 79 was formerly a small bungalow constructed of pre-cast concrete blocks with a hipped roof covered in slate tiles.
- 1.3 Planning permission was granted on 12 October 2016 for: Single storey rear & side extension, alterations and loft conversion at the property (planning case ref no. DC/16/3410/FUL). This planning permission allowed extensive re-modelling of the existing bungalow, to transform it into a one-and-a-half storey, chalet style dwelling. This permission has been implemented and a substantial amount of construction has taken place to the point where the building is occupied. Officers were notified that development on-site was not in accordance with the approved plans and an enforcement case was logged with the Council (enforcement case ref no ENF/2016/0381/DEV). The application has therefore been submitted retrospectively to regularise the unauthorised development carried out. According to the applicant, little of the existing structure was retained during development and therefore the description of development references a "replacement dwelling" rather than extensions/alterations to existing.

2. PROPOSALS

- 2.1 The application covers development on site that is not authorised by the implemented planning permission. This can be summarised as:

- As-built ridge height of 9.225 metres compared to approved ridge height of 8.82 metres;
- Insertion of 4 no. rooflights instead of approved two dormer windows to first floor side roofslope (south-east elevation);
- Insertion of two unauthorised first floor windows to the rear (south-west) elevation;
- Change in roof form of rear extension from a hipped roof (approved) to a mono-pitch roof;
- Alteration of front elevation from approved scheme: to include removal of first floor window and insertion of two vertical strip windows; and
- Amended ground floor fenestration to side (NW) elevation and rear (SW) elevation.

3. CONSULTATIONS

3.1 **Kesgrave Town Council:** Object to the application stating: "The Town Council viewed photographic images and received and noted the revised drawings. Considers that the height and width is still unacceptable and not in accordance with the plans, the fact that the development is still cramped, and that there are still material planning considerations as to why this retrospective proposal should be refused.

The Town Council still considers that this unauthorised development is contrary to Policies Numbered DM21 (Design Aesthetics, good visual design and layout) and DM23 (Residential Amenity – access, daylight and sunlight and the physical relationship with other properties). The development' is too cramped, (DM8 Overdevelopment of the curtilage and scale), and it is out of character with the street scene and reduces the residential amenity. The revised retrospective scheme does not appear to have addressed previous concerns. The cramped plot is actually a very large house in this area of bungalows. This retrospective application should be refused, as it is unlawful and will set a precedent for any future, potential applicants.

If this retrospective proposal is not refused, indicating its breach and unlawful actions, it will make a mockery of planning control in this Town and District."

3.2 **Third Party Representations:** Five Letters of Objection have been received that raising the following matters:

- The dwelling is out of character with the surrounding properties due to its scale;
- The remodelled dwelling, by virtue of its height and massing, blocks views from properties at Jackson Close through to heathland/trees to the east side of Dobbs Lane;
- Two first floor windows to the rear elevation permit overlooking of the properties at Jackson Close to the south and the adjoining property at 81 Dobbs Lane;
- As-built development does not resemble original approved plans;
- Single storey rear extension causes a loss of light to 81 Dobbs Lane; and
- The plans submitted retrospectively are inaccurate and do not reflect what has been built on-site.

4. RELEVANT POLICIES

4.1 NPPF

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

DM21 – Design: Aesthetics

DM23 – Residential Amenity

SP15 – Landscape and Townscape

- 4.3 The following Suffolk Coastal Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:

SPG16: House Alterations & Extensions

5. PLANNING CONSIDERATIONS

- 5.1 The key issue that has arisen from the consultation process is the height of the dwelling.

- 5.2 There is approximately 1.3 metres separating the application dwelling from its neighbour to the south at 81 Dobbs Lane. By virtue of this close physical relationship, the relative height of these properties is critical to the acceptability of the design. The dwelling at no.81 has been measured by officers at approximately 6.6 metres (to ridge level). In comparison, the existing bungalow at the application site had a ridge height of approximately 5.5 metres; the approved scheme permitting the height of the dwelling to be increased to 8.82 metres. Therefore the implementation of the approved scheme would result in the dwelling at no.79 appearing much larger than its immediate neighbour at no.81 - by virtue of it being some 2.2 metres taller. This would result in some harm to the character and appearance of the area and a less-than-ideal physical relationship with the neighbour. However this planning permission is valid and has been implemented. The key issue, therefore, is whether the as-built ridge height of 9.225 has an unacceptable impact when compared to the approved height.

The as-built height some 405mm greater than the approved scheme is a significant increase. However, the roof ridge of the dwelling runs front-to-back (perpendicular to the ridge of no.81) and the roof pitch is some 40 degrees; thus, the highest part of the dwelling is over 6 metres from the neighbouring dwelling. So, whilst a 405mm increase in height is significant, it is not deemed to be unacceptable whereby it would excessively dominate the neighbouring property to a degree materially greater than the approved scheme. Assessing the wider area, there is a mix of dwelling types and sizes in the locality, along with a substantial office block adjacent the application site; as such there is not a prevailing scale of building in the locality that the application dwelling would be significantly contrary-to.

- 5.3 In regard to the height of the dwelling, it has been raised by neighbours to the southwest at Jackson Close that the dwelling prevents views through to heathland and trees to the east. However the existing planning permission permits the increase in size of the dwelling from a bungalow to a one-and-a-half storey scale: this would also limit this view from the properties at Jackson Close. In any event, the site is within a semi-urban area where it cannot be expected that views never change and, furthermore, because of the separation between these dwellings and the application site, the development would not have a materially harmful impact on outlook from their important habitable rooms.

- 5.4 For these reasons, the height of the as-built dwelling is considered, on balance, to be acceptable and not raise any significant further conflict with DM21, DM23 & SP15; and the guidance within SPG16, when compared to the approved scheme.

- 5.5 With further regard to the properties at Jackson Close, objections have been received from neighbours there that claim the unauthorised first floor rear windows permit

losses of privacy via high-level overlooking. These windows would be some 20 metres from the rear walls of dwellings at Jackson Close. Ideally, first floor rear windows to extensions should be at least 24 metres from the back of homes opposite. However, the three dwellings neighbouring the application site have first floor rear windows which similarly overlook the rear of these properties. Therefore, two further windows to the application dwelling would not materially impact privacy levels to the adjoining properties at Jackson Close. These windows would not face directly onto the adjoining property at 81 Dobbs Lane therefore no unacceptable losses of privacy would arise from them. Thus, this element of the development accords with policy DM23 and the amenity guidance within SPG16.

- 5.6 Further objections from no.81 Dobbs Lane relate to the impact of the single storey rear extension on sunlight/daylight to their property. The approved scheme permitted a hipped roof form that pulled some of the roof mass away from the neighbour; in comparison, a mono-pitched lean-to roof has been built. However, the extension is due-north of no.81 and this orientation means there would be no direct impact on access to sunlight. The extension would have an eaves height of 2.7 metres and a maximum roof height of 3.85 metres; this height is not considered excessive whereby it would be overbearing on no.81. This element of the development therefore accords with policies DM21, DM23 and the amenity guidance within SPG16.
- 5.7 To the south-eastern roofslope, four Velux rooflights have been inserted contrary to the approved drawings which indicate two dormer windows. However, the dormer windows approved permit overlooking of the neighbouring property at no.81 Dobbs Lane. The Velux windows inserted are set fairly low into the roofslope whereby they also permit some overlooking of the neighbour; however, it is not considered this is significantly different than the impact of the approved scheme and therefore no objections are raised to this fenestration change.
- 5.8 The revisions to the ground floor fenestration are very minor in nature, and could be dealt with separately via the Non-Material Amendment (NMA) procedure; thus, officers consider these changes acceptable.
- 5.9 Likewise, the amendments to the fenestration to the front elevation are considered very minor and could also be dealt with via the NMA procedure. Again, no objections are raised to these changes from the approved scheme.

Other Matters

- 5.10 A number of interested parties have queried the validity of the submitted plans, on the basis that they do not accurately reflect what has been built. The initial plans submitted with the application were deemed by officers to be inaccurate and an opportunity was provided for the applicant to have accurate plans drawn up and issued. This was carried out and further comments received suggest these plans are still inaccurate. In response, officers have measured the height and depth of the dwelling (as accurately as possible), and the measurements taken correlate with the submitted plans/drawings. The relative size and position of the new fenestration also appears to be accurately indicated on these plans/drawings.

5.11 The neighbour at no.81 has informed the Council that the south side of the dwelling and its foundations is on land within his ownership. The applicant disagrees and has completed Certificate A on the application form: a signed declaration that the applicant was, on the day 21 days before the date of the application, the owner of any part of the land or building to which the application relates. There is clearly a dispute here between the two parties. However boundary disputes are a civil matter where the Local Planning Authority has no remit, therefore this cannot be considered in the determination of this application.

Planning Balance and Conclusion

- 5.12 Officers acknowledge that the approved scheme would result in some harm to the character and appearance of the area by virtue of the scale of the dwelling and its relationship to the neighbouring property at no.81; likewise, the side fenestration arrangement approved would also permit some overlooking of this neighbouring property. However, planning permission was granted and has since been implemented. The time for that decision to be challenged in the courts has also passed and therefore it is a lawful permission that has been implemented in accordance with the imposed time limit. Thus, the key issue is whether the as-built scheme is unacceptable when compared to the existing planning permission.
- 5.13 For the reasons given in this report, the unauthorised elements of the development would not be so materially harmful, when considered against the approved scheme, that they would justify a refusal of planning permission. Furthermore, some of the more minor unauthorised works could be considered non-material and therefore could be dealt with via the NMA procedure.
- 5.14 Therefore, on balance when considered in the context of the approved scheme, the unauthorised elements of the development are acceptable and retrospective planning permission can be granted.

RECOMMENDATION: APPROVE subject to controlling conditions including the following:

1. Plans/drawings considered/approved

DETERMINATION:

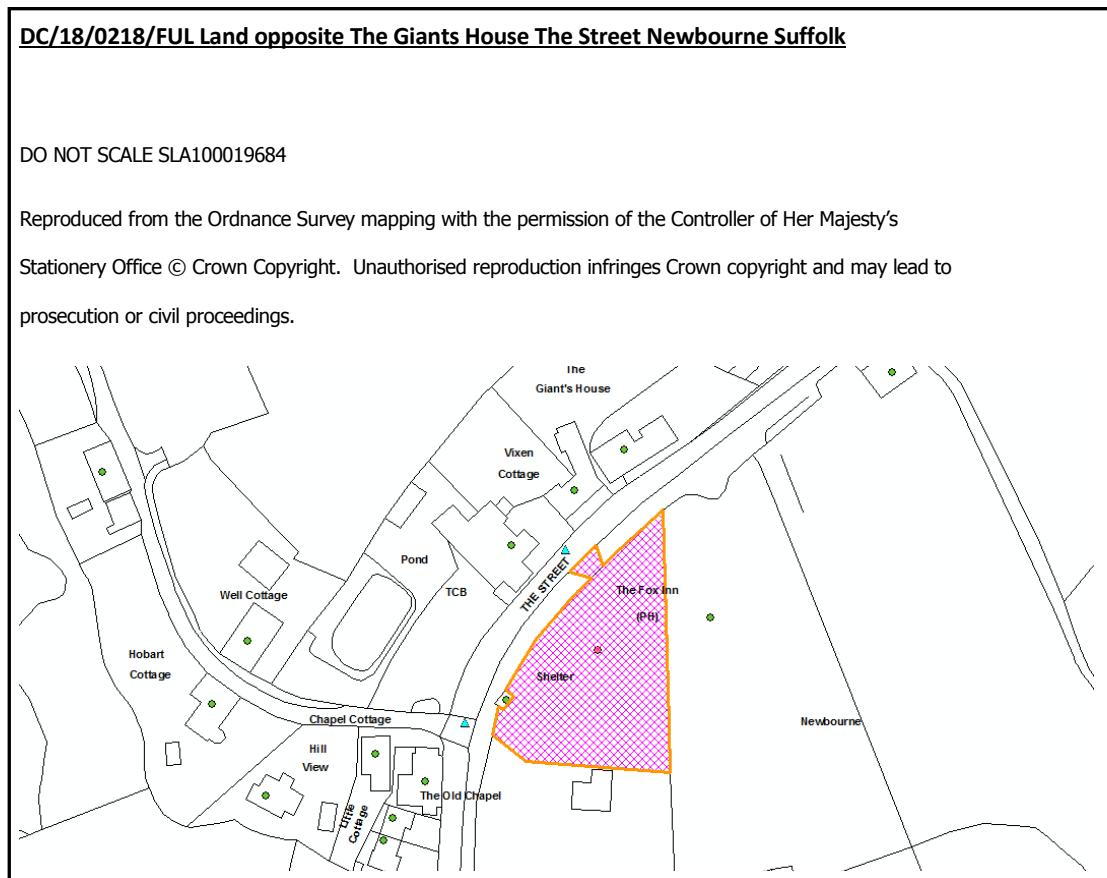
BACKGROUND PAPERS: Planning Application File Ref No DC/16/3410/FUL

Committee Date: 15 March 2018

5. NEWBOURNE – DC/18/0218/FUL – Description: Change of use to form overspill car park associated to the Fox Inn, Land Opposite The Giants House, the Street, Newbourne, Suffolk IP12 4NY for Deben Inns Ltd

Case Officer: Lisa Chandler

Expiry Date: 11 March 2018



EXECUTIVE SUMMARY

Planning Permission is sought for change of use from field used sporadically under permitted development rights as overspill car parking, to a semi-permanent overspill car park for us in association with the Fox Inn.

This item has come before members because there have been numerous objections to the proposal from local residents and from Newbourne Parish Council.

The application is recommended for conditional approval.

1. SITE DESCRIPTION

- 1.1 The application site is a vacant land with an existing highway approved tarmacked access from the adjacent highway. There is a wooden gate across the access – set back from the metalled carriageway edge. There is some vegetation to the front of the site and an under utilised brick built bus shelter. There are open fields to the east of the

site. To the south is a residential property and to the west across The Street are a mix of residential dwellings and The Fox Inn.

- 1.2 The field is currently utilised under the Town and Country Planning (General Permitted Development) Order 2017 for overspill car parking in association with the Fox Inn public house on up to 28 days a year. The existing vehicular access to the site was allowed on appeal following refusal of consent by this Authority.
- 1.3 The site is currently open with a post and rail fence demarcating the boundary of the site.

