



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

Planning Committee South

Members:

Councillor Debbie McCallum (Chairman)
Councillor Stuart Bird (Vice-Chairman)
Councillor Chris Blundell
Councillor Tony Cooper
Councillor Tom Daly
Councillor Mike Deacon
Councillor Colin Hedgley
Councillor Mark Newton
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 28 March 2023 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at https://youtu.be/4hY3RWM_oVk.

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

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

3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 28 February 2023	1 - 15
5	2022 Quality of Place Awards To receive a presentation from the Design and Conservation Officer on the 2022 Quality of Place Awards	
6	East Suffolk Enforcement Action - Case Update ES/1516 Report of the Head of Planning and Coastal Management	16 - 32
7	DC/22/2871/FUL - Stone Cottage, Lower Street, Great Bealings, Woodbridge, IP13 6NH ES/1517 Report of the Head of Planning and Coastal Management	33 - 44
8	DC/22/4334/FUL - Airfield Farm Cottage, Clopton Road, Monewden, IP13 7DF ES/1518 Report of the Head of Planning and Coastal Management	45 - 61
9	DC/22/2466/FUL - Wardens House, Office, View Point Road, Felixstowe, IP11 3TW ES/1519 Report of the Head of Planning and Coastal Management	62 - 76
10	DC/22/4367/FUL - Land east of Bent Hill, Undercliff Road West, Felixstowe ES/1520 Report of the Head of Planning and Coastal Management	77 - 86

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 28 February 2023 at 2.00pm.**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tom Daly, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

Other Members present:

Councillor Peter Byatt, Councillor David Ritchie, Councillor Steve Wiles

Officers present:

Eleanor Attwood (Planner), Karen Cook (Democratic Services Manager), Grant Heal (Planner), Matt Makin (Democratic Services Officer (Regulatory)), Natalie Webb (Senior Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Tony Cooper, Mike Deacon and Colin Hedgley. Councillor Peter Byatt attended as Councillor Deacon's substitute.

2 Declarations of Interest

No declarations of interest were made.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

4 Minutes

On the proposition of Councillor Blundell, seconded by Councillor Bird, it was by a unanimous vote

RESOLVED

That the Minutes of the Meeting held on 24 January 2023 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1468** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers up until 30 January 2023. At that time there were 18 such cases.

The report was taken as read. There being no questions to the officers, the Chairman sought a proposer and seconder for the recommendation to note the report's contents.

On the proposition of Councillor Blundell, seconded by Councillor Daly, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 30 January 2023 be noted.

6 DC/22/1146/FUL - Land Adjacent to 3 Pine Grove, Grundisburgh, IP13 6UL

The Committee received report **ES/1470** of the Head of Planning and Coastal Management, which related to planning application DC/22/1146/FUL.

The application sought planning permission for the construction of a detached bungalow on land adjacent to no.3 Pine Grove, Grundisburgh. The referral process was triggered in accordance with the Scheme of Delegation, set out in the East Suffolk Council Constitution, as the 'minded to' decision of the case officer was contrary to Grundisburgh Parish Council's recommendation to refuse the application. The application was presented to the Referral Panel on Tuesday 31 January 2023 where it was concluded that the merits of the proposal warranted further debate at Committee.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location was outlined and an aerial view of the site was displayed, demonstrating the cul-de-sac of two-storey detached dwellings.

The Planner shared photographs of the site demonstrating views looking north-west towards the western boundary of the site, looking back towards a recent two-storey development on Pine Grove, looking towards 3 and 4 Pine Grove, the northern boundary (demonstrating the changes in level), and from Lower Road towards the site.

The Committee was shown the proposed block plan, elevations and floor plans.

The recommendation to approve the application subject to conditions, set out in the report, was outlined to the Committee. The Planner noted that officers were of the view that the application accorded with policy SCLP5.4 of the Suffolk Coastal Local Plan, relating to housing in clusters in the countryside.

The Chairman invited questions to the officers. The Planner reiterated that officers were content that the proposed development accorded with SCLP5.4 and the site was within an existing cluster of housing in the countryside. Regarding the definition of highway, the Planning

Manager (Development Management, Major Sites and Infrastructure) explained that for the purpose of SCLP5.4, the highway does not have to be adopted providing that the public have a right to use it to access residential properties.

The Planner confirmed that the Highways Authority had not raised any objections to the application, including to the visibility splays from Pine Grove into Lower Road. The Highways Authority had proposed several conditions which had been added to the recommendation as appropriate.

The Planner advised that Grundisburgh's settlement boundary was to the north of the application site.

The Chairman invited Mr Cobbold, the applicant's agent, to address the Committee. Mr Cobbold suggested the proposed development was a modest one, outside of Grundisburgh's settlement boundary but in accordance with the Council's own policy on clusters of housing in the countryside.

Mr Cobbold described the site as being within a cluster of seven dwellings and considered that the development would be infilling within a built-up frontage in a clearly identified gap, with development on both sides and would not extend development further into the countryside. Mr Cobbold noted that recently developed dwelling to the south of the site had been allowed on appeal and that the Planning Inspector, in their decision, had commented that Pine Grove was within walking distance to key services.

Mr Cobbold concluded that the proposed development would be suitable for either downsizing or a first home and the development had been amended to not impact on adjacent trees. Mr Cobbold pointed out that there had been no objections from technical consultees and was of the view that the development accorded with local and national planning policies.

The Chairman invited questions to Mr Cobbold. Mr Cobbold noted the recent changes to Building Regulations and the requirement for electric vehicle charging points, confirming that this would be adhered to.

The Chairman invited the Committee to debate the proposal. Councillor Newton said that his main issues with the application had been addressed satisfactorily by officers during the meeting and was of the view that the application could be approved.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application. On the proposition of Councillor Newton, seconded by Councillor Bird, it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):

- 2021-03/201 (Proposed plans and elevations) received 23 March 2022;
- 2021-03/200 Rev. A (Site plan) received 20 September 2022;
- 2021-03/202 (Site location plan) received 23 March 2022.
- Arboricultural Impact Assessment (Ref: 9691) received 20 September 2022;
- Tree Protection Plan (Ref: 9691-D-AIA) received 20 September 2022.

