

## **LEVINGTON AND STRATTON HALL PARISH COUNCIL**

### **MINUTES OF THE PLANNING MEETING HELD ON**

**24<sup>th</sup> MARCH 2021 VIA ZOOM COMMENCING AT 7 PM**

**Present:** Cllr D Long [Chairman], Cllr D Pryke, Cllr A Abram, Cllr J Bailey

**Apologies:** Cllr J Mann (sickness)

**Declarations of Interest:** Cllr D Pryke declared a non-pecuniary interest in Application No DC/21/0842/VLA.

Cllr D Long declared an interest in DC/21/0842/VLA and agreed to leave the meeting when this item was discussed.

**Members of the Public:** 5 members of the public

The Committee met to consider two Planning Applications. Cllr D Long thanked Cllr D Pryke for offering to be Lead Councillor on these applications.

#### **PLANNING APPLICATION DC/21/0951/FUL OLIVE TREE HOUSE BRIDGE ROAD LEVINGTON**

**Location:** Olive Tree House Bridge Road Levington

**Proposal:** Proposed two storey side extension

#### **Parish Council Discussion**

Cllr D Pryke reported it was a two-storey extension to the right-hand side of the property as viewed from the road. He stated that he had consulted immediate neighbours and also householders on the opposite side of the road.

There are two potential issues:

1. The proximity of the full height gable end of the extension (1.5m from the boundary) to the immediate neighbours at Wyncroft. The occupants of the property have expressed some concern however they have now reconciled themselves to it.
2. With the full-size side extension, the house will appear very large on its plot from the road, although this will be greatly offset by the garage obscuring the lower part of the extension, so this should not present a problem.

The only other comment received was the concern of the neighbour opposite regarding the preservation of their grass verge from large contractor's lorries during the building work. It has been suggested to him that he talks to the applicant about trying to avoid the lorries going on to the grass verge.

The Parish Council discussed the application and Cllr D Long proposed that the Clerk should reply to East Suffolk Council stating that Parish Council did not raise any objections to the application (3 in favour, 1 abstention). **Action: Clerk**

## **PLANNING APPLICATION DC/21/0842/VLA THE DRIFTWAY CHURCH LANE LEVINGTON**

**Location:** DC/21/0842/VLA The Driftway Church Lane Levington

**Proposal:** Removal of Condition on C3613/2 - Use of land for the erection of one bungalow & garage & construction of vehicular access - remove S52 Agreement Condition Number(s): N/A Conditions(s) Removal: To consider an extension to our bungalow, yet to be designed, but would be outside the restrictive Section 52 footprint but within the Settlement Boundary Removal of restrictive Section 52 Agreement so that a future planning application would be subject to ESC controlling conditions via the planning application process.

Cllr D Long left the meeting.

Cllr D Pryke took over the role of Chair Person.

### **Background Information**

Cllr D Pryke gave a resume of the background of the application.

The Planning Application which the Parish Council are considering is for the removal of an agreement which is called a Section 52 agreement which has been imposed upon the property since it was built. In the 1970s Church Field, as we know it today, was originally agricultural land which was owned by a farmer, Felix Smith. In his Will in 1981 Mr Smith left Church Field and Trickers Wood to the village but excluded the land on which the Driftway is now built on. The top half of the land was wood and the bottom half was meadow. It was left to his daughter-in-law on the basis that a bungalow might be built on it. At that time this piece of land was outside the village envelope. When his daughter-in-law applied for planning permission to build a bungalow there was a lot of opposition to building the property as it would be in the countryside in a very sensitive space because of the views of the river. Eventually after several planning applications were refused the building of the current bungalow was approved with a very strict legal requirement that the land was divided into two. The top half is called the residential curtilage but the bungalow was only allowed to be built in a very small part of that curtilage and that the residential curtilage could never be added to. In addition, the bottom half of the land could never be built on. These conditions are all embodied in the Section 52

legal agreement. The Section 52 legal agreement is an instrument of planning which was used at that time. Since then, planning laws have changed therefore Section 52 agreements are 'obsolete'. The property has been left with some very strict restrictions relating to any changes which can be made. In addition, the village envelope has now changed and it now includes the top half of the property and the bottom half is outside the village envelope and has the normal tight restrictions on it.

### **Open Forum**

The applicant said that they would like to extend the bathroom and maybe the kitchen however they are restricted by the footprint of the house under the Section 52 agreement. Cllr D Pryke stated that there is an inequity in that any changes which are made to the bungalow can only be within this very limited footprint, whereas neighbours are not so restricted. The applicant said that the bungalow is in an AONB and would be subject to the same planning rules as other people applying for planning permission. A resident stated that he fully understood why the applicant is asking for the withdrawal of Section 52 and stated that he felt that it is only fair that the applicant should be treated the same as other residents in terms of planning regulations. However, he made two points: (1) the restriction currently only allows the property to be a bungalow and that the Parish Council should ask for the property to remain single storey and (2) He was very disappointed that the Parish Council has not followed its own protocol in dealing with this planning application. The protocol suggests that the Parish Council appoints a Lead Councillor. Cllr D Pryke said that although it is implied that the property should be a bungalow it is not specifically stated. He said that it had not been possible to assign a Lead Councillor, but he had done the background research and spoken to two of the nearby neighbours.

### **Parish Council Discussion**

Cllr J Bailey said that he would have found it helpful if they had a planning application to consider. This view was supported by Cllr A Abram. Cllr D Pryke replied that the matter of the Section 52 has to be dealt with before a planning application can be submitted.

Cllr D Pryke proposed that the Parish Council comment on the application as follows – all in favour. **Action: Cllr D Pryke / Clerk**

In considering the agreement and the restrictions it imposes, the Council is sympathetic to the view, that planning issues relating to the area of the property lying within the village boundary, should now be considered under the planning criteria contained in the recently adopted Local Plan.

The lower area of the property lying outside the village boundary is much more sensitive re the landscape, being originally part of the open meadow of Church Field. It needs maximum protection – more than just being

'countryside' and 'agricultural'. We request that ESC look at ways to maintain the level of protection currently provided by the Section 52 agreement that are compatible with present planning laws and regulations.

The meeting closed at 20.10.

Angie Buggs  
Clerk to Levington and Stratton Hall Parish Council  
March 2021