2. PROPOSALS

- 2.1 The proposal is for conversion of the current occasional use to a semi-permanent informal parking area associated with the Fox Inn. A reinforced grid system is proposed in the centre of the site with seeded topsoil backfill. A comprehensive landscaping scheme is proposed on the boundaries of the site with the existing post and rail fence retained and native thicket planting proposed to screen the car parking area. The existing vehicular access is proposed to be retained. The proposed car parking area will not have identified car parking spaces.
- 2.2 It is proposed to limit the use of the overspill car park from 1 March through to 31 October, with an additional two week period in the run up to Christmas utilising the car parking.
- 2.3 Planning permission DC/17/3391/FUL was granted by SCDC on 12 October 2017 for alterations and extensions to the Fox Inn. Under application reference number C12/2093 refusal of consent for a vehicular access to the field opposite the Fix Inn was refused by SCDC but subsequently allowed on appeal, in a decision dated 15 May 2013 subject to conditions. These conditions were discharged and the access subsequently constructed. Prior to this proposal, planning permission was refused under reference C12/0415 for formation of car park extension and construction of new vehicular access on the site the subject of this application. The reasons for refusal related to visual intrusion into the river valley and Special Landscape Area, the proposed vehicular access would be detrimental to highway safety and vehicular movement within the site would impair the living conditions of nearby residents. The vehicular access was subsequently allowed on appeal (C12/2093).
- 2.4 The Fox Inn is a very popular venue for dining and drinking. There is an existing car park that is adequate for its needs with regards to guideline sin the Suffolk Parking Standards, but colloquially, as raised in numerous representations during the proposal for an extension to the pub, the car park is often full resulting in inappropriate parking on the adjacent highway. On no more than 28 days of the year, the field opposite is used for over spill car parking, but this is limited. There is the facility to park at the village hall car park but although there is a sign advertising this it is not always utilised according to local residents.
- 2.5 The application site is within a special landscape area (policy SSP38) and approximately 200 metres to the north is the boundary of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The Fox Inn on the opposite side of the Street is a Grade II listed building.

3. CONSULTATIONS

3.1 **Newbourne Parish Council:** OBJECT to the application stating: "The Parish Council object to the change of use to form a overspill car park the reasons are below:

1. Taking away green space in our village
2. Turning the field into a car park will affect the quality of life for neighbours to the pub and the houses opposite, more traffic passing past the front of the houses opposite already have people pulling into there driveway to allow others to pass as the road is narrow.
3. The 2012 application C/12/2093 was refused due to highway safety and nothing has changed only the fact that there is more vehicles passing through the village due to the Scottish power onshore cables.
4. Highway safety, poor visibility and a single track road, risk for people parking in the car park then crossing the road to the pub.
5. The pub should be signposting the over spill car park at the village hall better so people can see this may reduce the parking problem.
6. In recent planning that was put in for the extension that was approved it stated that the car park was adequate for the number of seats in restaurant.
7. The grass verge is always damaged opposite the pub churned up where people park all over it and the pub make no effort to stop this.
8. No concern for village no one from Deben inns represented them in the meeting to answer questions.
9. Vision of the carpark is ugly and will spoil the view in the village, nature reserve just down the road."

3.2 **Suffolk County Council - Flooding Authority:** Minor application so have no comments to make.

3.3 **Suffolk County Council - Highway Authority:** have recommended refusal for the following reasons:

Intensification of use from field access to car park access

The layout of the existing made up vehicular access is that of a field access. The proposed development would be regarded as an intensification of the use of an existing vehicular access. Improvements to the existing vehicular access will need to be considered to mitigate any effects of the intensification of use. The current application documentation does not include such details.

Route for pedestrians between car park space and public house

The application documentation does not include enough information relating to the proposed pedestrian route, for motorists and their passengers, between parking spaces in the proposed overflow car park and the public house. The proposed pedestrian traffic route should be designed in accordance with current guidance. Some extracts from current guidance are appended.

A revised drawing was submitted, SCC Highways maintain an objection unless the applicant undertakes speed surveys to demonstrate that the pedestrian visibility splay proposed will be adequate.

3.4 **Third Party Representations:** 23 Letters of Objection have been received raising the following points (from 21 different addresses):

- Proposal will be an eyesore on the prominent and picturesque site.
- Already an overspill car park at the village hall.
- Problems are only when the pub hosts an event and these can be managed.
- The Fox has outgrown this rural village.
- More traffic means more noise, more speeding cars, more disruption.
- Proposal has no benefit to the village.
- Entrance to proposed car park is hidden and will be a hazard.
- Danger to pedestrians crossing the road to get to the pub.
- Affect amenity of Vixen Cottage, The Giant's House and 48 The Street in terms of noise and light.
- All of the issues raised in relation to C/12/0415 remain relevant.
- Site is within a Special Landscape Area.
- Screening proposed would take many years to even slightly obscure the proposal.
- Strict controls would need to be in place regarding immediate planting.
- Highway safety key concern.
- 30 mph limit frequently ignored.
- The Fox is no longer a village pub and is now a destination pub for food and drink.
- Late at night impact on local residential amenity.
- Pollutants from the car parking will drain into the water course.
- Development proposed is outside village envelope.
- Field may be used for other events.
- The pub has enough parking for its purposes as confirmed in the recent planning permission.

4. RELEVANT POLICIES

4.1 NPPF: One of the core planning principles in the NPPF is to proactively drive and support sustainable economic development to deliver the...business...and thriving local places that the country needs (p. 5). In addition, to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it (p.5). The first strand of delivering sustainable development is to build a strong,

competitive economy (p.6), the third is to support a prosperous rural economy (p.7) – in particular promoting the retention and development of local services and community facilities in villages, such as.....public houses (p.9). The Framework advocates conserving and enhancing the natural environment including protecting and enhancing valued landscapes (p. 25).

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

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP14 – Biodiversity and Geodiversity

SP15 – Landscape and Townscape

SP29 – The Countryside

DM19 – Parking Standards

DM23 – Residential Amenity

DM27 – Biodiversity and Geodiversity

Site Allocations and Area Specific Policies Development Plan Document (adopted January 2017) policies:

SSP38 – Special Landscape Areas

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 Proposals for new developments are expected to conform to the adopted parking standards of this Authority. In this instance the proposed car parking is proposed to supplement existing car parking provision at the Fox Inn. A previous application to extend the public house and provide additional dining spaces resulted in a number of objections on the grounds of lack of parking for the pub. The pub has its own car park and this provides more than the minimum number of parking spaces that would be required for a public house of that size. The extension proposed was subsequently approved. However, in doing so this Authority undertook to work closely with the applicant to provide an appropriate solution to car parking in the vicinity that would meet the public house requirements and ameliorate local residents concerns. It was acknowledged at the time of that planning application that this would be unlikely to be achieved in a manner that would satisfy everyone.
- 5.2 The current proposal is an updated proposal to that previously proposed and refused in 2012. However, post that refusal, a vehicular access to the field in question was allowed following an appeal to the Planning Inspectorate and the vehicular access constructed and available for us. Utilising permitted development rights, the pub has been using the field for over spill car parking on up to 28 days of the calendar year. At other times, patrons use the existing highway. The alternative village hall car park is rarely used by patrons of the pub as confirmed colloquially by local residents.

- 5.3 A large proportion of the representations received refer to there being an adequate alternative in place – the village hall. However, during previous planning applications reference has been made to that not being used effectively and the inadequacy during events at the pub. The semi-permanent car parking area proposed will give an overspill area in close proximity to the pub that can be used throughout the majority of the year whilst maintaining a semi-rural character. The area will be well landscaped, which over several years will mature and provide a native screen to when vehicles are parked on the land. The retention of a semi-natural surfacing will enable the site to retain its biodiversity and geodiversity value in accordance with policies SP14 and DM27 of the Local Plan.
- 5.4 The Highways Authority have been contacted regarding the proposal and although they initially raised a holding objection to the proposal, revisions to the scheme have been made including widening of the entrance and the provision of a pedestrian access way from the car parking to the front of the pub, however, the Highway Authority has not withdrawn their initial objection and are requesting that the applicant provide speed surveys in order to demonstrate that 85% of the traffic using that stretch of road travels at 25 miles per hour. It is the opinion of this Authority that speed surveys would be an unjustified expense in this instance, given the applicant can provide a pedestrian visibility splay of 36 metres to the south and that there is a bend in the road which coupled with on-street parking and the existing public house car park naturally slows traffic in this stretch of the 30mph road. Subject to the provision of appropriate signage to ensure pedestrians are aware of the potential for vehicles, it is considered that the proposal can be considered safe. In this instance the benefits to the rural economy provided by the over spill car park and its temporary nature justify a planning permission with adequate planning conditions to address highway safety concerns. The Highway Authority has not produced any data to demonstrate that this is a particular accident blackspot. Given that the parking area is to be informal with no specific markings of spaces, the use of the site will be ad hoc and only essential when the existing pub car park is full. Customers will still be able to use the village hall car park should they prefer to do so.
- 5.5 The car parking area will not be lit to avoid adverse impact on the night sky, biodiversity and neighbouring properties. There will be light spillage resulting from the car movements in the area but this would be localised and limited to later in the evening. A condition will be required that ensures no lighting in the car parking area. It is considered that the proposal complies with Policy DM19 of the Local Plan.

Landscape and Visual Impact

- 5.6 A landscape strategy has been submitted with the application and includes an assessment of the existing field, it is within an area of Rolling Estate Sandlands Landscape Character Type (SCC categorisation), and is a fairly typical example of the Character Type. To the east of the site the neighbouring Valley Meadowlands Landscape Character Type is confined to the narrow strip of flat land at the base of the valley.
- 5.7 A visual appraisal of the site has been submitted and demonstrates that as existing there are views into the site and that in the absence of screening the car park will be

visible. However, from a publicly accessible perspective this is predominantly the public highway. The landscaping proposed could mitigate these views significantly.

- 5.8 The Arboriculture and Landscape Manager has reviewed the submitted landscape strategy and mitigation proposal and considers it to be sound and appropriate both to the prevailing landscape setting and for the purpose of screening the new parking area from the adjacent rural landscape. From most views outside the site, it will appear as a hedged paddock with a small number of additional trees. There are highly unlikely to be any significant visual and landscape impacts arising from the proposal. The proposal therefore is considered to comply with policy SP15 Landscape and Townscape of the Core Strategy and Development Management DPD and policy SSP38: Special Landscape Areas of the Site Allocations and Area Specific Policies DPD.

Residential Amenity

- 5.9 The restriction to the months of operation has been designed to avoid the requirement for external lighting within the overspill car parking area which could have a detrimental impact on residential amenity. The dwelling to the south has a garage block which will block the majority of their view into the overspill parking area; the landscaping proposed will help mitigate any residual impact which is expected to be low.
- 5.10 Vixen Cottage is opposite the vehicular access to the site and as such has the potential to be impacted by the vehicular movements to and from the overspill car parking in the form of vehicular noise and possibly head light glare into ground floor windows. However, to mitigate this, the car park will be closed from 31 October to 1 March – the darkest months (except for a two week period pre-Christmas), this will reduce the impact from headlights. However, there will be some later night vehicular movements that could shine headlights into the ground floor of Vixen Cottage however, this is expected to be mitigated by the homeowner through the use of curtains / blinds as would usually be expected in a ground floor room in close proximity to a public highway. Noise from vehicular movements is unlikely to have an increasing impact on amenity enjoyed by local residents given their close proximity to the existing highway. Background noise levels are unlikely to be significantly raised by the proposal. As such, it is considered that the proposal can be considered to comply with Policy DM23 Residential Amenity.

Neighbour representations

- 5.11 A number of representations have been received from dwellings within Newbourne objecting to the proposal. A similar number wrote in last year, 2017, objecting to proposals to extend the Fox Inn, at that time a number of the concerns related to inadequate car parking for the public house. At the time of determining that application it was considered that car parking facilities for the pub would have to be improved (there is currently no disabled parking provision) and that this should be explored further. The applications to extend were approved as on paper the pub has the minimum number of car parking spaces required to meet our adopted parking standards and be in accordance with Policy DM19 of the Local Plan.

5.12 Further discussions with the pub focused on the piece of land the subject of this application that was used under permitted development rights for off road parking on up to 28 days in any calendar year. A previous application in 2012 had been refused – this suggested providing more formal car parking than that proposed in this application although a similar level of landscaping was included. It is the view of local residents that there has been no change since that application was refused and therefore this proposal should be refused for the same reasons. However, there has been change. The vehicular access to the field was allowed on appeal by the Planning Inspectorate and is in place. The current proposal would amend this access. In addition, previously referred to planning policies have been replaced by the NPPF and the Core Strategy and Development Management Plan Document dated 2013, and by the Site Allocations and Area Specific Policies Development Plan Document adopted January 2017. So there has been a change in policy consideration – reference to these policies has been made in the discussion above.

Conclusions

- 5.13 As detailed above it is considered that the proposal will not be contrary to adopted planning policy. There have been changes to adopted planning policy since the previous refusal of planning permission in 2012 and there has been a physical change in the consented vehicular access to the site. Combining these with the previously raised concerns regarding the inadequacy of the pub's existing car park (planning application in 2017); it is considered that an appropriate solution is being proposed by the applicant in this application.
- 5.14 The District's landscape manager is satisfied that the proposal will not have a significant visual and landscape impact and that the mitigation proposed will be appropriate. As such, it is recommended that in this instance with controlling conditions as suggested that the application be approved.

RECOMMENDATION: APPROVE subject to controlling conditions including the following:

1. Standard time limit
2. Plans/drawings considered/approved
3. No lighting in the car parking area.
4. Timing restrictions on use as per application form.
5. Use as overspill car parking in conjunction with the Fox Inn only.
6. Landscaping scheme as on drawing number LSDP 10800.01 Rev A be implemented in the first planting scheme post commencing of the development hereby approved.
7. Maintenance and retention of landscaping.
8. Pedestrian safety signage.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/0218/FUL

Site Visit:

Committee Date: 15 March 2018

6. RUSHMERE ST ANDREW – DC/18/0203/VLA – Variation of legal agreement in relation to affordable housing on Land Fronting Broadlands Way South West of District Centre, Bixley Farm, Rushmere St Andrew IP4 5SU for Chater Land Holdings Limited.