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

3. No development shall commence until details of the materials to be used for the approved dwelling's walls, roof, fenestration and rainwater goods have been submitted to and approved by the local planning authority. Thereafter, the development shall be constructed using only the approved materials unless otherwise agreed by the Local Planning Authority.

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

4. The use shall not commence until the area(s) within the site shown on Drawing No. 2021-03/200 REV A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

5. Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019.

6. Before the development is commenced details of the areas to be provided for the storage and presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

7. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition,

site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

9. The Arboricultural Impact Assessment (Ref - 9691), containing the Arboricultural Method Statement (Section 5.0) and Tree Protection Plan (Ref - 9691-D-AIA), submitted in support of the application shall be adhered to in full, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity. to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Local Plan Policy SCLP10.4

10. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the Local Planning Authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with

trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

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

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

12. The approved landscaping and planting works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the Local Planning Authority may allow) and shall thereafter be retained and maintained. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the next available planting season and shall thereafter be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

13. No development shall commence until a detailed method of construction statement has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in this area of Pine Grove and Lower Road during the construction phase of the development.

14. No development shall commence until full details of the proposed finished ground, floor, eaves and ridge levels, have been submitted to and approved by the Local Planning Authority. These details shall be submitted in the form of spot heights on a block plan and on at least one cross section through the site and proposed dwelling. Thereafter the development shall be constructed in its entirety in accordance with the approved levels. (see informative 5)

Reason: To ensure a satisfactory relationship between the proposal, the existing ground levels, the existing dwellings, and Lower Road in the interests of visual amenity.

15. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order re-enacting the Order with or without modification), no fences, gates or walls shall be erected unless otherwise agreed with the local planning authority.

Reason: To enable the Local Planning Authority to retain control over such features in the interests of preserving the verdant nature of the locality. Due to the change in ground levels, any solid means of enclosure has the potential to be very prominent and negatively impact the visual amenity of the area, especially in views from Lower Road.

16. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order re-enacting the Order with or without modification), no outbuildings, enclosures, swimming or other pools or containers for domestic heating purposes shall be erected unless otherwise agreed with the local planning authority.

Reason: To enable the Local Planning Authority to retain control over such features in the interests of preserving the verdant nature of the locality. Due to the change in ground levels, any solid means of enclosure has the potential to be very prominent and negatively impact the visual amenity of the area, especially in views from Lower Road.

Informatives:

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

2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

3. The application site and/or adjacent land is sloping ground. As set out in the NPPF, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. It has been a material planning consideration of the Local Planning Authority in determining this application, however it does not imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of this planning permission does not give a warranty of support or stability.

4. The applicant is advised, that it is expected that the boundary around the rear garden/amenity space will be a planted boundary treatment, given the character of the locality. Such details could form part of the submission to discharge condition 11.

5. The applicant is advised that it is expected that the details of levels required by Condition 14, are detailed relative to a recognised datum (i.e. OS Datum Newlyn) or to at least two relatively fixed points nearby that are unlikely to alter significantly during construction (e.g. the centre line of the carriageway on Lower Road).

7 DC/22/2984/FUL - Woodside, Martlesham Road, Little Bealings, Woodbridge, IP13 6LX

The Committee received report **ES/1471** of the Head of Planning and Coastal Management, which related to planning application DC/22/2984/FUL.

The application sought construction of one detached dwelling and garage at Woodside, Martlesham Road, Little Bealings, IP13 6LX. The application was presented to the Referral Panel as officers had been minded to approve the application, contrary to Little Bealings Parish Council's objection. The Referral Panel concluded that there were material planning considerations which warranted further discussion by the Committee.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location was outlined and the Committee was reminded that it had visited the site in 2022 in respect of another application.

The wider site context and cumulative impact was set out and the Senior Planner highlighted the planning history in the area. The Committee was shown an aerial view of the site and aerial images looking directly into the site, to provide context with its surrounding environment.

The Committee received photographs displaying views looking east and west along Martlesham Road, looking south from Beacon Lane and looking into the site. The Senior Planner highlighted that a previous application on the site, DC/22/1662/FUL, for the construction of two detached single storey dwellings, had been refused planning permission due to non-compliance with policy SCLP5.4 of the Suffolk Coastal Local Plan, relating to housing in clusters in the countryside.

The proposed block plan, floor plans, garage and site sections were displayed to the Committee. The Committee was also shown three-dimensional images visualising how the street scene would look from the front and rear of the site.

The recommendation to approve the application subject to conditions, set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers. The Senior Planner highlighted the proposed visibility splays and explained that the applicant intended to remove some of the hedgerow in their ownership; it was confirmed that the Highways Authority had not objected to the application.

In response to a question on tree removal, the Senior Planner advised that the proposed conditions included the requirement for a soft landscaping plan, which would detail the mitigation for any planting loss as a result of the development. The Senior Planner noted that some vegetation on the site had already been lost through site clearance but a mature tree adjacent to the site was not in the applicant's ownership and would therefore remain in place.

There being no public speaking on the application, the Chairman invited the Committee to debate the application that was before it. Councillor Blundell said he was familiar with the site as it was adjacent to his ward and he recalled the site visit in 2022. Councillor Blundell considered there was sufficient space on the site to accommodate the proposed development;

he expressed some concern given the narrowness of Martlesham Road but acknowledged that the Highways Authority had not objected to the application.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application. On the proposition of Councillor Bird, seconded by Councillor Byatt it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the conditions outlined below:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 3005_050A, 3005-200A, received 18 January 2023, 3005_055A, 3005_056A received 09 January 2023, 3005-100A, 3005-101A, 3005-102A, 3005-300A, 3005-700A, 3005-701A, 3005-702A and 3005-703A received 30 November 2022.

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

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

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

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.

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

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

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

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

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

7. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres

from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

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

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

9. Before any development above slab level is commenced details showing an adequate car turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To avoid unacceptable safety risk from vehicles reversing on highway by enabling vehicles to enter and exit the public highway in forward gear. This is a pre-commencement condition because it must be demonstrated that the development can accommodate sufficient turning space within the site before any construction makes this prohibitive and in the interests of highway safety.

10. Before any development above slab level is commenced details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles and details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019) and in the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies

11. Before the access is first used visibility splays shall be provided as shown on the drawing named 'Visual Splays' with an X dimension of 2.4 metres and a Y dimension of 59 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

12. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

13. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

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

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

15. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, AA, B, C, D, E and Part 2, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk.

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>.

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

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

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

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

8 DC/22/2515/FUL - Badgers Bank, Priory Road, Snape, Saxmundham, IP17 1SE

The Committee received report **ES/1469** of the Head of Planning and Coastal Management, which related to planning application DC/22/2515/FUL.

The application sought approval for extensions to the rear of the property, first floor extension over garage and external alterations at Badgers Bank, Priory Road, Snape. As the officer recommendation of approval was contrary to Snape Parish Council's objection, the application was subject to consideration by the Referral Panel on 23 January 2023. The Referral Panel concluded that the application be determined by the Committee.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location as set out and the Planner noted it was located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (the AONB) and Flood Zone 3b.

The Committee was shown photographs of the site displaying views of the street scene, neighbouring properties from within the site, east and west from Priory Road, and the rear elevation of the host dwelling.

The proposed block plan, along with the existing and proposed floor plans and elevations, was displayed to the Committee.

The recommendation to approve the application subject to conditions, set out in the report, was outlined to the Committee.

The Chairman invited questions to the officers. In response to a question on the acceptability of the metal cladding in the AONB, the Planner acknowledged the proposed aluminium was an unfamiliar material in the area and the applicant, following consultation with officers, had reduced the amount of metal cladding to retain a link with the more traditional finishes in the area. The Planning Manager (Development Management, Major Sites and Infrastructure) added that diversity of materials in the AONB is not inappropriate; officers had felt the initial proposals for the cladding had been too radical and that the revised scheme was considered a more acceptable blend of unfamiliar and traditional building materials.

The Chairman invited Mr Wells, the applicant's agent to address the Committee. Mr Wells highlighted that the applicant had engaged with the pre-app process and the scheme had been amended following feedback from officers. Mr Wells was pleased that technical consultees were supportive of the final proposals.

Mr Wells acknowledged the comments of Snape Parish Council and displayed images of similar schemes elsewhere in the AONB with similar cladding to what was proposed. Mr Wells considered the scheme to be appropriate and looked forward to being able to implement it.

The Chairman invited questions to Mr Wells. Mr Wells confirmed that the proposed cladding would look similar to what had been displayed during his address and would be a sheet material fitted on site. Mr Wells confirmed that the cladding itself would have a 60-80-year lifespan and was less likely to deteriorate than more traditional materials.

To assist the Committee, the Planning Manager drew attention to the cladding that could be viewed on East Suffolk House and on buildings to the rear, citing that this cladding was similar to what was being proposed in the application.

The Chairman invited the Committee to debate the application that was before it. Councillor Daly opened the debate by stating he saw no grounds to refuse the application, considering the approach of coupling new and old styles to be innovative and welcome.

Councillor Yule concurred with Councillor Daly and noted similar developments in her own ward which fitted in well and had not been objected to.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application. On the proposition of Councillor Daly, seconded by Councillor Yule it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the conditions outlined below:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with PW1239 PL02 Rev F and PW1239 PL10 received 21/09/2022, Design and Access Statement received 23/06/2022, and Flood Risk Assessment (2211-757, 15.12.2022) received 16/12/2022 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The window on the west elevation at first-floor level shall be fitted with obscured glass, which shall have an obscurity of level 3 on the Pilkington obscured glazing range (or equivalent by an alternative manufacturer) and shall be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent property.

5. The hereby approved development shall only be carried out in accordance with the mitigation methods detailed within the Flood Risk Assessment (2211-757, 15.12.2022). The electrical sockets in the extension shall be no lower than the sockets in the adjacent room in the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application site lies within an area at risk from flooding. These measures are required to ensure the proposal is at no greater risk than the existing dwelling.

Informatives:

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

The meeting concluded at 2.45pm.

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Chairman



Planning Committee South

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

28 March 2023

Report Author and Tel No

Mia Glass

01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 23 February 2023. At present there are 18 such cases.

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

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

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *8 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *2 current cases*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *1 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 23 February 2023 be noted.

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	25.01.2021
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance, of 09/07/2022 – 1 caravan has been removed and 1 remains in place. Agreed to extend compliance from 18/11/2022 to 18/02/2023 for the 2 nd caravan to be removed. 20/02/2023 – 2 nd Caravan has been removed; case will be closed.	
<u>Current Status/Position</u> Case Closed	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 – Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.4

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u>	

19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.5

LPA Enforcement Case Reference	ENF/21/0510/DEV
Location / Address	Part Land East Of Chapel Barn Farm, Leiston Road, Aldeburgh
North or South Area	North
Date of Report of Breach	19.11.2021
<u>Nature of Breach:</u> Caravan sited for residential use with new hardstanding and associated works	
<u>Summary timeline of actions on case</u> 16/02/2023 – Operational and material change of use Enforcement Notices served. Both come into effect on the 20/03/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/07/2023

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<p><u>Nature of Breach:</u> Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.</p>	
<p><u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 – Case adjourned for legal reasons, awaiting new court date 03/02/2023 – High Court date for an Injunction hearing 18th & 19th May 2023</p>	
<p><u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision and court outcome.</p>	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision and court outcome.
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B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
Summary timeline of actions on case 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
Current Status/Position Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted	

28/06/2022 – final comments due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision

B.4

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	

<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.6

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
<u>Nature of Breach:</u> Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
<u>Summary timeline of actions on case</u> 03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance 14/11/2022 - Pre-start letter from Planning Inspectorate 14/12/2022 - Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
<u>Nature of Breach:</u> Artificial hedge, support structure and fencing which is over 2m in height	
<u>Summary timeline of actions on case</u> 28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance 09/01/2023 - Pre-start letter from Planning Inspectorate	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.8

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
<u>Nature of Breach:</u> Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u> 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023. 3 months for compliance 09/01/2023 – Pre-start letter from Planning Inspectorate 31/01/2023 –Start letter received from Planning Inspectorate, statements required by 14 th March 2023.	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023	
<u>Current Status/Position</u> Awaiting Court outcome	
Date by which Compliance expected (or prosecution date)	Dependant on Court outcome

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action

E.1

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. 13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