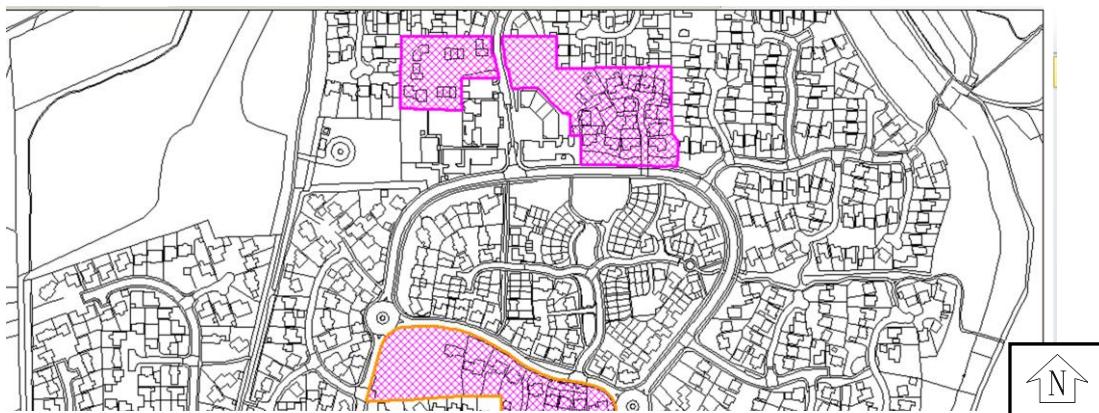
Case Officer: Joe Blackmore

Expiry Date: 20 March 2018

DC/18/0203/VLA – Land Fronting Broadlands Way South West of District Centre Bixley Farm Rushmere St Andrew Ipswich Suffolk

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



EXECUTIVE SUMMARY

The application seeks to vary the Section 106 Agreement in relation to the 63 house scheme approved under planning permission C/12/0237 at Bixley Farm, Rushmere St Andrew.

The development is part-built with 26 market housing units complete/occupied and a further two units complete and ready for occupation; however, construction ceased approximately one year ago and the development has stalled. The existing Section 106 Agreement requires that no more than 23 of the market housing units be occupied until all of the affordable dwellings be constructed and transferred to the registered provider.

Therefore, the development is not in accordance with the terms of the S106.

The main proposed variation to the legal agreement is to amend the trigger point so that no more than 30 of the market housing units can be occupied until all of the affordable dwellings have been constructed and made ready for transfer to the registered provider. A minor change is also proposed to amend the definition of affordable housing within the agreement.

The proposed variations are acceptable to the Council's Housing Team - and to officers, who consider that the proposal will enable development to resume on-site and for the affordable dwellings to be completed and provided by Orwell Housing.

The application is therefore recommended for approval and is before the Planning Committee as officers do not have delegated powers to determine variations to legal agreements.

1. SITE DESCRIPTION AND PROPOSALS

1.1 The application site covers three separate parcels of land on the Bixley Farm residential estate in Rushmere St Andrew: Land south of Ditchingham Grove (Site A); Land South of Madingley Crescent (Phase 6); and Land to the south of Shrublands Drive and adjacent Broadlands Way (Phase 7). Phase 6 consists of 23 bungalows; phase 7 consists of 24 detached houses; and Site A consists of 16 affordable dwellings.

1.2 The 63-dwelling development is only partially complete as construction ceased approximately one year ago. The affordable dwellings on Site A are only part-built. However there are 28 dwellings across phases 6 and 7 that are complete (26 of them already occupied).

1.3 The existing Section 106 Agreement in place for the development (planning ref. C/12/0237) requires the following:

"Subject to the other provisions of this Second Schedule the Owner covenants that no more than 23 of the Market Housing Units shall be Occupied until all of the Affordable Dwellings have been constructed in accordance with the Planning Permission made ready for residential Occupation and transferred to the Registered Provider and written notification of such has been received by the District Council."

1.4 26 of the market housing units are complete and occupied; therefore, the development does not currently accord with the terms of the legal agreement. This is acknowledged by the developer who has been in consultation with your officers in an effort to resolve the matter. Thus, the VLA application is made on this basis.

1.5 The proposal is to amend the trigger point referred to in paragraph 1.4 from 23 market housing units, to 30 market housing units.

1.6 A minor change to the definition of affordable housing within the S106 is also proposed. The change would be to replace the term "shared equity" with "shared ownership".

1.7 Subject to the Council granting the variation to the legal agreement proposed, Chater Land Holdings Ltd. has also reached an agreement with Orwell Housing whereby the land at Site A (the 16 affordable dwellings) can be transferred to them as the registered provider. Orwell Housing would thus take on responsibility for completing the affordable dwellings in accordance with the planning permission, which would also be subject to the amended trigger point of 30 market housing units.

2. CONSULTATIONS

- 2.1 Rushmere St Andrew Parish Council: No comments received at this time. Any comments received will be relayed to members via the update sheet.
- 2.2 Suffolk Coastal and Waveney District Councils Housing Team: No objections to the application.

3. RELEVANT POLICIES

- 3.1 NPPF
- 3.2 NPPG
- 3.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
 - DM2 – Affordable Housing on Residential Sites
 - SP3 – New Homes

4. PLANNING CONSIDERATIONS

- 4.1 The development is not even half-built and internal issues within the development company led to construction works ceasing approximately one year ago. Since that time, the company – Chater Land Holdings Ltd – has undergone a leadership change and the developer is seeking to re-commence development on site.
- 4.2 The new management at Chater Land Holdings Ltd contacted officers at the LPA to advise that the trigger point for providing/transferring affordable units had been passed and since then officers have liaised with the developer in an effort to seek a resolution to the matter.
- 4.3 Due to the stalled nature of the development and significant internal changes at the company, Chater Land Holdings Ltd is not currently in a position to re-commence development on site in accordance with the existing S106 agreement. However, there are currently two market housing units complete and ready for occupation; the sale of these two units would, according to the developer, release the necessary funds to re-initiate the construction process.

The developer has also reached an agreement with Orwell Housing whereby, subject to the proposed variation of the legal agreement being granted, the land will be transferred to them as the registered provider and they would assume responsibility for the completion of the affordable dwellings in accordance with the planning permission (and also the terms of the varied legal agreement).

- 4.4 The Council's Housing Team has been consulted on the application and they consider the proposed variations to be acceptable.
- 4.5 The site is a highly sustainable location ideal for new housing and therefore a positive and proactive approach should be taken to the development and ensuring it is built to completion in order to provide the homes the district needs. Officers acknowledge that the developer surpassing the trigger point in the S106 agreement is not good practice and that, generally speaking, the legally binding triggers for providing affordable dwellings should not be flexible to the demands of developers. However,

there is an existing situation where the development has stalled and the proposed variation would enable construction to re-commence and the affordable dwellings to be transferred to – and completed by – Orwell Housing, a registered provider with experience in the district.

- 4.6 Furthermore, the varied legal agreement would not change the number of affordable dwellings provided; rather, it would change the stage of the development at which these units were complete/transferred to a registered provider. The number of affordable dwellings as a percentage of the development would stay at 25%, as originally approved.
- 4.7 A further variation proposed is more minor, in comparison, and relates to the definition of “Affordable Housing” within the legal agreement. The proposed variation is at the request of Orwell Housing, and is included within their comments to the Council:

“The main issue with the Sec 106 as currently written is that the affordable dwellings are listed as 7 dwellings for affordable rent (which is fine) and 9 dwellings to be sold as shared equity properties at 75% shares with no rent to be paid on the remaining 25% equity.

We believe this is quite limiting and would like to be able to offer these dwellings on a shared ownership basis, allowing people to purchase smaller shares if they are unable to purchase all the way up to 75%. This I believe is an improvement in the affordable housing provision in the Sec 106 and I hope, Justin, you agree that it will make these homes more accessible for a wider range of people in the Suffolk Coastal area.

If possible could we therefore remove the definition of Shared Equity from the agreement and replace it with the definition of shared ownership. With the document defining the Affordable Housing on the scheme as “dwellings to be made available as Affordable dwellings for Rent or as shared ownership dwellings.

I can confirm that it is our intention, as soon as the legal agreement is in place with Chater Homes and the land has been transferred, to complete the units as soon as possible.”

- 4.8 In response to the variation proposed by Orwell Housing, the Council’s Housing Team has been re-consulted, with officers supportive of the change.

5. CONCLUSION

- 5.1 The proposed variations to the legal agreement are deemed to be acceptable as they would enable development on-site to recommence and for Orwell Housing to assume responsibility of completing the affordable units in accordance with the planning permission. The varied legal agreement would therefore provide a solution to the stalled development and facilitate the construction of much needed homes within a highly sustainable location.

RECOMMENDATION: GRANT AUTHORITY for the variation of legal agreements for C/12/0237 to allow: the trigger point for the provision of the affordable dwellings to be amended from 23

to 30 market housing units; and to amend the definition of “Affordable Housing” within the schedule to replace “shared equity” with “shared ownership”.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No: C/12/0237

Committee Date: 15 March 2018

7. UFFORD – DC/17/2512/OUT – Outline/Hybrid Planning Application (all matters reserved other than means of access, structural landscaping and business units (employment B1 (a) Use Classes Order 1987) for a care home (Class C2) (60 beds), up to 34 dwellings including 12 affordable: land at Crown Nursey, High Street, Ufford, IP13 6EL for Mr. Davies, Landex Limited

Case Officer: Rachel Smith

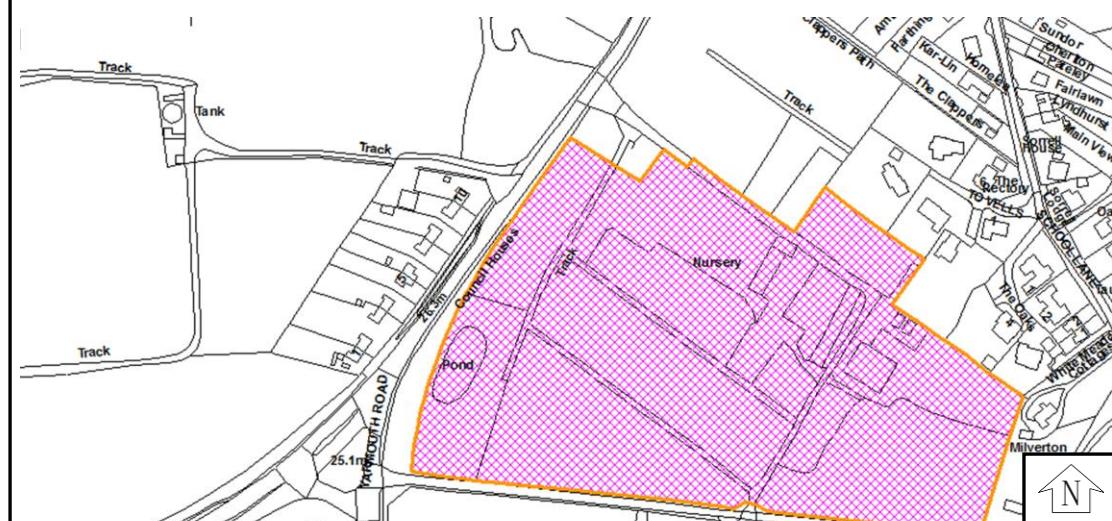
Expiry Date: 19 September 2017

DC/17/2512/OUT - Crown Nursery, High Street, Ufford, IP13 6EL

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's

Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



EXECUTIVE SUMMARY

Planning Permission is sought for the erection of 34 dwellings and a 60 bed care home in outline and 22 business units, access and structural landscaping. This item has come before members because there have been over 200 letters of objection and it is considered that members should make the decision given the scale of the proposal and the level of public interest. The application is recommended for refusal on the grounds that the site is located beyond the physical limits boundary, it is considered an unsustainable location for housing and employment and there is a lack of legal mechanism for the delivery of affordable housing.

1. SITE DESCRIPTION

- 1.1 The application site is located adjacent to a residential development site which is currently under construction by Landex on land which was formerly part of Crown Nurseries. This application proposes development of the remainder of the Crown

Nurseries site for a mixed use scheme comprising further residential development, a care home and business units. It is proposed to use the existing access off Yarmouth Road to access the residential development and also to create a new access onto The Avenue to serve the proposed care home and business units.

- 1.2 The site is situated on the eastern side of Yarmouth Road at its junction with The Avenue. The Avenue forms the southern boundary to the site. The site is located outside of the physical limits boundary of Ufford however the northern and eastern boundaries of the site are adjacent to the boundary. In Planning terms, the site is therefore located within the countryside. The site also lies within a Special Landscape Area.
- 1.3 To the north and east of the Crown Nursery site and on the opposite side of the High Street, there is existing residential development. Immediately to the north is a residential scheme of 33 units currently under construction. To the east of the site are properties fronting School Lane. These properties are mainly detached dwellings set within relatively large plots. On the western side of Yarmouth Road, the residential development is linear in form with five pairs of semi-detached former local authority houses fronting the Road. To the south of the site on the opposite side of The Avenue is the village hall, playing field and playground.
- 1.4 The site slopes down to the east from Yarmouth Road and contains groups of overgrown nursery stock trees, some of which would be removed to enable the development but a significant number would be retained and used within the landscaping scheme. The existing boundary vegetation on the site comprises established hedgerows and trees providing screening to the proposed development.

2. PROPOSALS

- 2.1 This application is an Outline/Hybrid Planning Application with all matters reserved other than means of access, structural landscaping and proposed 22 business units (Use Class B1(a)). Full details have been submitted for the access off The Avenue, the business units and structural landscaping with outline planning permission sought for the use of the land for the remainder of the development (up to 34 dwellings including 12 affordable, a Care Home of up to 60 beds with ancillary buildings, roads, footpaths and incidental open space). A significant part of the site area would be retained as amenity woodland).
- 2.2 The proposed access to the residential area of the application site is from High Street. This is the existing access to the residential development currently under construction to the north. The Care Home and business units would be served from the proposed new access off The Avenue. The existing access from The Avenue serving the nursery site would be closed.
- 2.3 The application site is an active employment site occupied by Crown Nursery. The operation of the nursery business has been condensed onto a smaller site area following the grant of planning permission for residential development on part of the site. The business would cease operation if this application were to be granted and all ancillary buildings would be demolished and cleared.

2.4 The main use of the site as a commercial nursery has operated from this site for a number of years. The business has two main parts, the first being as a plant nursery growing and selling trees to retail and wholesale customers and the second being contract landscaping for which most work is undertaken off-site. Whilst the development would result in the loss of a local business and the employment associated with that, the scheme proposed would provide jobs in the care home and proposed business units in excess of the current levels.

3. CONSULTATIONS

3.1 **Ufford Parish Council:** object to the application stating: "With reference to the above planning application, Ufford Parish Council have held 4 separate exhibitions of the plans and these have been attended by over 100 residents. To date over 147 letters have been sent to you, *all* of which object to this further development in our village.