E.2

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
Nature of Breach: Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 –Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice.	
<u>Current Status/Position</u>	
In compliance period	
Date by which Compliance expected (or prosecution date)	24/02/2023

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<p> 15/10/2010 – Enforcement Notice served 08/02/2010 - Appeal received 10/11/2010 - Appeal dismissed 25/06/2013 - Three Planning applications received 06/11/2013 – The three applications refused at Planning Committee. 13/12/2013 - Appeal Lodged 21/03/2014 – Enforcement Notices served and became effective on 24/04/2014 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. 10/11/2015 – Informal hearing held 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. 21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. </p>	

<p>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	

Date by which Compliance expected (or prosecution date)	31/12/2023
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Committee Report

Planning Committee South – 28 March 2023

Application no DC/22/2871/FUL

Location

Stone Cottage
Lower Street
Great Bealings
Woodbridge
Suffolk
IP13 6NH

Expiry date 11 September 2022

Application type Full Application

Applicant Mr R Hall

Parish Great Bealings

Proposal Retrospective Application - Siting of 1 no. domestic treatment plant

Case Officer Eleanor Attwood
eleanor.attwood@east Suffolk.gov.uk

1. Summary

- 1.1 This application seeks retrospective planning permission for the siting of a domestic sewage treatment plant.
- 1.2 The officer recommendation of approval is contrary to Great Bealings Parish Council's objection. The application was subject to consideration by the Referral Panel on 07 January 2023 with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee South for determination.

2. Site Description

- 2.1 The application site is located within Great Bealings, on the north side of Lower Street. Great Bealings does not have a settlement boundary and the site is within the countryside for the purposes of planning.

- 2.2 The site comprises a two-storey end terrace dwelling which is set back from the highway. The dwelling is separated from the highway by a long front garden and parking area. The site does not appear to have a rear garden amenity area. Properties in this area are not connected to mains foul drainage and it appears all are served by modern domestic sewage treatment plants or septic tanks.
- 2.3 The site is not located on article 2(3) land, but it is within the Great Bealings Neighbourhood Plan area.

3. Proposal

- 3.1 A sewage treatment plant has been installed to the front of the dwelling, underneath the parking area. This was installed to replace a septic tank which had become unserviceable. The treatment plant serves Stone Cottage only and is almost completely below ground except for green box blower unit above ground.
- 3.2 Where domestic sewage treatment plants are sited in rear or side gardens the usually do not require planning permission as a permitted development. In this case the plant is positioned at the front between the principal elevation of the house and the road.

4. Consultees

Third Party Representations

- 4.1 One representation of objection received which raises the following concerns:
- Accuracy of plans and documents
 - Contamination
 - Impact on amenity (noise and disturbance)

One neutral representation received which raises the following concerns:

- Accuracy of plans and noise assessment

Parish/Town Council

Consultee	Date consulted	Date reply received
Great Bealings Parish Council	4 August 2022	2 September 2022
<p>Summary of comments:</p> <p>"Great Bealings Parish Council objects to this application on the grounds that adequate noise mitigation measures are not in place. Councillors also raised concerns as to whether the necessary exemptions under the Building Regulations have been obtained regarding the siting of the tank less than 7 metres from the neighbouring property.</p> <p>The Parish Council considered this application at their meeting on the 1st September. Mrs Johnson*, who lives at The Old Post Office, told the meeting that there are two types of noise resulting from the installation of the new tank. Noise vibration from the air blower, which is</p>		

situated close to the front wall of Stone Cottage, travels along the wall and through the ground and has become an integral part of the fabric of her property. Also, noise from the pump situated in the tank is heard every time the occupants of Stone Cottage use water, including flushing the lavatory, despite Stone Cottage being some 20 metres from her property.

Mrs Johnson provided the meeting with a copy of an email from Michelle Stimpson, Environmental Health Officer, to Eleanor Attwood recording a visit which she and her colleague made to the Old Post Office which states:

‘We visited the neighbouring property on 24th August 2022, during this time the low vibration/ hum noise was clearly audible in the ground floor living room/ office area, and appeared to be a constant feature. I am aware that a noise report has been provided with the retrospective planning application, and that their conclusion was that there would be a “negligible adverse impact on the closest external amenity area”. However, having been inside the property, I can confirm that the noise is clearly audible and therefore advise that further mitigation measures should be undertaken (and verified), before planning consent is granted.’

Councillors had noted that the noise report submitted with the application states, at paragraph 4.5, that the pump was measured from within the applicant’s garden, a distance of 0.5m from the source. The conclusion that the findings of the assessment should not present reasonable grounds for planning refusal (paragraph 6.4) is clearly at odds with the findings of the Environmental Health Officer and, therefore, does not appear to provide a reliable basis on which the Planning Authority can be satisfied that the noise generated by the development does not cause an unacceptable loss of amenity for the neighbours. This is a factor that the Planning Authority is bound to take into account by virtue of the provisions of SCLP11.2(d).

Further, the Parish Council noted that the tank is situated less than 7 metres from the neighbouring property under a driveway where the applicant parks his car. It makes no objection to the application on that basis but considers that compliance with the appropriate Building Regulations should be a condition of a grant of planning permission (once appropriate noise levels have been reached.)

* Mrs Johnson is a Parish Councillor. She declared an interest in the application and after she had provided the meeting with the report mentioned above, she took no part in the discussions which led to the decision of the Parish Council. She has not contributed to or been provided with a copy of this letter.."

Statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	4 August 2022	No response
Summary of comments: No response received.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	8 August 2022

Summary of comments:

"I am contacting you ref the above application.

1. I am concerned that yet again a retrospective application has occurred in my ward, Carlford and Fynn Valley.

2. I am also concerned that yet again the completed works are not as per the drawings, in this case positioning.

3. I also note a factual error in as much as the Design and Access statement states that there is no Neighbourhood Plan for Great Bealings (4.3). There is, it was one of the first "made" NPs.

4. Since being notified of this application via the usual Public Access system, I have spoken to the neighbour at the Old Post Office and listened to her concerns. I have advised her to lodge her objections, which I must say, prima facie have merit ie noise and vibration.

Should you be minded to approve this application I would like it to be brought in front of the referral panel."