We would like to register a **strong objection** on the following grounds:

1. Access and Highways Safety – Should this development be permitted there would be a number of areas of concern regarding highways safety:

a. The Avenue – This road is a single track road with no pavements. The proposed widening of the road will have no effect on the remainder of the road and this is totally unsuitable for additional traffic. The claim that the desirable capacity of the Avenue is 657 vehicles per hour (Table 4.9 of the Transport Assessment) is ludicrous for this type of road. If the figures are correct in that only 57 vehicles are using this road per hour at present, this only serves to prove what an unsuitable road this is for additional vehicle movements.

It is also proposed to use this entrance for access to the Care Home and Commercial Units. This road is totally unsuitable for care staff, medical staff (including ambulances), delivery vehicles (to both the Care Home and Commercial Units) and staff working at the Commercial Units. Access for refuse vehicles and possibly fire engines to the Care Home and commercial units would also be difficult and dangerous.

The stretch of The Avenue proposed to be widened is also the migratory path for frogs and toads between Parklands Woods and the spawning grounds in the pond and wet areas in Crown Nursery. This will disturb the path and habitat therefore provision is required to allow this to continue, should this development be permitted.

b. Exit on to High Street - With the 34 houses already being built on this site, this will mean a total of 68 houses, all with a likelihood of 2 cars and all additional traffic emerging onto the High Street. The application suggests most vehicles will be going towards the A12 but we regard this as highly unlikely. A significant proportion will be going towards Woodbridge and Melton using the already over capacity crossroads at Melton.

Although some vehicles may exit towards the A12, those destined for the development, (housing, care home and business units) cannot enter the

village directly from the A12, from the south and would have to transit via the Melton crossroads, or southbound from the Wickham Market A12 junction and travel through the village.

- c. Yarmouth Road Triangle – The very unusual layout of the junction at the top of The Avenue has been criticised for many years. We acknowledge that there have only been two accidents recorded in this area over recent years but the Parish Council is contacted at least twice a month about a ‘near miss’. Ufford residents, travelling from Melton along the B1438 approach the junction with extreme care, often at not more than walking pace to try to avert an accident. This junction will only become more dangerous once the already approved Caravan Park along the B1438 is opened. We will then see slow moving articulated vehicles, unsure of where they need to go, negotiating this junction when vehicles coming from the north often speed through it at 40, 50 or even 60 MPH towards Melton, or onto the A12 slip-road.
2. Infrastructure – Ufford is classed as a Local Service Centre but in reality has very little services in the village. There is no shop, no school, no garage and no health facilities. Cars are required for even the shortest journeys as there are very few buses through the village, with none through Lower Ufford. We would draw your attention to the comments made by SCDC Case Officer Naomi Gould in her report on application DC/16/4730/OUT where she commented that “*...development should be modest to reflect the limited services and facilities*”.

It is likely that staff for the Care Home will come from neighbouring villages such as Eyke and Rendlesham through Lower Ufford. Other staff may travel from Woodbridge or further. These staff are often low paid and there are very few buses with none on a Sunday. A large number of the care home employees would be shift working, and there is no provision in the local bus services for night time workers, and no direct connections to outlying villages such as Eyke, Rendlesham, Bredfield, etc.

It is also noted that our local schools, both primary and secondary, are at capacity. And the Doctors’ surgeries in Woodbridge are not taking any new patients.

3. Cumulative Impact – The Site Allocation and Area Specific Policies document adopted by SCDC in January 2017 does not allocate any new housing in Ufford.
4. Loss of Ecological Habitats – In addition to concerns for the loss of a green-field site, loss of a wetland area and loss of habitats for numerous birds and animals, our greatest concern is for the dormice living in this area. Dormice are present in the gardens in Tovells, adjacent to the site and in Parklands Wood opposite. As far as we can see, Mr Christian Whiting, who has undertaken the Ecological Appraisal, is not registered or licensed to look for dormice (as per the rules of the Chartered Institute of Ecology). Section 5 Wildlife and Countryside Act 1981 states that Dormice are protected both in the UK and the EU and no planning consent can be granted unless a Dormouse Mitigation Strategy is in place. It is therefore imperative that a Dormouse Survey is conducted of the entire site and, should evidence be found a Dormouse Mitigation Strategy put in place.

As with the Dormice, badgers are also prevalent in Ufford and it is hard to understand how “*no evidence of badgers using the site was found*” (Para 3.6.1 Ecological Appraisal – July 2014). Please see Paragraph 3 1.a) above.

Consultee Responses – In addition to the 140+ letters of objection you have received from Ufford residents, the following statutory consultees have made the following comments:

- SCC Flood and Water Engineer – “the site does not appear to have a viable drainage strategy”
- SCC Highways:
 - i. “the capacity assessment for this road [the Avenue] is incorrect”;
 - ii. “The supplied Transport Assessment does not model any junctions. In particular, the impact upon the A1152 Woods Lane / B1438 The Street / Wilford Bridge Road / B1438 Melton Road junction has not been assessed. Recent analysis of this junction has indicated that it is at capacity and even modest increases in traffic flows may result in severe congestion”
 - iii. “Visibility from The Avenue, particularly in a northern direction onto High Street is limited”
- 5. Noise and Disturbance from the Scheme – Both the Care Home and the Commercial Units will bring light pollution to this usually very dark corner of Ufford.
- 6. Flood Risk – It is known that the foul drains serving Ufford are already at capacity. Many drains serving Upper Ufford and drains from Ufford Park Hotel run close to this site and down to a pumping station near to the White Lion Public House. The addition of these houses, Care Home and Commercial Units will add to an already at capacity system.
- 7. Physical Limits Boundary – The site is outside the Physical limits boundary and is in an area designated as ‘Countryside’. This proposal is contrary to the Local Plan policy 29 [superseded] which imposes severe restraints on development in the countryside.
- 8. Local Planning Policy – It is clear from the Strategic Policy SP7 that SCDC are seeking to encourage small scale farm and rural diversification enterprises. However, much of the Bentwaters site is underutilised and even units behind the Council’s new offices still lie empty. There is clearly no requirement in this area for further commercial premises.
- 9. Over development and Sustainability - The scale, massing and impact, including traffic, of this prosed development, indicates gross ‘overdevelopment’ and the issue of (a lack of) local services, including public transport access, would indicate that this application does not remotely satisfy all the sustainability qualifications which should be required by Suffolk Coastal District Council as necessary, especially for an application of this scale”

Following the receipt of revised plans, the following comments were added:

"Ufford Parish Council discussed the further plans and documentation submitted with reference to application DC/17/2512/OUT at their meeting last week. We would like to make the following additional comments:

1. **Widening of the Avenue** – We can see that the planned widening at the top of The Avenue would allow two way traffic of normal sized vehicles for that short stretch of road , however this will still leave the remaining stretch of The Avenue as a single track road with make-shift passing places. The photograph attached is a daily occurrence on this road. It is highly likely that staff of both the care home and light industrial units will come from villages such as Eyke, Rendlesham and Tunstall and all this traffic will use Lower Ufford and The Avenue to access the site. During the recent closure of Ufford High Street many additional vehicles used The Avenue to avoid the lengthy official diversion; resulting in a 17 car jam at one stage.
 2. **Removal of Hedgerows** – It is totally unacceptable to Ufford Parish Council that established hedgerows be removed in order to facilitate the widening of The Avenue. This road is a feature of the village and the link between both Lower and Upper Ufford; present volumes of traffic cope very well. In addition, any removal of hedgerows and disruption of roads will completely upset the migratory paths for many thousands of frogs and toads transferring between Parklands Wood and the pond on the Crown Nursery site. They cross from the reeds/wet area in the recreation ground (an old pit) to the pond in Crown Nurseries to spawn, at the exact location of the new entrance.
 3. **Habitat Survey** – We note with disappointment that there is still no mention of dormice in the new Habitat Survey. We have clear evidence of the existence of dormice in the area and would insist a full Dormouse Survey is carried out should the permission be granted.
 4. **Additional Traffic at Melton Crossroads** – We read with astonishment Ben Chester's comments (SCC Highways letter dated 3rd November) that the impact of this proposed development on Melton Crossroads would be 'Negligible'. This shows a grave misunderstanding of how traffic both to and from this site will travel. It is highly likely that staff for the Care Home (working 24 hours) will also come from Woodbridge and Melton. Although some of the residential traffic may access the A12 to travel to Ipswich and beyond, most will proceed along the B1438 through Melton and Woodbridge. In both cases there will be an increase in traffic at the Melton Crossroads; a junction that SCC Highways have acknowledged is already at capacity.
 5. **Ufford Triangle** – None of the proposed amended plans address the very dangerous junction at the top of The Avenue on the B1438/Yarmouth Road. Near misses occur on this junction every day and it is only the vigilance of Ufford residents who approach the junction from Melton very cautiously that stops there being daily accidents. Adding additional vehicles to this junction, most likely will lead to minor accidents, as have happened during increased traffic with recent road closures, but could lead to a fatal accident."
- 3.2 **Natural England:** comment that providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts on

the SSSI interest features of Deben. They request that standing advice is used in assessing the impact on protected species.

- 3.3 **Suffolk County Council - Archaeological Service:** recommend standard conditions requiring a written scheme of investigation.
- 3.4 **Suffolk County Council - Flooding Authority:** Following negotiations and variations submitted during the course of the application, approval is now recommended subject to conditions on the Outline element of the proposal requiring a surface water drainage scheme to be agreed and for that scheme to be implemented, maintained and managed. On the full part of the application, the necessary conditions would be details of a scheme for the disposal of surface water to be agreed and its implementation, maintenance and management and a Construction Surface Water Management Plan (CSWMP).
- 3.5 **Suffolk County Council - Fire and Rescue Service (Water Office):** provide information on access to fire fighting facilities and the water supply and require a condition regarding the provision of fire hydrants.
- 3.6 **Suffolk County Council - Highway Authority:** Further to receiving additional plans showing proposed highway mitigation (improvements to The Avenue, visibility improvements at the adjacent junction and a footpath link through the site) and information relating to the impact of the development on Melton crossroads (which is negligible due to the traffic generation and proximity of the site to alternative A12 junctions), no objections are now raised and conditions are recommended. These conditions include details of the proposed access to be agreed, the proposed highway improvements to be constructed, a footway as shown to be provided, details of the estate roads and footpaths to be agreed, a Deliveries Management Plan to be agreed and ensuring the Travel Plan measures to mitigate the highway impact are implemented. They also request a £15,000 contribution for a real-time screen for the Woodbridge bound bus stop.
- 3.7 **Suffolk County Council – Strategic Development (S106):** sets out the required infrastructure implications with costs. This includes education for primary and secondary age pupils, pre-school provision, play space provision, highways improvements, libraries, waste, supported housing, sustainable drainage systems, fire service and broadband.
- 3.8 **SCDC - Head of Environmental Services and Port Health:** require standard conditions regarding a site investigation for gas monitoring, land contamination precautions, electrical charging points for residential properties, a noise report to ensure there would be no impact on the residential uses being adjacent to the employment uses and a Construction Management Plan.
- 3.9 **SCDC - Principle Housing Officer:** comment that they will be seeking a 70/30 split between affordable rent and affordable home ownership units respectively. They would require 12 units to be affordable with four intermediate / low cost home ownership properties and eight homes for affordable rent with the following mix: 3 x 1 bedroom units, 4 x 2 bedroom units and 1 x 3 bedroom unit.

- 3.10 **SCDC – Economic Development:** supports those planning applications which clearly support the economic growth and regeneration of the economy within the Suffolk Coastal district. They comment that the negative effect of the closure of the nursery, particularly in terms of loss of employment, would be mitigated and potentially exceeded by the employment opportunities at the care home and within the business units. Aspects we would support include the increase in B1(a) office use class floorspace by 150 square metres.
- 3.11 **Anglian Water:** have no specific objections but suggest a number of Informatives notes be added to any permission granted
- 3.12 **Suffolk Preservation Society:** object to the application due to the site not being allocated for development, Ufford has a limited range of services and facilities and is not well served by public transport, The Avenue is not considered suitable for the proposed use and the Council has a 5 year housing land supply and therefore the development plan should be given full weight and this restricts development in the countryside.
- 3.13 **Suffolk Wildlife Trust:** originally objected to the application as the information provided did not demonstrate that development will not result in a significant adverse impact on the Deben Estuary SPA, the Deben Estuary Ramsar site and the Sandlings SPA, or on protected and UK Priority species (particularly roosting and foraging bats).
Later comments following the receipt of further information commented that a contribution to the Suffolk RAMS should be secured prior to determination. Mitigation measures to minimise the impact on bats is required prior to determination of the application as is mitigation for grass snakes. A plan for the management of common toad should also be approved. An assessment for dormice should also be undertaken prior to determination. The proposed development includes the retention of an area of woodland, open space and a pond and it is recommended that, should permission be granted, a long-term habitat management plan which maximises the site's benefit for biodiversity is secured and implemented.
- 3.14 **Third Party Representations:** Over 200 letters of Objection have been received raising the following points:
- Ufford is classified as a Local Service Centre where there are limited shops and facilities. Development of this site is not sustainable in that it would result in increased car usage for people to access services and facilities.
 - The Site Allocation and Area Specific Policies document states that no new housing is to be allocated in Ufford
 - There is no proven demand for housing in the village
 - The site is located outside of the Physical Limits Boundary of Ufford where national and local planning policy indicates that housing will only be granted in these areas in exceptional circumstances.
 - The size and scale of the development is not in keeping with the character of the community.

- Suffolk Coastal has a 7.1 year supply of housing and therefore there is no need for housing.
- The local infrastructure is inadequate for the size of development proposed.
- The Avenue is a narrow, single-track country road with no footpath and is near the playground.
- There is no demand for commercial units in Ufford. There are vacant sites in more suitable locations within the vicinity.
- The business units would not fit into the ambiance of a quiet, rural village.
- The site slopes down towards School Lane which could result in further flooding in this location.
- Increased light and noise pollution
- Lack of local amenities and facilities to support such an increase in population.
- No proven need for a care home in this location
- No proven need for industrial units in this location
- The care home and industrial unit elements of the plan are a screen for amending the whole scheme to residential in the future.
- Significant ecological impact – loss of habitat
- Overdevelopment of the site
- There has already been significant growth in Ufford
- Ufford should remain a village and not become part of the sprawl from Ipswich, Martlesham and Woodbridge.
- There may not be sufficient capacity in the sewage system.