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	4 August 2022	No response

Summary of comments:

Responded to re-consultation request.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	16 August 2022	No response

Summary of comments:

No response received.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 August 2022	23 August 2022

Summary of comments:

No comment.

Consultee	Date consulted	Date reply received
East Suffolk Building Control	N/A	25 August 2022

Summary of comments:

Comments included in report.

Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 August 2022	21 November 2022
Summary of comments: Comments included in report.		
Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 August 2022	9 December 2022
Summary of comments: “Environmental Protection have investigated the Sewage Treatment Plant in relation to noise and vibration (believed to be from energy transference), affecting a neighbouring premises using our powers under the Environmental Protection Act 1990. During the initial part of our investigation, the noise and vibration was very noticeable within the complainant’s property. Since then, and more recently, a change to the one of the components (installing an ultra-low sound compressor unit) has improved the situation and it is now far quieter than witnessed on the previous occasions. We have concluded that the resulting sound/energy transference does not constitute a statutory nuisance, however we do appreciate that the noise/energy transference is still audible in the complainant’s property. We are disappointed to learn that the Planning Agent is not willing to share with the Council the engineers report which was undertaken on the Sewage Treatment Plant. As I am sure you will appreciate, the absence of a Statutory Nuisance does not mean that Planning Permission should be granted on this basis, and although we have concluded our nuisance investigation, the Planning department have the ultimate decision as to whether this development should be permitted, and this decision should take into account the complainant's views.”		
Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	16 August 2022	No response
Summary of comments: No response received.		
Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	11 August 2022	No response
Summary of comments: No response received.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 11 August 2022

Expiry date: 2 September 2022

5. Planning Policy

National Planning Policy Framework 2021

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning Considerations

6.1 The proposal is essential to the functioning of this property. Given its rural location it is understood that connection to a mains sewer is not possible and that has never been the case for this property and terrace. The property was served by a septic tank and these are gradually being replaced by more efficient and environmentally friendly domestic sewage treatment plants.

6.2 A survey report produced in January 2022, inspecting the original septic tank stated:

"I am able to report the condition of the tank is unserviceable and will need to be replaced. The soakaway system of which the tank discharges to has become saturated and will also need to be replaced. In this instance replacing of the septic tank with a new like for like septic tank will not be feasible due to the limited area available to accommodate a suitably sized drainage field to conform to regulations subsequently the tank will need to be replaced with a sewage treatment plant and for all treated effluent to be discharged to the watercourse via the existing 100mm pipework to the front driveway of the property"

6.3 This property does not have the ability to return to a septic tank and it is understood that the septic tank was replaced with a treatment plant without awareness of the need for planning permission. It appears to officers that there was very clearly no intention from the applicant to circumvent the planning system by installing this without planning permission. The applicant has also been forthcoming in making a retrospective application The initial

planning enforcement investigation letter was sent to the applicant on 22/06/2022 and the application was received soon after on 18/07/2022.

Design and Visual Amenity

- 6.4 The sewage treatment plant has been installed under the existing gravelled driveway. The works have very limited visual impact and are not considered to have any harmful effect to the streetscene or to visual amenity. Therefore, this application complies with policy SCLP11.1

Residential Amenity

- 6.5 One of the key considerations with this application is the impact on residential amenity through noise and disturbance. Concern has been raised by the occupier of The Old Post Office in regard to vibration noise which has affected the neighbour's dwelling due to the operation of the sewage treatment plant.
- 6.6 Environmental Protection have investigated the sewage treatment plant in relation to these concerns. They have ascertained that the installation of the sewage treatment plant has resulted in noise being present within The Old Post Office, which was not previously present. The previous septic tank had no mechanical function to generate noise. It is believed that vibration energy is being transmitted through the ground from the mechanical components of the treatment plant, which is then being manifested as re-radiated sound in the rooms of the neighbour's house.
- 6.7 This application is accompanied by a Noise Impact Assessment, which does not include this, however, it is unlikely that the acoustic consultants could have reasonably foreseen this problem.
- 6.8 The Environmental Protection Team have visited the neighbour's property during the course of their investigations. During the initial part of Environmental Protection's investigation, the officers reported that noise and vibration was very noticeable within The Old Post Office.
- 6.9 Following the initial investigation, further discussions took place between officers and the applicant/agent. Subsequently, there has been a change to one of the components (installing an 'ultra-low sound' compressor unit to replace the original compressor unit fitted), and the applicant has also included a number of mitigation methods: Isolation of the pump / fans to ensure quieter run speed; assessment and service of the blower box to ensure that the components are operating correctly; assessment and service of the treatment tank to ensure that the components are operating correctly; installation of sound proofing underlay to 10mm thickness inside the blower box; installation of sound proofing to a value of 29dB externally of the blower box; and installation of rubber anti vibration isolator pads to the compressor.
- 6.10 Further investigation by the Environmental Protection Team has concluded that these measures have improved the situation, and it is now far quieter than previously witnessed, akin to noise you would expect to hear from a domestic fridge. This improvement to noise has also been acknowledged by third-party persons. In regard to vibration, no vibration

assessment or measurement has been considered to date. The Environmental Protection team have advised that they do not have concerns about vibration following their visits to the neighbour's premises, neither were they of the view that vibration measurement was necessary. It is the view of the Environmental Protection Team that a vibration assessment is not justified at this time. The effect of the sewage treatment plant is considered akin to a domestic fridge/freezer and how this would be perceived from another room in a house. The Environmental Protection Team has concluded that the resulting sound/energy transference does not constitute a statutory nuisance. However, they have advised that the noise/energy transference is still audible in The Old Post Office, albeit at a low level.

- 6.11 It is therefore left to consider whether the proposal meets the council's planning policies and guidance within the NPPF. Whilst it is acknowledged that there is still noise/vibration present within the neighbour's property, this has been reduced by the mitigation measures taken by the applicant and is now low-impact.
- 6.12 Paragraph 185 of NPPF states that new development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life. The applicant has undertaken a number of mitigation methods which have reduced the noise/vibration to The Old Post Office. Officers have considered whether the applicant could reasonably be asked to make any further changes to the scheme. It is considered that other alternatives at this stage would either be to move the entire sewage treatment plant elsewhere within the garden or move the mechanical components. Both these measures have the potential to create more amenity concerns, either by moving the plant closer to other neighbours, or by resulting in more airborne sound. Furthermore, officers have been informed that for this particular unit, the blower needs to be within fairly close proximity to the treatment plant.
- 6.13 It is acknowledged that the applicant has taken a number of steps to mitigate the noise, which has resulted in a reduction of the noise. It is necessary that the application property has means to deal with sewage from the property. In the absence of any reasonable or certain alternatives, it is considered that, on balance, the amenity concerns are not so severe so as to warrant refusal of this application.
- 6.14 It is recommended that a condition be imposed to require the submitted mitigation methods to be implemented in their entirety and thereafter maintained and retained. It is also recommended that a condition be included to require that the sewage treatment plant is maintained in accordance with the Maintenance Schedule set out in the Installation, Operation and Maintenance Manual (Clenviro, BSEN 12566-3, July 2018). This is recommended to ensure that the plant operates as it should and to avoid failures which may result in increased amenity impact in the future.

Parking

- 6.15 Although the sewage treatment plant has been installed underneath the parking area, it is not considered that the proposal will have significant impact on off-road parking at the site. Cars will still be able to park over the sewage treatment plant, and this would only be interrupted when the sewage treatment plant is being serviced.

Building Regulations

- 6.16 Although the Building Regulations are separate from planning requirements, comments have been raised in respect of the proximity of sewage treatments plants to buildings; therefore, comments have been sought from the council's Building Control Team who have been consulted on this application.
- 6.17 The Building Control Officer has advised that whilst there is a requirement in the building regulations that septic tanks should not be located any closer than 7m to habitable accommodation, there is no such restriction for treatment plants. The main concern from a building control perspective would be the proximity of the excavations to the foundations of neighbouring buildings. In this case the tank is approximately 3.5 m away from the neighbour's house and therefore should not pose any concern in this regard.

Other Matters

- 6.18 Comments have been raised in respect of the impact of noise/vibration on future sales of The Old Post Office. Future saleability of properties is not a material planning consideration, and consideration has been given to the impact of noise/vibration on residential amenity above.
- 6.19 Comments have also been raised in respect of the proximity of the plant to a watercourse. There are no planning requirements in regard to the proximity of the plant to a watercourse. It is understood that the neighbouring property has a small stream to the front of the property, and contamination has been raised as a concern. The agent has confirmed that the tank discharge is to a soakaway, not to a watercourse. A permit may be required if it is proposed to discharge to a watercourse. The Environmental Protection Team and Environment Agency have not commented in respect of any contamination/watercourse issues.
- 6.20 Comments have also been raised in regard to potential malfunction of the plant, with a photograph showing foam from the tank. The Building Control Officer has advised that this is likely due to some form of detergent entering the tank as newly installed and while the tank was just full of fresh water; the air blower would then have produced the foam. The Building Control Officer has also advised that they have never seen this occurring with an established treatment plant.
- 6.21 Comments have been raised in regard to inaccuracies in plans/documents. Officers have secured amendments to plans where necessary.
- 6.22 It is understood that a fence has been erected on the boundary with The Old Post Office. It appears that this was erected during the course of this application, it was not in place when officers visited the site. The fence has not been considered as part of this application, neither has it been considered as part of the mitigation for the sewage treatment plant. The applicant may need to seek separate consent for the retention of this fence.

7. Conclusion

- 7.1 Improvements have been secured, which have reduced noise/vibration to The Old Post Office. Whilst there is still noise/vibration in the neighbouring property, this is low level and is not considered to be significantly detrimental to residential amenity so as to warrant a refusal of planning permission.
- 7.2 It is considered that the proposal accords with the policy SCLP11.2 to an acceptable degree. It is an essential installation for this property to ensure that it has foul drainage and it is clear that the previous septic tank had failed and the only appropriate replacement was a domestic sewage treatment plant. Given the constrained space of this property (and others in the terrace) the applicant had no other option than to install the plant in this front garden. Based upon the extensive consideration and engagement with Environmental Protection the application is the appropriate solution for foul sewage for this property.
- 7.3 Therefore, the scheme is considered to be compliant with the NPPF and policies SCLP7.2, SCLP10.3, SCLP11.1, and SCLP11.2 of the local plan.
- 7.4 Approval is recommended.

8. Recommendation

Approve

Conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with drawing A1-00 received 08/08/2022; Design and Access Statement received 08/08/2022; Installation, Operation and Maintenance Manual (Clenviro, BSEN 12566-3, July 2018) received 18/07/2022; Email from Agent with Mitigation Methods received 12/12/2022.

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

2. The mitigation methods as described in Agents Email received 12/12/2022, shall be provided in its entirety within 3 months of the date of this consent. The approved details shall be maintained and retained in the approved form, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity and protection of the local environment.

3. For as long as the hereby approved sewage treatment plant is in use, it shall be maintained in accordance with the Maintenance Schedule set out in section 6 of Installation, Operation and Maintenance Manual (Clenviro, BSEN 12566-3, July 2018).

Reason: To ensure that the sewage treatment plant functions correctly in the interests of the amenity of local residents in relation to noise and vibration.