4. RELEVANT POLICIES

4.1 NPPF

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

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP2 – Housing Numbers and Distribution

SP3 – New Homes

SP5 – Employment Lane

SP 7 – Economic Development in the Rural Areas

SP11 – Accessibility

SP12 – Climate Change

SP14 – Biodiversity and Geodiversity

SP15 – Landscape and Townscape
SP19 – Settlement Policy
SP29 – The Countryside
DM2 – Affordable Housing on Residential Sites
DM3 – Housing in the Countryside
DM10 – Protection of Employment Sites
DM12 – Expansion and Intensification of Employment Sites
DM20 – Travel Plans
DM21 – Design: Aesthetics
DM22 – Design: Aesthetics
DM23 – Residential Amenity
DM24 – Sustainable Construction
DM27 – Biodiversity and Geodiversity
DM28 – Flood Risk

- 4.3 Site Allocations and Site Specific Policies Development Plan Document (adopted January 2017)

SSP1 – Housing Delivery
SSP2 – Physical Limits Boundaries
SSP38 – Special Landscape Areas

5. PLANNING CONSIDERATIONS

Principle of Development – Housing Land Supply

- 5.1 The Council's Housing Land Supply Assessment was published in June 2017. This included a detailed and evidence based review of supply sites. This Assessment was published in June 2017 and sets out that the Council has a 7.1 years housing land supply using the Sedgefield methodology and with the application of a 5% buffer. The assessment covers the period 1st April 2017 to 31st March 2022 and is based on the minimum housing requirement of 7,900 (465 dwellings per annum) set out in the Core Strategy.
- 5.2 The Core Strategy housing requirement of 7,900 over the plan period, or 465 per annum (Policy SP2) was adopted despite an assessment of objective needs being 11,000 for the plan period (based on information in the 2001 Census), and subject to an express policy commitment to undertake an early review of the Plan commencing with the publication of an Issues and Options document in 2015. The Council did not publish this document in 2015 due to delays caused by an unsuccessful legal challenge to the Core Strategy in the High Court and Court of Appeal. It was published in August 2017. Following recent appeal decisions, the Council reluctantly accepts that, on balance, the late commencement of the Local Plan Review has resulted in the Core Strategy being out of date in terms of the housing requirement. In the context of

paragraph 14 of the NPPF, the fourth bullet point applies to decision taking in the District, that is the tilted balance. Therefore, it is accepted that the Core Strategy (Policy SP2) is out of date in this respect.

- 5.3 The 11,000 OAN for the District should also be considered out of date, due its age, outdated Census source and referenced position in the out of date housing requirement of the Core Strategy. The Council therefore has two alternative scenarios in coming to a Housing Requirement figure:

A. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) was published in May 2017. This is an extensive document which includes an assessment of the housing need of Suffolk Coastal District, Babergh District, Mid Suffolk District and Ipswich Borough for the Ipswich Housing Market Area. This document was prepared by Peter Brett Associates on behalf of the five authorities, including Waveney. The SHMA is further supported by detailed evidence provided by Cristina Howick of Peter Brett Associates for the dismissed appeal at Bell Lane, Kesgrave. The SHMA identifies an OAN of 10,111 dwellings for Suffolk Coastal District for the period 2014-2036. The annual requirement is 460 dwellings per annum. The SHMA is the most up to date evidence of need from 2014 to 2036, and the Council has every reason to be confident that the SHMA is a robust assessment of need on which to base its Local Plan review, and to use as the housing requirement for the purposes of the assessment of a five year housing land supply.

B. The 'Planning for the right homes in the right places: consultation proposals' (14 September 2017) document provides a draft standard methodology for housing need. If this methodology becomes legislation then it would be automatically applicable to this Council. Through this, the annual requirement would be 495 dwellings per annum.

The housing land supply position has been calculated under both scenarios, and in each case through the application of a 5% and 20% buffer. In all four circumstances the Council has a five year housing land supply. Equally the same has been done to calculate a 3 year housing land supply, if the alternative of only using the first 3 years of supply sites is used.

- 5.4 The NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Hopkins Homes vs Suffolk Coastal was also handed down in the Supreme Court on 10th May 2017. The Supreme Court judgement confirms the need to apply the 'narrow view' of policies for the supply of housing not the wider view of the Court of Appeal.

- 5.5 As the local planning authority recognises that the Housing Distribution Policy is out of date, consideration of the housing element of this application should be considered in accordance with Paragraph 14 of the NPPF which requires that permission is granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Is the Housing Development Sustainable?

- 5.6 At the heart of both National and Local policy is the need for development to be sustainable. The National Planning Policy Framework (NPPF) sets out the three dimensions to sustainable development – the economic role, the social role and the environmental role. The economic role requires that sufficient land of the right type is available in the right places to support growth. The social role requires that development supports strong, vibrant and healthy communities by providing the supply of housing to meet present and future needs and the environmental role seeks to protect and enhance the natural and built environment.
- 5.7 The site is located outside of, but adjacent to the defined physical limits boundary of Ufford and is therefore in the countryside for the purposes of determining planning applications and appeals. Policy SP29 of the Suffolk Coastal Core Strategy seeks to protect the countryside and limit development to that which is essential to be located there or to that which is provided for elsewhere in the Core Strategy. Policy DM3 of the District Local Plan restricts new housing in the countryside to replacement dwellings on a one-to-one basis, the sub division of an existing larger dwelling, affordable housing on exception sites, conversion of redundant buildings in accordance with DM13, minor infilling in Clusters in accordance with DM4 and development which accords with Paragraph 55 of the NPPF. Paragraph 55 of the NPPF permits new dwellings in the countryside where there is an essential need for a rural worker, where the development would result in the optimum viable use of a heritage asset, where the re-use of redundant buildings would lead to enhancement of the setting or where the dwelling is of such exceptional or innovative design. The current application does not accord with any of the criteria set out in these policies.
- 5.8 The Core Strategy complies with the NPPF in so far that it promotes sustainable development. The Settlement Hierarchy (SP19) and associated Core Strategy Policies sets out the appropriate scale of development suitable for each settlement. Ufford has been classified as a Local Service Centre which has a limited range of facilities including two public houses, a hall and a recreation ground. The site is located centrally within Ufford. The Crown public house lies approximately 200-300 metres to the north of the site, the village hall, playing field and playground are located on the opposite side of The Avenue and there is a bus stop on Yarmouth Road in close proximity to the site. Although the site is located centrally within Ufford and within easy reach of the services within the village, there are not sufficient services and facilities within Ufford to provide for the day-to-day needs of the residents. Services and facilities such as schools and shops can be found in Wickham Market, approximately 3.5km to the north and Melton (approximately 2.2km) and Woodbridge (approximately 3.8km) to the south. These settlements are some distance away and potential future residents on the site are likely to have to use private cars to access these facilities. Although Ufford is served by bus routes and there is a bus stop close to the application site, the bus service is limited with only one service per hour and a bookable 'dial-a-ride' service. Due to the distance to these neighbouring settlements, the topography and the paucity of easily useable footpaths, these services and facilities are unlikely to be readily accessible for day to day needs by walking or cycling. Although no specific details of the type of care home proposed have been provided, given a significant

amount of the proposed residential development would be provided in this form, it is assumed that, in general, the occupiers would be less physically able and therefore they are more unlikely to be able to access services and facilities without the use of a private car. It is therefore considered that the current proposal does not meet the environmental sustainability requirement of the NPPF.

- 5.9 The social role of sustainability seeks to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Settlements, such as Ufford, classified as Local Service Centres in Policy SP19 of the Local Plan are considered to be potentially capable of minor allocations or a small scale development in line with a village plan or where there is a clearly defined local need with local support. The site allocations document does not propose any new housing allocations for Ufford. Table 2 in the Site Specific Allocations document sets out that it is proposed that a minimum of 23 dwellings are provided in Ufford over the plan period to 2025. Since the figures in this table were produced (as at 31/03/2015), there has been permission granted for 2 dwellings at Bramleys on The Street, 7 on land north of Hill Farm and 31 on part of the existing Crown Nurseries site. This provides a further 40 units in Ufford which is considerably more than what has been planned for and would represent a proportionately significant increase in the size of the village. It is therefore considered that in order to achieve a socially sustainable settlement, the development of the existing permissions should occur and the village be left to 'settle' and adjust to its new size before adding a further significant number of dwellings and care home provision especially where there are limited accessible services to provide for residents of the community.
- 5.10 The development of housing on the site would provide some short-term economic benefits during the construction stage. Similarly, construction of the care home would provide short term economic benefits in its construction but also longer term economic benefits as its management would provide some continual employment in its management. Despite these benefits, in order for a development to be sustainable, it must meet all three dimensions of sustainable development.

Affordable Housing

- 5.11 The application proposes a maximum of 34 residential units although as this application is in outline, specific details of the number, type and size are not yet known. If 34 units were provided, 12 of these would be in an affordable form to accord with Policy. In line with the White Paper's commentary and our Local Plan, the Council will seek a 70/30 split between affordable rent and affordable home ownership units respectively.
- 5.12 Should 12 units of affordable housing be provided, the tenure split requested would be four intermediate/low cost home ownership properties and eight homes for affordable rent with the following mix:

3 x 1 bedroom units

4 x 2 bedroom units

1 x 3 bedroom unit

- 5.13 The mix for the rented units is based on a number of factors including an analysis of need based on a snap shot from the housing register, consideration of the mix of existing affordable housing stock in Ufford and weighing up the objectives of meeting greatest need and demand alongside the objective of creating a balance within any new scheme.
- 5.14 To ensure the provision of affordable housing, a Legal Agreement would need to be made in connection with any planning permission granted. At this stage, the applicant has indicated a willingness to provide the necessary affordable housing requirement but without a legal agreement in place at the time of determination, this will need to be a reason for refusal (which the local planning authority would withdraw at such stage an appropriate legal agreement was made).

Business Units

- 5.15 The existing use of the site is that of a plant nursery which is located at the site and as a base for the contract landscaping part of the business. The business currently provides five full time and five part time jobs. As a result of the proposed development, Crown Nurseries would cease trading and these jobs would therefore be lost. Despite this, the proposed development would provide a number of jobs in both the care home and the proposed business units which is likely to be significantly higher than the current number provided by the nursery business.
- 5.16 As previously mentioned, the site lies within the countryside and would therefore not be considered to be the most environmentally sustainable location for development. Due to the nature of a nursery business it is reasonable that it be located in the countryside. The proportion of the site given over to buildings where it could be said that the employment is generated from is limited. The larger area of the site is used for growing and is therefore a greenfield site. It is therefore questionable whether the whole site should be considered to be an existing employment site.
- 5.17 The NPPF seeks to support sustainable economic growth. It also specifically refers to the need to take a positive approach to sustainable new development. Policy DM12 of the Suffolk Coastal Local Plan refers to the expansion and intensification of employment sites. The proposed development would result in a significant degree of expansion and intensification of the site providing a further 21 units for new businesses (taking into account the loss of Crown Nursery). Policy DM12 permits the intensification of employment sites providing that the scale of the development would not cause demonstrable harm for transport, housing, provision of services, impact on neighbouring residential uses or the conservation of the environment.
- 5.18 Although there are no significant concerns raised in terms of the potential impact on the neighbouring residential uses due to the proposed B1 Use Class, (the Council's Environmental Protection Team require a noise survey) the Highways Authority are now in a position where they can support the proposal subject to a number of conditions, there remain environmental concerns regarding the location of the development.
- 5.19 The Council's Economic Development team seeks to support planning applications where the application clearly supports the economic growth and regeneration of the

economy within the Suffolk Coastal district. They comment that the 22 business units are of a suitable size to support start-up businesses and that three requests have been received by the Council in the last quarter (from time of writing) for premises, in locations all within a five mile radius of Ufford. Despite this support, which the planning authority understand and recognise, it is considered that there is employment land available locally, both within Melton on a site allocated in the Melton Neighbourhood Plan and at Riduna Park and in Wickham Market (Border Cot Lane) both of which are considered to be more sustainable locations given the services and facilities in these settlements. The sites in Melton are also in close proximity to the train station. It is therefore considered that the proposed intensification of the site would not support the conservation of the environment and not meet the environmental dimension of sustainability.

- 5.20 Policy DM10 refers to the protection of employment sites. If this site is considered to be an employment site, it would be protected by this policy which restricts the loss of employment sites to non-employment uses unless it has been demonstrated that there is no current or long term demand for the retention of all of the site for employment use within the same use class. Although a significant amount of employment land would be retained on the site, it is also proposed to change the use of a significant proportion to a residential use and no information has been submitted with the application in support of this change in accordance with this policy.
- 5.21 Policy SP19 of the Local Plan sets out the scale of development appropriate for each tier of the Settlement Hierarchy. For Local Service Centres, it is noted that there is an emphasis on local employment, emphasis will be on retention of existing sites and businesses and the potential for expansion is likely to be limited due to environmental and infrastructure limitations. It also says that new provision is most likely to be provided through the conversion or re-use of existing buildings and have tangible links to the local area. The proposed scale of development of 22 new employment units is not considered be appropriate for the size of settlement nor is it likely to provide mainly for or be strongly linked to the local area.
- 5.22 Despite the benefits to the local economy of the provision of business units, the fact that it is considered they could be accommodated within the landscape with no detrimental impact and the nature of the use is not likely to cause noise and/or disturbance to neighbouring residential uses, the scale of the proposed intensification in this location is not considered to conserve the environment in so far as it would provide a relatively large area of business floorspace on the edge of a lower order settlement where there are limited other services and facilities and which is not served well by public transport meaning that the majority of users of the site would use private cars. This element of the proposal would therefore not meet the role of an environmentally sustainable development.

Design

- 5.23 There are a diverse range of architectural styles within Ufford with no strong aesthetic running throughout the village. To both the west and east of the existing site entrance to High Street/Yarmouth Road there is a building frontage, generally set a few metres back from the road or footpath behind existing, and sometimes established, soft

landscaping. Further south, opposite the area proposed to be a care home, residential properties occupy an elevated position above the Yarmouth Road.

- 5.24 The application states that the layout and orientation of the proposed residential properties is likely to follow a similar form to that approved immediately to the north, in scale, type and form. The layout will be designed to allow for as many dwellings as is possible to benefit from south facing gardens. The private amenity space for each dwelling will also be carefully designed providing both ample space and private gardens as well as producing good connectivity to the existing residential neighbours and to the employment units as well as to the facilities of the wider village near and through the site.
- 5.25 The proposed dwellings would be either one or two stories in scale and some may have rooms within the roof space, similar to those on the current development site. The likely scale of the care home would be two storeys however all of these details are reserved for later consideration.
- 5.26 The proposed employment floorspace has been designed to accommodate a discrete development of individual business units and are of a size which will attract start-up or emerging enterprise. Their design is conceived to take the form and appearance of converted former agricultural buildings with a scale (height) sensitive to neighbouring residential properties and their curtilages. There is no objection to the specific design of the proposed business units.

Trees and Landscaping

- 5.27 The site currently comprises areas of woodland, orchard planting, specimen trees, unmanaged open space and a pond. There are also areas of working plant nursery. The site falls within the Ancient Rolling Farmlands landscape character type (LCT) as defined by the Suffolk Landscape Character Assessment. The Council's Landscape Manager considered the key characteristics of this LCT and, apart from the woodland areas, considered the site not especially typical of the LCT given that it has been worked as a plant nursery for many years.
- 5.28 The woodland areas have a fairly high Ash content and much of this is showing signs of Ash Dieback disease. There is also Dutch Elm Disease in Elm in marginal areas. Nevertheless, the woodland appears to be reasonably robust and in need of thinning and management which is described in the applicant's landscape strategy. With that in place, the woodland would create a robust screen that will allow negligible visual impact for viewers from the south. With the woodland retained and managed, it will persist in the landscape and therefore the proposed development would create minimal landscape impact. The only breach in this screen will come from the footpath link access opposite the village hall access, but this would create only limited visibility. The existing trees, pond and meadow area around the SW corner of the site are all retained bar the new site access, and so again there would be minimal erosion of existing landscape character.
- 5.29 The proposed business unit area will have open boundaries to the adjacent existing and proposed residential areas to the north and west. Proposed new structure and

screening planting is shown and this would need to be secured by Condition to limit visual impacts in these aspects.

- 5.30 The indicative location of the proposed care home will require the removal of most of the existing orchard areas and the adjacent conifers, willows and poplars. These trees are either short term types, or a mixed collection that are probably planted out from the nursery. New well considered planting will be necessary to ease the visual impact of any new building in this area and that could be secured by Condition.
- 5.31 There is also an indicated new area of residential development but this is well contained to the north of the retained woodland areas and will be continuous with the existing new development to the north. Again, new planting within the development will moderate any visual impacts although these are considered to be limited in their extent where they exist.
- 5.32 The site falls within a Special Landscape Area which is covered by Policy SSP38 of the Site Allocation and Area Specific Policies document and encompassed within Core Strategy Policy SP15. This Policy seeks the protection and enhancement of the various landscape character areas within the District, and it also states that the various listed river valleys (the SLAs) are considered to be particularly significant. This site is not especially typical of a river valley or river valley side landscape. Its key elements are the areas of woodlands and these are shown for retention. It is not considered that the proposed development would result in significant landscape harm. The described proposal will result in a change of landscape character from the existing situation, although the existing tree cover is at risk of deteriorating through disease and lack of management. The proposal would bring with it opportunities for management of existing woodland, and new planting to diversify the age range of the tree stock. Subject to final building design, there will be a change of view from within the village envelope to the north but this will be seen in the context of the adjacent residential areas. The site remains connected to the surrounding landscape by the retained woodland. It is therefore considered that the proposed development would have no adverse impact on the wider landscape character or appearance.

Flooding and Drainage

- 5.33 The scheme, as originally submitted, had an objection from Suffolk County Council Floods Team as the proposal did not appear to have a viable drainage strategy. Further information was requested from the applicant including information of the surface water drainage network that the site would outfall to, a revised infiltration plan, a revised soakaway plan and moving the commercial development away from a surface water flood route.
- 5.34 Further comments were then received following receipt of a revised FRA and Drainage Strategy. Comments in relation to this still raised concerns regarding the viability of infiltration for the site, concerns regarding the details of the proposed surface water discharge plan, details of the proposed outflow rate and the flow route through the site.

5.35 Following the receipt of further details and information, the County Council were then in a position where they did not object to the application but suggest conditions should permission be granted.

Transport and Highways

- 5.36 The Highways Authority made a number of comments in relation to the proposal and the submitted Transport Assessment. Originally, the scheme was not acceptable as the capacity assessment for the road was incorrect given the partial widening of The Avenue, the Transport Assessment did not model any junctions and visibility from The Avenue, particularly in a northern direction onto High Street, is limited due to the topography of the roads and verges and several large trees.
- 5.37 Following on from the receipt of revised plans showing proposed highway mitigation (improvements to The Avenue, visibility improvements at the adjacent junction and a footpath link through the site) and information relating to the impact of the development on Melton crossroads (which is negligible due to the traffic generation and proximity of the site to alternative A12 junctions), the objections were overcome and conditions recommended if approval is granted.
- 5.38 The comments from the County Council Highways Department refer to a request for a £15,000 contribution to a real-time display at the Woodbridge bound bus stop. Although this would result in an improved facility, it would not result in a new service or be deemed essential for the acceptability of the development. It is therefore considered that this request cannot be insisted upon.

Ecology

- 5.39 The development site falls within the 13 km ‘zone of influence’ for the Deben Estuary Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that new housing development in this area is ‘likely to have a significant effect’ upon the interest features of the aforementioned designated site(s), when considered in combination, through increased recreational pressure. As such, a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development to ensure there would be “no likely significant effect” whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMs is adequately funded. Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of Deben Estuary

Bats

- 5.40 The ecological survey reports include a range of proposed mitigation measures intended to minimise the impacts of the proposed development on protected and/or UK Priority species. These include the use of a sensitive lighting strategy to preserve dark corridors for foraging and commuting bats. This strategy has not yet been produced and therefore Suffolk Wildlife Trust request that this is prepared and approved prior to determination of the application. It is expected that this will be provided prior to the Committee meeting and any updates will be given then.

Herpetofauna

- 5.41 The ecological report currently offers two different mitigation options, either retaining reptiles on site or translocating them to an offsite receptor area. Suffolk Wildlife Trust recommend that the development is designed to include sufficient greenspace so that reptiles can be retained onsite.
- 5.42 It is also considered that as part of the site drainage design scheme and wider landscape and management plan there should be appropriate management to ensure the retention of the significant population of common toad, a rapidly declining UK Priority Species, on site.

Dormice

- 5.43 Local residents have raised concerns that there are dormice on the site which may be affected by the proposed development. Suffolk Wildlife Trust have commented that although they have no records of their presence in this location, the site would provide a suitable habitat for them and therefore they recommend a survey is carried out prior to determination of the application. Any update on this matter will be given at the meeting.

Habitat Management

- 5.44 The proposed development includes the retention of an area of woodland, open space and a pond. It is considered that, should permission be granted, a long-term habitat management plan which maximises the site's benefit for biodiversity is secured and implemented.

Archaeology

- 5.45 The site lies in an area of high archaeological potential. It is located close to a number of Prehistoric, Saxon, and medieval artefact scatters and is situated above the floodplain of Byng Brook, which is a topographically favourable setting for early occupation of all periods. As a result, there is potential for encountering archaeological deposits at this location and ground-works associated with the proposed development have the potential to damage or destroy any heritage assets which may exist.
- 5.46 There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed

Fire safety

- 5.47 Access to buildings for fire appliances and firefighters must meet the relevant Building Control requirements. The Fire Authority require that fire hydrants are provided within the development and would recommend the use of sprinklers.

Planning Obligations

- 5.48 Suffolk County Council has made a list of comments and requirements resulting from the development setting out what they will seek CIL funding for.

RECOMMENDATION: REFUSE on the grounds that:

1. The site is located outside the physical limits boundary of Ufford and therefore is in the countryside where residential development would not normally be permitted unless in accordance with DM3 of the Local Plan or Paragraph 55 of the NPPF in order that the countryside is protected and that development is located closer to services and facilities that can meet the day to day needs of residents. This proposal does not meet any of the exceptions set out within these policies. The Council is able to demonstrate an up to date five year supply of housing land and therefore this application should be determined in accordance with the Development Plan. Any economic benefits resulting from the development are not considered to outweigh the harm to the environment and the levels of growth seen recently within Ufford are not considered to support social sustainability. This proposal is therefore contrary to the NPPF and Policies SP1, SP1a, SP19, SP29 and DM3 which require new housing development to be sustainable.
2. Although there is an employment use on the site, the proposed scale of development of employment units would result in a significant expansion and intensification of the use which is considered to be environmentally unsustainable in this countryside location. The proposal would therefore be contrary to Policies SP1, SP1a, SP19, SP29 and DM12 which indicate that an appropriate scale of employment in the countryside is that predominantly linked to agriculture, seek to provide sustainable development, reduce the need to travel, protect existing employment sites and conserve the environment.
3. Although the applicant has indicated that they are willing to provide the necessary affordable housing provision there is no formal mechanism in place to secure its delivery and therefore this is currently contrary to DM2. Similarly, the proposal fails to make adequate provision/contributions (and/or agreement to provide) for facilities/services for the occupants of the dwellings. The applicant has not entered into the necessary legal agreement, which is required to ensure that a financial contribution towards visitor management within the Deben Estuary is provided and therefore the proposal is contrary to DM27.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/17/2512/OUT

Site Visit:

Committee Date: 15 March 2018

8. **WESTLETON – DC/17/4568/FUL – Erection of new dwelling to replace existing garage and outbuilding, on land to the rear of Westleton House: Land To Rear Of Westleton House, The Street, Westleton IP17 3AD for Annette Stalley**

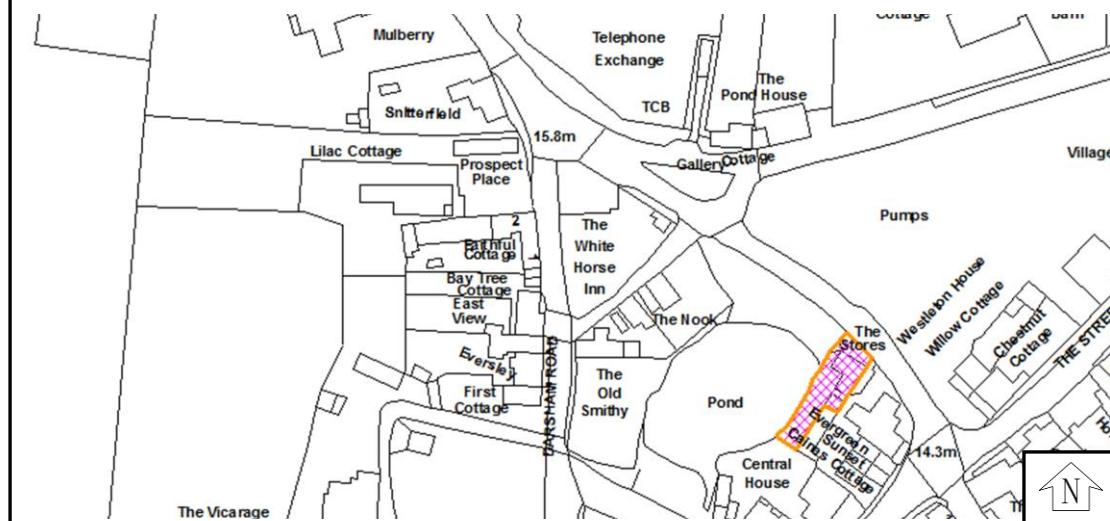
Case Officer: Katherine Scott

Expiry Date: 8 February 2018

DC/17/4568/FUL- Land To Rear Of Westleton House, The Street, Westleton

DO NOT SCALE SLA100019684

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



EXECUTIVE SUMMARY

Full Planning Permission is sought for the erection of a detached dwelling, with access from Bakers Lane.

The committee referral process was triggered by the Parish Council Objection and more than three representations of Objection being received.

The Referral Panel referred the item to Planning Committee to allow the material planning considerations to be debated, and to be consistent with the previous application which was determined at the Planning Committee (in terms of process).

1. SITE DESCRIPTION

- 1.1. The application site lies to the north-west west (rear) of the four dwellings known as Westleton House, Evergreen, Sunset and Caines Cottage. It is to the north-east of the rear garden of Central House and to the east of a public Pond.

- 1.2. The site contains a double garage which has vehicular access from Bakers Lane, that runs along the southern side of the village green.
- 1.3. It is located within both the Physical Limits Boundary of Westleton and within Westleton Conservation Area. Westleton is defined as a Key Service Centre.
- 1.4. The area around the pond is described in Westleton Conservation Area Appraisal as (section 12.11):

“Although physically and visually separated by a road from the rest of the Village Green, the pond at its south-western end, together with its surroundings is a very pleasant corner of the village. There is quite a large area of water with grass, seats, trees and shrubs, including overhanging willows.

Old traditional outbuildings at the backs of properties, boundary walls and the various interlinking spaces, including the area around the back of the White Horse pub, combine to create an enclave with a special quality, there is a calm, unspoilt and unpretentious air about this part of the village.”

- 1.5. In 2013, application DC/13/3731/FUL for the erection of a new dwelling was withdrawn.
- 1.6. In July 2014, a planning application for “Erection of a new single-storey dwelling on site of existing garages and outbuildings to be demolished (revised scheme to DC/13/3731/FUL)” (reference DC/14/1208/FUL) was considered by Planning Committee. It was resolved to refuse Planning Permission for the following reasons:

1. The application site is situated within the Westleton Conservation Area, where the Westleton Conservation Area Appraisal describes the area as "A thin wedge of a triangle, with its apex up at the Dunwich/Blythburgh Road junction, the village green drops down ever wider to a pond at its base, effectively just behind the Village Hall. The pond is an unusual feature and contributes much of the village character of Westleton". Within the district and particularly in Conservation Areas, developments must be of a high standard of design, respecting the character of the area and be sympathetic to their surroundings. Saved Policy AP 1 (Conservation Areas - Control of Development and Enhancement), of the Suffolk Coastal Local Plan, seeks to protect the character of the Conservation Areas and to ensure that new buildings, preserve or enhance them, where the form, scale, design and detailing of new buildings and the space around buildings (including landscape schemes, roads and fencing), which should be in harmony with and relate satisfactorily to their surroundings.

In this instance the proposal fails to conserve or enhance the Conservation Area, due to the impact the change of use of the site to form an additional residential dwelling would have on the area, including the pressure to prune/remove important foliage around the village pond contrary to the aims of 'saved' policy AP1, which would have a detrimental impact the character and nature of the surrounding area.

The proposals, if approved, would have a detrimental impact on the environment quality of the area which is considered to outweigh any potential planning merits that one additional residential property could provide within Westleton, a Key

Service Centre, therefore the principle of development in this instance is contrary to Strategic Policy SP1 and SP1a of the Development Plan Document, 2013.

2. The proposed single storey dwelling and associated parking area would, by reason of the restricted size of the site and the positioning of the proposed dwelling, represent an undesirable form of infill development, in that it would result in a cramped form of overdevelopment of the site; be out of keeping with and detrimental to the existing pattern of development and result in unacceptable physical relationship between the host dwelling, Westleton House, and that proposed due to its close proximity to the rear boundary of Westleton House. The restricted size of the plot and limited outlook would also represent a poor level of amenity for the future occupiers of the dwelling and those adjoining properties.