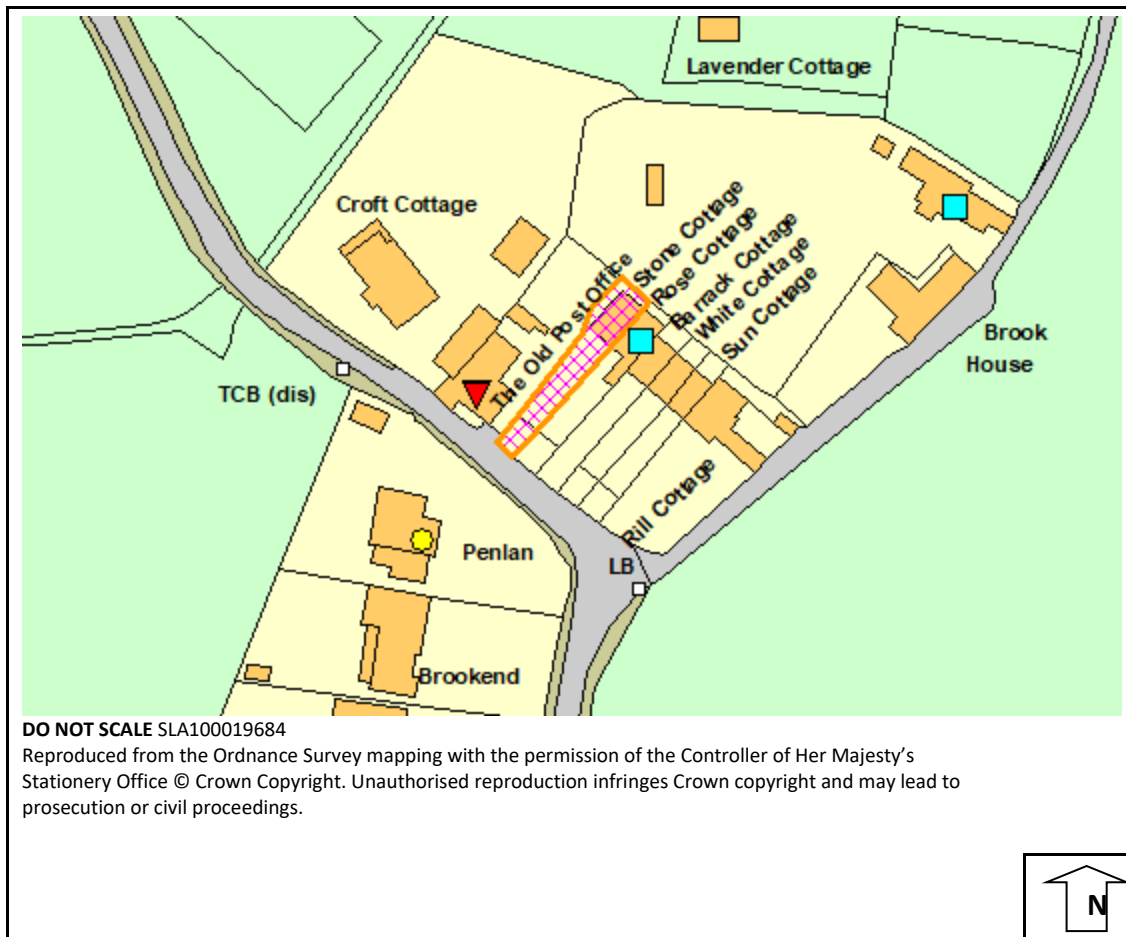
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution.
Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.
Any works to a main river may require an environmental permit.





Background information

See application reference DC/22/2871/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 28 March 2023

Application no DC/22/4334/FUL

Location

Airfield Farm Cottage
Clopton Road
Monewden
Suffolk
IP13 7DF

Expiry date 27 December 2022

Application type Full Application

Applicant Mr and Mrs S Eustace

Parish Monewden

Proposal Use of land for the siting of 3no. cabins for use as holiday lets

Case Officer Natalie Webb
07825 754344
natalie.webb@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks permission for the use of the land for the siting of three cabins for use as holiday lets at Airfield Farm Cottage, Clopton Road, Monewden, IP13 7DF.
- 1.2. This application was presented to the referral panel as officers are 'minded to approve' contrary to the objection received from the parish council. The referral panel deemed that there were material planning considerations which warranted further discussion by the planning committee.
- 1.3. Since the referral panel meeting, revised plans were received on 03 March 2023 which relocate the most westerly cabin further to the east amongst the existing hangers and holiday cabin.
- 1.4. Officers consider that the proposal accords with Local and National Policies and the application is therefore recommended for approval.

2. Site Description and Planning History

- 2.1. The site is located on the southern side of Clopton Road and forms part of the wider airfield site at Monewden. The main runway is located to the east/south-east of the proposed cabins, with the existing hangers within the site. The host dwelling Airfield Cottage, which has an agricultural occupation restriction, is located to the north-west of the site. There are limited neighbouring properties within the vicinity of the site, with the prevailing character being agricultural farmland. The site is not located within any designated areas nor affects the setting of any heritage assets. It is however noted that the SSSI known as Monewden Meadows is located to the immediate west of the site boundary. The site is not located within flood zones 2 or 3 and is at very low risk of surface water flooding.
- 2.2. The wider site has extensive history, however none of the previous applications relate to tourism uses for the site or include all the areas included within this application.

3. Proposal

- 3.1. The application seeks planning permission for the use of the site for tourism, consisting of the siting of three cabins to be utilised as holiday lets. One of the units has been on site since 2019 and let as holiday accommodation; no permission was granted for the siting of the unit at that time. The proposal also includes the siting of toilet and shower cabins and a secure cycle storage shed. As such the proposal seeks the retention of the existing unit for holiday letting, siting of two additional units for holiday letting, erection of a lockable cycle store and siting of toilet and shower facilities.
- 3.2. The units are of contemporary design, triangular in appearance measuring approximately 5m by 3.28m with a height of 4.051m. The existing unit is self-contained with small kitchenette, W.C with shower facilities, with a bedroom space above. The two proposed units will have bedroom/living space, but toilet and shower facilities will be located adjacent to the existing hanger to the north of the site. A secure cycle store is also proposed adjacent to these facilities. Parking would be provided immediately adjacent to the existing hanger building. Material finishes for the holiday cabins are proposed to be similar of those of the existing; vertical timber cladding and composite roof cladding. The cycle store will be a timber shed with galvanised corrugated metal roof. Details of the toilet and shower units have not been provided in detail but are illustrated to be individual portable style units which would have painted timber elevations and galvanised corrugated roof.
- 3.3. Amended plans were received during the application, which relocated the most easterly cabin away from the runway, adjacent to existing buildings on the airfield site.

4. Consultees

Third Party Representations

- 4.1. One third party response was received from the adjacent dwelling. The representation neither objected to nor supported the application but commented that the proposed erection of three holiday lets seems to be a significant extension of the use of the property

(which is subject to an agricultural tie) into commercial activities, which is not believed to be appropriate in a quiet rural area.