The proposal would therefore be contrary to the following Development Management Policies of the Development Plan Document, 2013:

- (i) LDF Policy DM7 which provide that residential development should not result in a cramped form of development or result in unsatisfactory types of tandem or backland development that would erode the character of its surroundings.
- (ii) LDF Policy DM21 and DM22 which provide that proposals which comprise poor layout or design or seriously detract from the character of their surroundings will not be permitted.
- (iii) LDF Policy DM23 which seeks to avoid development that impairs residential amenity particularly where it results in an unacceptable physical relationship with other properties.

- 1.7. This decision was dismissed on appeal and consent granted subject to conditions relating to the following:

- 1) Standard time limit for implementation (expires 11 May 2018),
- 2) Plans/drawings
- 3) External material to be submitted
- 4) Details of rooflights, eaves, barge boards,
- 5) Details of reconstruction of flint outbuilding
- 6) Provision of parking spaces
- 7) No means of enclosure adjacent to the highway exceeding 0.6m in height
- 8) Submission and implementation of landscaping scheme
- 9) Submission of existing and proposed ground, floor, eaves and ridge levels relative to the carriageway
- 10) Construction method statement -submission and implementation.

2. PROPOSALS

- 2.1. The application seeks full planning permission for a contemporary split level dwelling on the site of some outbuildings which are proposed to be demolished. It would have vehicular access from Bakers Lane and two parking spaces on the frontage.

- 2.2. The ground floor level would be at street level and accessed from the site frontage. It is proposed to contain a kitchen-diner, shower room, two-bedrooms and a bathroom on one level, with a living room on a lower level. A decked area is proposed to run along the western side of the building (facing the pond).
- 2.3. At the southern end of the building, there would be a lower ground floor directly beneath bedroom 2 and its en-suite. This lower ground floor would contain a third bedroom (with direct access to the garden via French doors), shower-room, storage and a media room.
- 2.4. The existing garage building on the site is proposed to be demolished. The other outbuilding is proposed to be rebuilt as part of the proposed dwelling.

3. CONSULTATIONS

- 3.1. **Westleton Parish Council:** Object to the proposal, initially stating:

“The Council wishes to make clear that it is not against suitable development within the village envelope and are actively working with Hastoe Housing Association in a proposal to develop a small estate of affordable housing.

In considering an earlier application in 2014 the Planning Committee, after visiting the site, rejected unanimously the application. That decision was subsequently overturned on appeal. Mitigating factors in overriding the decision of the Planning Committee was (quote from appeal note)

“The scale of the proposed dwelling would be modest” and “Its height and scale would not be intrusive in the context of its surroundings, including the setting of the pond.”

Objections

The scale, form and mass of the current application are a major expansion from that rejected by the Committee in 2014 and completely negate the mitigating factors of the appeal decision.

The many objections against this application expressed by residents have one common theme: that being the protection of the current tranquillity of the setting of the village pond. Although surrounded by buildings these are all set well back from the pond and largely shielded by shrubs and trees. The pond, set at the foot of the village green, is the aesthetic centre of Westleton and characterises the unique visual qualities and ambiance of the village which are enjoyed by residents and visitors alike. There is timelessness about the vista.

It would appear that the design brief is centred on maximising the use of the pond for the benefit of the future residents of the house, to the detriment of all other village residents and visitors who gravitate to the seating on the grassed area at the NE bank of the pond.

The plus 17ft high dining room with black timber boarding and black corrugated roof, perched on the very edge of the pond, will dominate every sight line across the pond, destroying the very setting that residents and visitors love.

Two of the photographs supplied with the application appears to suggest that black walls and corrugated roofs are a common feature within the village and are worth

replicating in the largest unit of this design. We strongly disagree and claim this is out of place in the conservation area.

We also object to the three feet increase in height of the building immediately on the boundary with Westleton House. It is stated in the .design statement it this increase will;

"enhance the existing outbuilding which would otherwise be hidden from view".

This is an insult to the residents in Westleton House as their very small garden will be dominated by this structure, with a consequential loss of light and view.

Disruption at construction We are extremely concerned at the prospect of disruption during the development by the ‘shoe horning’ of this large property, that appears to take up some 60% of this narrow plot. The digging out and tanking of the basement, the footings and, most probably, the piling will generate a great deal of extra traffic movement. Parking in the centre of the village is extremely limited and the road shown as Bakers Lane on the drawings is regularly congested by users of the village shop and visitors. The village green is STRICTLY no parking. This will require at most times that worker’s cars and lorry movements be contained within this narrow site.

Boundary. The following is an extract from an e-mail sent to East Suffolk D.C. Asset Management team in the Waveney Office.

Westleton Parish Council wishes to alert you to what appears to be an intrusion onto the registered Village Green that includes the village pond. The Green is owned by East Suffolk D.C.

This concern has been raised by a planning application DC/17/ 4568/FUL that is soon to be considered.

See attached an extract from plans submitted as part of the application to East Suffolk D.C. Planning showing “Site boundary (not defined) immediately touching the Memorial Collection Box (shown in the top left hand corner).

By physically measuring the remains of a fence partly hidden by shrubbery, and accepted over the years as the boundary, we found a projection of this to be 1000mm within the line shown on the plan as "not defined".

The second attachment contains the results of a boundary search submitted to Land Registry. The plan forming part of this document shows the boundary as being short of the Memorial Collection Box. It also shows the boundary continuing in a straight line to the far end of the property.

Marked on the first attachment is what the Parish Council considers to be the boundary on a continuing line reflecting the Title document.

Although owned by the District Council, the village green and pond are central to the unique visual qualities of Westleton village.

The two documents referred to above are attached to this comment..

Arboriculture and Landscape Referring to the Arboriculture and Landscape managers report we are in general in agreement with the statement “not envisage

that there will be any significant impacts on trees and thus, in that respect, on the character of the Conservation Area". See following for exemption to that agreement

The boundary issue referred to above has implications on the Tree survey submitted with the application that recommends the removal of G001. That tree is on the exterior side on the fence and cannot, without permission of East Suffolk D. C."

In response to the referral consultation, Westleton Parish Council stated:

"**1 Objections.** The 42 objections from the Parish Council and residents all opposing this application, with a common theme the despoliation of the special nature of the pond forming part of the registered village green. This we believe is sufficient grounds for referral. However, we believe we must express our shocked reaction to the very recently posted Design & Conservation Comments that appears, contrary to the 42 posted objections, to have no concept of the damage that this development will do to this scenic rural treasure in the very centre of the village.

As reported in the East Anglian Daily Times on 28th July 2014 the Chair of the Planning Committee, Cllr D McCallam, described this as

"The scenic heart of a scenic village"

2 Design & Conservation Comments posted on the planning portal on the 6th February.

There are very few of the statements made in this late posted document that we, the Parish Council, can agree with and are convinced the same is true of the many opponents of the application. It is universally seen by residents opposed to this application as ignoring the strength of the statement re the Scenic Heart and a cynical attempt to denigrate their concerns.

In as particulate we highlight to the following statements:

(a) ...it was concluded that the proposal would not harm the character and appearance of the area

This is true when considering the visible development viewed from Bakers Lane, but is fallacious when applied to the only other view, that across the pond.

(b) Overall, I consider the proposed scheme to be a carefully considered response to the character of the area.

We consider the proposed scheme to be a carefully and cleverly considered response the design brief: that to maximise views across the pond for the pleasure of future residents.

(c) The scale of the proposed dwelling would be modest and its height stepped down to reflect the topology.

This is a misleading statement in that although the increased area is only some 13%, this is a significant increase on such a small plot. Of importance when considering "modest" is the slab faced 17 foot plus living room set back from the edge of the pond by only a strip of decking and dominating the pond area.

(d) Although the upper parts of the proposed dwelling including its roof are likely to be visible above the planted boundary, its height and scale would not be intrusive in the context of its surroundings including the setting of the pond.

This statement gives the impression that the planting of natural shrubs will soften the impact on the visual aspect of the pond. This may be true for the no 1 bedroom but the closeness of the living room to the edge of the pond curtails any possibility of screening the black timber cladding of the slab face of the this room. We would argue that any planting that obscures views across the pond through the picture windows would be minimal as it is obvious that the basis of the proposal is to maximise its relationship with the pond.

The name of this development? –THE BOAT HOUSE.

The P206 “Perspective view from Bakers Lane” submitted as part of the application makes this clear, as did a similar view on the Project Orange website that has very recently been removed,

One of the few aspects of this Comment that we agree with is the need for more natural planting...

(e) Reading as a collection of outbuildings, the development is seen as subordinate in scale and height when viewed across the pond against the backdrop of two story houses to the east.

We find this statement difficult to believe is a serious comment. From the main viewing point of the pond that attracts residents and visitors the two story houses are set well back from the pond. The closeness of the living room, in particular, creates a foreshortening effect of would very largely obscure the highest of these buildings, Westleton House and Westleton Cottage, from the viewpoint. This is clearly shown on the document P206 referred to above.

(f) The use of traditional external facing materials would be in keeping with the character of the Conservation Area.

This is a true statement in respect of the red clay pantiles and flint with red brick quoins, but risible when applied to the black corrugated material roof and black stained vertical wooden boarding applied to the living room. The only examples of the latter in the village are two sheds and, in terms of black boarding, one house.

(g) Of particular concern to the residents of Westleton House and Westleton Cottage is the form of the design closest to their boundary. Given the minuscule size of their gardens they made their concerns clear on their opposition to the application.

The only reference to these concerns is:

The part of the flint outbuilding to be rebuilt would largely retain the existing form and appearance.

No reference to an increase in height of 1 meter (see the Design and Access Statement in support of Planning Application).

3 The boundary

The plans supplied as part of the application show the planned development extending to the site boundary (not defined)

As part of the Parish Council comment on the application it attached a letter and Land Registry document it had sent to Suffolk East DC Asset Management team. The document shows that the proposed development extends beyond the North West (the pond) boundary by at least a meter. The “recommend approval” comment of the Design & Conservation officer at the summation of the Comment document above suggests that this serious concern has been either overlooked or rejected.

Tony Rudd is the Asset Management employee handling this matter and has said he will contact Planning following an onsite examination."

- 3.2. **Environment Agency:** Have returned the consultation without comment as it is not clear why we have been consulted. They should only be consulted in accordance with a consultation checklist.
- 3.3. **Suffolk County Council - Highway Authority:** raise no objections, recommending conditions relating to the surfacing of the access from the highway and the provision of parking areas.
- 3.4. **SCDC - Head of Environmental Services and Port Health:** raise no objections, but highlight their desire for Contaminated Land Assessment and Investigation to be undertaken prior to applications being submitted. Recommend conditions relating to Contaminated Land Assessment, and implementation of remediation and mitigation if contamination is found.
- 3.5. **Suffolk Wildlife Trust:** raise no objections. Note the recommendations for further surveys for bats and great crested newts, and request that these surveys are undertaken prior to the determination of the application. Also highlight the need to remove non-native invasive species including tree cotoneaster, giant rhubarb and bamboo. Also recommend that conditions are included on any consent requiring the implementation of the recommendations of the Ecology Report (and any further surveys) are undertaken.
- 3.6. **Third Party Representations:** 38 representation of Objection have been received raising the following material planning considerations:
 - **Principle of development:**
 - Object to the principle of any dwelling on this site. Westleton does not need any more second homes or holiday lets.
 - It would set a precedent for more developments around the pond.
 - **Conservation Area and Visual Amenity**
 - The proposed 2.5 storey dwelling with basement is both insensitive and inappropriate in its setting. It would dwarf nearby properties.
 - There are currently no buildings on site/impinging upon the pond boundary.

- The height of the building would be quite a bit higher than the existing shed ridge line. The footprint of the building would be larger than the existing buildings and would result in an appearance of overdevelopment of this modest site.
 - The height and use of black timber boarding and a black corrugated roof positioned on the edge of the pond would dominate every sight line across the pond and destroy its setting. The design is at odds with the vernacular architecture of this area because it is modern and therefore would clash with the traditional brick/flint/pantile character of the surroundings.
 - The existing buildings in the centre of the village are the church, the White Horse, The Crown Hotel, The Village Hall (former School), Methodist chapel and old cottages, which have evolved over time forming an harmonious whole, which would be disrupted by parachuting a new house into the heart of the village.
 - The development does not take account of the rural tranquil nature of the pond amenity area which sits in a Conservation Area. Believe it is out of character with the Conservation Area and contrary to 13 and 13.2 of the Westleton Conservation Area Appraisal.
- Residential Amenity
- Would intrude upon the privacy of the existing dwellings.
 - Would reduce light to existing dwellings.
 - Those sitting in the public area beside the pond would be overlooked by the new dwelling.
 - Would create excessive light pollution.
 - Future occupants could create excessive noise when utilising the deck which would be dominating and intrusive.
 - Concerns regarding the amenity of future residents of the property because one of the bedrooms would be in the ‘basement’ so occupiers are likely to suffer from poor air and insects.
- Highway Safety
- Parking is a serious problem in Westleton with competition for spaces around the green, village hall, shop and Westleton Crown, and the new dwelling would exacerbate the problem.
 - This will increase dangers at the junction between Bakers Lane and the Street, which has restricted visibility on both sides of the junction.
 - The development would prevent parking on the driveways of neighbouring properties.

- Surface Water/flooding
 - Concerns regarding drainage of rainwater run-off, damage to the pond bed and impact upon the water table.
 - Concerns about potential contamination entering the pond.
 - Concerned future residents in the basement could be affected by flooding with limited escape routes.
 - Anglian Water should be consulted because this could disrupt an underground water course.
- Trees, Landscaping and Ecology
 - The ecology would be significantly disturbed by the loss of vegetation and erection of buildings.
 - Noise and light pollution would cause existing species to desert and prevent any future wildlife from using the area.
 - Further survey work relating to bats and newts needs to be undertaken.
 - Village ducks will loose their flight path as they fly quite low over the existing building to land on the pond.
 - The trees on the adjacent public land could be damaged or removed by the developers.

- 3.7. A number of the third party representations also raise matters that are not material planning considerations, such as land ownership, lack of contact from the applicants prior to submission, where the applicants live, what the applicants future intentions may be, inability to store building materials on site and other matters that are civil matters such as potential physical damage to other properties during construction.
- 3.8. All of the above consultation responses can be read in fully via the Public Access system on the website.

4. RELEVANT POLICIES

- 4.1 NPPF
- 4.2 NPPG
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP2 – Housing Numbers and Distribution

SP3 – New Homes

SP14 – Biodiversity and Geodiversity

SP15 – Landscape and Townscape

- SP18 – Infrastructure
 - SP19 – Settlement Policy
 - SP27 – Key and Local Service Centres.
 - DM7 – infilling and Backland Development within Physical Limits Boundaries.
 - DM21 – Design: Aesthetics
 - DM22 – Design: Function
 - DM23 – Residential Amenity
 - DM27 – Biodiversity and Geodiversity
- 4.4 The Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Document (January 2014):
- SSP1 - New Housing Delivery 2015-2027
 - SSP2 - Physical Limits Boundaries
- 4.5 Supplementary Planning Document “Westleton Conservation Area Appraisal” (June 2010).
- 5. PLANNING CONSIDERATIONS**
- Principle of development
- 5.1 Many of the objections received in relation to this application relate to the principle of a dwelling on this site.
- 5.2 However, the appeal decision has established the principle of the development of one dwelling on this site and the inspectors reasons for allowing this appeal are also material planning considerations in the determination of this application.
- 5.3 The site is also located within the defined physical limits of the village and therefore is a location where the principle of new residential development is accepted by adopted planning policy subject to the consideration of other material planning considerations and associated planning policies.
- 5.4 In paragraph 3 of the Appeal decision, the Inspector stated:
- “The main issues in the appeal are:*
- i) the effect of the proposal on the character and appearance of the area, including its effect on the Westleton Conservation Area; and*
 - ii) the effect of the proposal on the living conditions of adjacent occupants in terms of outlook and whether or not acceptable living conditions would be provided for its future occupants in this regard.”*
- 5.5 Although the design of the proposal is different from that considered by the appeal, the above issues remain the main issues for consideration.
- Impact upon Conservation Area and Visual Amenity Considerations
- 5.6 As this site is located within a Conservation Area, the starting point for the determination of the application should be the requirements of Part 72 of the

Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

- 5.7 This does not prevent change or development within Conservation Areas, but requires careful consideration of the impact of development proposals upon the character and appearance of the Conservation Area, and seeks to ensure that the character and appearance is preserved or enhanced.
- 5.8 Conservation Areas, like elsewhere have and continue to evolve over time, reflecting both the past and the present. This evolution is an important part of Westleton Conservation Area, and is reflected in the variety of architectural styles and various ages of buildings which exist.
- 5.9 Therefore, just because a proposal is visible or of a contemporary design within a Conservation Area, this does not automatically make it unacceptable. Each proposal has been judged on its own merits with regard to its surroundings, and the resulting impact upon the character and appearance of the Conservation Area.
- 5.10 As this site is located within Westleton Conservation Area, specialist advice has been sought from the Council's Design and Conservation Officer. The following paragraphs incorporate both his comments and the views of Planning Officers.
- 5.11 The proposal clearly demonstrates it has been designed in response to the site, incorporating level changes reflecting the topographical changes across the site.
- 5.12 The massing of the dwelling also has been broken down into four elements, which have been influenced by other architectural elements in the vicinity. The form is suggestive of a series of outbuildings that have been linked together, creating an informal grouping of smaller elements with low pitched roofs, similar to the existing garage and previously approved scheme. This approach to the scale and massing reduces its visual impact. Although the element facing the pond is raised in height to create a degree of hierarchy it is not over dominant. This approach would mean that the development would read as subordinate in scale and height when viewed across the pond against the backdrop of the two-storey dwellings that front The Street.
- 5.13 The existing outbuilding is proposed to be retained in part with rebuilding to an increased height to enable its accommodation to be on street level. The elevation fronting Bakers Lane would be single-storey in scale with eaves and ridge levels to reflect the garage that is proposed to be demolished.
- 5.14 Whilst the proposal clearly has contemporary elements, the materials proposal are reflective of materials traditionally used within the villages and rural areas of the Suffolk Coastal District e.g. red lay pantiles, corrugated metal roofing, flint with red brick quoins, black stained timber boarding, and red brickwork. These are both appropriate for the style of the proposed dwelling and reflect the local traditional palette of materials.
- 5.15 This contemporary building incorporating traditional materials, would reflect the time era in which it is proposed, and as a result would form part of the continuation of the evolution of the Conservation Area, which as explained above contains buildings of various ages and architectural styles that show how the village has changed over time.

5.16 Within the representations of objection it is stated that the proposals are contrary to the Conservation Area Appraisal, particularly section 13, which is the Conservation Area Management Plan.

5.17 In the view of officers the proposals accord with the Conservation Area Appraisal including the Conservation Area Appraisal, of particular note Section 13.2 which relates to the Design of New Development and states

"In a conservation area such as Westleton the prevailing historic character can make it a challenge to consider what is appropriate for the design of new development and can include high quality modern design. Pastiche or historicist re-creation can be acceptable but is not always achieved well, particularly where existing buildings abound in decorative features. Certain characteristics can be used as inspiration without resorting to copying – perhaps a high degree of modelling (three-dimensional effect), the use of projecting bays, or a bold scale or character. Such an interpretation can ensure that new design is both creative and contextual....."

5.18 It is considered that this proposal would achieve the objectives of this section of the Conservation Area Appraisal, through the combination of the use of forms that largely reflect the form of outbuildings typically found to the rear of dwellings, and a traditional pallet of materials, with a contemporary twist arising from particular elements such as the fenestration and manner in which the typography is utilised.

5.19 Therefore officers consider that the development is of high architectural quality, and will preserve character and appearance of the Conservation Area, and therefore recommend approval subject to conditions relating to detailing and materials.

5.20 The proposed dwelling would be acceptable in terms of the impact upon the Conservation Area and all other visual amenity considerations. The design is a contemporary approach, but this does not make it unacceptable.

Residential Amenity

5.21 Although this proposal is to the rear of existing dwellings, it would have a frontage onto Bakers Lane. Therefore it can not be considered 'backland development' in the truest sense.

5.22 The proposed dwelling would have an overall height akin to a single-storey property in relation to the ground levels on Bakers Lane. The elevation facing the rear gardens of the properties in The Street would contain no openings, will all fenestration proposed on the entrance elevation (facing Bakers Lane), the elevations facing the pond and the southern elevation. The upper opening on the southern elevation would be located 10m from the boundary with the land towards the end of the rear garden of Central House, and this boundary has a significant hedgerow, which lies outside the application site.

5.23 Therefore there would be no significant overlooking into existing adjacent dwellings or the private areas of their amenity spaces. However, to enable the Local Planning Authority to retain control, Permitted Development Rights for additional openings on the eastern elevation should be removed, to avoid perceived and actual loss of privacy to the properties in The Street.

- 5.24 The representations of objection raise concerns regarding potential light pollution from the development and potential loss of light to adjoining properties.
- 5.25 The proposal does include a significant amount of glazing, particularly on the elevation facing the pond, and therefore there is significant potential for light spillage from the dwelling. However, the fact internal residential lighting may project beyond the building is not a reason in itself to refuse this proposal. There are other properties nearby and therefore whilst has in many villages the area is significantly darker at night than that which is experienced in large urban conurbations, the site would not be in total darkness. The presence of lighting in darker public areas, has also been deemed to be beneficial in terms of crime prevention.
- 5.26 The proposed building would not be tall enough to have sufficient impact upon light levels of adjoining properties to warrant the refusal of the application. The proposed building would be modest in terms of its overall ridge height for a building containing two floors of habitable accommodation.
- 5.27 Within the representations of objection concerns have also been raised regarding loss of views for those in existing properties. In terms of the planning system, no one has the right to a view. Therefore, in determining this application the Local Planning Authority can only consider the impact upon outlook not the loss of the view. Due to the distances involved and the height of the proposal, the impact upon outlook from windows of adjoining properties would not be overbearing or dominating. Therefore such an impact can not reasonably form a reason for resisting this application.
- 5.28 Within the representations of objection, concerns have been raised regarding noise which may be generated by future residents of the dwelling and its impacts upon adjoining properties and those using the public space. The principle of a garden area within this part of the site has already been established by the appeal decision, and in any case the relationship of the garden area to neighbouring gardens and the public open space is not dissimilar in terms of the distances which already exist in terms of the existing dwellings. Therefore the impact of noise upon residential amenity could not reasonably form a reason for resisting this application.
- 5.29 Therefore there are no significant concerns regarding the amenity of residents within adjoining properties.
- 5.30 Within the representation of objection, concerns have been raised regarding the amenity of future occupants. These are a material planning considerations as set out in Local Planning Policy DM23. However, whilst the proposed internal layout may not suit everyone, the amenity of future residents of this dwelling are considered acceptable. The bedroom on the lower level of accommodation would have natural light and ventilation, with the main habitable spaces such as the kitchen and living room being located on the upper/main ground floor level with their own sources of natural light, ventilation and outlook. There are rooms which would have limited or no natural light and ventilation but these are a media room, shower room and store room/cupboard rather than the main habitable or sleeping spaces.
- 5.31 Those using the public areas adjoining the pond are already visible from the wider public realm. They would not be located within private amenity areas or within private

buildings. Therefore their ‘privacy’ can not be safeguarded by the planning system in the same manner as the privacy of those within residential properties.

- 5.32 Therefore for the reasons set out above the proposal accords with Local Planning Policy DM23 (Residential Amenity).

Highway Safety

- 5.33 The proposed dwelling would have two parking spaces, which is the same number agreed by the appeal decision. The Local Highways Authority raise no objection, recommending conditions.

- 5.34 Both parking bays would be within the red line boundary of the application site and are proposed to be reinforced grass, with direct access from Bakers Lane. Therefore there would be no encroachment into the parking area of the adjoining property, which was a concern raised in the representations of objection.

- 5.35 Therefore subject to the conditions recommended by the Local Highway Authority this application is acceptable in terms of Highway Safety.

Surface Water Run-Off and Contamination Issues

- 5.36 The concerns raised in relation to the proximity of the building to the pond and potential implications for surface water drainage are understandable. However, the principle of a dwelling on this site was granted without further details regarding surface water drainage either during the appeal or via condition. Therefore the Local Planning Authority can not reasonably refuse consent on the basis of the limited information regarding surface water drainage.

- 5.37 The recommendations of Environmental Health relating to land contamination are understood. Since the appeal decision, the way in which land contamination is assessed by Environmental Health has altered, so they now prefer the submission of contamination assessments up front with applications, rather than relying upon the records they hold.

- 5.38 If consent had not already been granted, it would be reasonable to impose the conditions that Environmental Health recommend. However, as there is a live consent, it is considered unreasonable to impose conditions requiring Contaminated Land Assessments and associated documentation. Such conditions would fail the tests in the NPPF. The only contamination condition which it would be reasonable to impose is that which relates to previously unidentified sources of contamination.

Trees, Landscaping and Ecology

- 5.39 There are two trees close to the site adjoining Bakers Lane, the eastern most of which would overhang one of the proposed parking areas. These trees have some projection by virtue of being located within the Conservation Area. The Council’s Arboricultural and Landscape Manager has advised that the provided demolition and tree protection measures identified in the submitted tree report are fully implemented, he does not envisage that there would be any significant impacts on trees, and thus in that respect upon the character of the Conservation Area.

- 5.40 The recommendations of Suffolk Wildlife Trust for further survey work are noted, but in this particular case, it is considered that the additional survey work can not be insisted upon due to the granting of the appeal, which remains a live consent and therefore can be implemented without any such surveys. However, the granting of this consent without those surveys would not override the legislation that protects those species if they are subsequently found to be present on site.
- 5.41 As highlighted in the representations of objection, the pond is used by ducks. This use of a water feature by ducks is known to significantly reduce the quality of the water habitat and thus the potential for other species such as newts.
- 5.42 The principle of the demolition of the existing outbuildings and erection of a dwelling on this site adjacent to the pond, with the potential implications upon ecology has already been established by the granting of the appeal.
- 5.43 Therefore on the basis of the matters outlined in the preceding two paragraphs it is considered that the potential impact upon ecology could not reasonably form a reason for resisting this application.

Other issues raised in Consultation Responses

- 5.44 A number of the specific objections/concerns raised are not material planning considerations and therefore can not form part of the consideration of this application. Similarly the total number of representations made against this application can not form a material planning consideration.
- 5.45 Concerns were raised in relation to land potentially lying outside the applications ownership, under the ownership of the Local Authority. The Asset Management Team has confirmed that the red line is on the boundary with and does not extend into SCDC land.
- 5.46 Concerns were also raised in relation to the impact of the construction phase including the process of piling, noise and storage of construction materials.
- 5.47 The material amenity impacts of the construction phase could be appropriately dealt with through a condition requiring a construction management plan, and such a condition would be consistent with the previous appeal decision.
- 5.48 The impacts of piling upon the structure of neighbouring buildings lies outside the scope of the planning legislation, and would be a private civil matter that would need to be resolved between the developer and any properties affected if it becomes an issue.

Community Infrastructure Levy

- 5.49 This application seeks full planning permission for a dwelling. It is therefore CIL liable. The site is within the High Charging Zone.

Conclusions

- 5.50 The principle of a dwelling on this site has already been established, and the consent granted on appeal remains live, so can be implemented.
- 5.51 The proposal is a design of high architectural quality that respects and reflects the traditional form and massing of outbuildings and the local traditional pallet of

materials, in a contemporary approach, which would preserve and enhance the character of this part of Westleton Conservation Area.

- 5.52 The scheme would also accord with local and national planning policy in terms of all other material planning considerations including residential amenity, highway safety, and ecology.
- 5.53 The scheme is therefore acceptable and should be approved subject to appropriate conditions.

RECOMMENDATION: APPROVE subject to conditions:

1. Standard time limit
2. Plans
3. Precise external facing materials, details of external doors, windows, sliding louvred window screens, rooflights, roof details (eaves, verges) to be submitted, agreed and implemented
4. Details of rebuilding of outbuilding to be submitted, agreed and implemented,
5. Provision of access and car parking spaces,
6. Removal of permitted development rights for fences along the northern and western boundaries. (in the interests of visual amenity and highway safety)
7. Removal of Permitted Development Rights for additional openings on the eastern elevation (to prevent any actual and perceived overlooking of the dwellings fronting The Street).
8. Submission of any domestic fuel storage required for heating prior to installation (in the interests of visual amenity, because the only areas available could be visually prominent)
9. Submission and implementation of landscaping scheme (as per appeal decision)
10. Construction management plan (as per appeal decision)
11. Unidentified contamination.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/17/4538/FUL and DC/14/1208/FUL

Committee Date: 15 March 2018