Parish/Town Council

Consultee	Date consulted	Date reply received
Monewden Parish Council	17 November 2022	7 December 2022
<p>Summary of comments:</p> <p>The parish council would like to respond to the above application on the basis that the proposal is for 3 permanent cabins around Monewden Airfield of which one was erected in 2019.</p> <p>The area concerned is outside a village settlement and is in countryside. The supporting statement provided by the applicant refers to Policy SCLP6.5 of the Suffolk Local Plan which relates to New Tourist Accommodation and states -</p> <p>Tourist accommodation comprising permanent buildings will only be permitted:</p> <ul style="list-style-type: none"> - Within the Settlement Boundaries; - Through the conversion of buildings of permanent structure where they lie outside the Settlement Boundary; - On medium and large scale sites where commercial, recreational or entertainment facilities are provided on site; or - Where such development forms part of a comprehensive masterplan which supports wider landscape and ecological gain. <p>New tourist accommodation will be restricted by means of planning conditions or obligations in accordance with national policy for planning conditions and obligations which permit holiday use only, restricted to a continuous period of 56 days by one person or persons within one calendar year, plus require a register of all lettings, to be made available at all times.</p> <p>This application does not comply with this Policy as</p> <ul style="list-style-type: none"> - It is not within Settlement Boundaries - The 3 cabins are permanent and are new builds not conversion of existing buildings. - The site is a small site and is an airfield and not a holiday site - The application is not part of a masterplan supporting wider landscape and ecological gain <p>The parish council is also concerned that the use of holiday lets will intensify the use of the airfield which is currently operated with limited movements under a Certificate of Lawfulness.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	17 November 2022	No response
<p>Summary of comments:</p> <p>No response received.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	17 November 2022	No response

Summary of comments:
Internal consultee - No response received.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	17 November 2022	28 November 2022

Summary of comments:
Recommends the full suite of land contamination conditions.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	17 November 2022	16 December 2022

Summary of comments:
Internal Consultee - Comments summarised - Whilst from the information available it appears that the proposed locations of the cabins are unlikely to cause significant adverse ecological impacts, the existing cabin proposed for retention and the cabin located in the south-western corner of the site are both adjacent to Monewden Meadows Site of Special Scientific Interest (SSSI) which is also a Suffolk Wildlife Trust reserve.

From the information available it also appears that one of the proposed cabins will be located within an arable field which is either under arable cultivation or has been recently. Further information is therefore required on the proposed landscaping and landscape management plan for the site in order to ensure that the development maximises the biodiversity value of any new habitats to be created.

The rural setting of the proposal also indicates that there is currently likely to be little light pollution within the immediate area, it is therefore recommended that, should permission be granted, a lighting strategy is secured if there is proposed to be any external lighting installed.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	17 November 2022	28 November 2022

Summary of comments:
Internal consultee - revisions required - comments incorporated into officer's report.

Consultee	Date consulted	Date reply received
Natural England	19 December 2022	13 January 2023
<p>Summary of comments:</p> <p>No objection subject to securing appropriate mitigation as the site falls within the 'zone of influence' (ZOI) for the following European designated site[s], Suffolk Coast RAMS.</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	19 December 2022	20 December 2022
<p>Summary of comments:</p> <p>Holding objection. This development may have an impact upon the Monewden Meadows Site of Special Scientific Interest (SSSI), which is also forms the Suffolk Wildlife Trust nature reserve Martins Meadow. This site is designated due it's species rich unimproved meadow, which is described as one of the best remaining examples of unimproved grassland in Suffolk. Assessment of the ecological impacts of the proposed development at this site should therefore be undertaken in order to inform the proposal prior to the submission of any planning application. Such assessment, and any surveys required to inform it, should be undertaken by a suitably qualified ecologist.</p>		

Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	13 January 2023	No response
<p>Summary of comments:</p> <p>No further comments received.</p>		

Consultee	Date consulted	Date reply received
Natural England	13 January 2023	1 February 2023
<p>Summary of comments:</p> <p>The advice provided in our previous response applies equally to this amendment The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	13 January 2023	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	13 January 2023	25 January 2023
Summary of comments: Comments remain as the response of 28 November 2022.		

Consultee	Date consulted	Date reply received
Monewden Parish Council	13 January 2023	23 January 2023
<p>Summary of comments:</p> <p>The parish council would like to confirm comments made on the previous application as these are still pertinent to the revised application:</p> <p>The parish council would like to respond to the above application on the basis that the proposal is for 3 permanent cabins around Monewden Airfield of which one was erected in 2019.</p> <p>The area concerned is outside a village settlement and is in countryside. The supporting statement provided by the applicant refers to Policy SCLP6.5 of the Suffolk Local Plan which relates to New Tourist Accommodation and states -</p> <p>Tourist accommodation comprising permanent buildings will only be permitted:</p> <ul style="list-style-type: none"> - Within the Settlement Boundaries; - Through the conversion of buildings of permanent structure where they lie outside the Settlement Boundary; - On medium and large scale sites where commercial, recreational or entertainment facilities are provided on site; or - Where such development forms part of a comprehensive masterplan which supports wider landscape and ecological gain. <p>New tourist accommodation will be restricted by means of planning conditions or obligations in accordance with national policy for planning conditions and obligations which permit holiday use only, restricted to a continuous period of 56 days by one person or persons within one calendar year, plus require a register of all lettings, to be made available at all times.</p> <p>This application does not comply with this Policy as</p> <ul style="list-style-type: none"> - It is not within Settlement Boundaries - The 3 cabins are permanent and are new builds not conversion of existing buildings. - The site is a small site and is an airfield and not a holiday site - The application is not part of a masterplan supporting wider landscape and ecological gain <p>The parish council is also concerned that the use of holiday lets will intensify the use of the airfield which is currently operated with limited movements under a Certificate of Lawfulness.</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	13 January 2023	16 January 2023
Summary of comments: Following receipt of revised plans, conditions are recommended with the grant of any permission.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	13 January 2023	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	13 January 2023	17 January 2023
Summary of comments: Internal consultee - comments incorporated within report - no objection following revised plans.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 1 December 2022

Expiry date: 22 December 2022

5. Planning policy

National Planning Policy Framework 2021

Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (East Suffolk Council, Adopted May 2021)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.5 - Economic Development in Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.1 - Tourism (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.4 - Tourism Development outside of the AONB (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.5 - New Tourist Accommodation (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning Considerations

- 6.1. The site is located outside of any settlement boundary identified within the adopted Local Plan; the site is therefore considered to be in the countryside for planning purposes. Chapter 6 of the Local Plan sets out where new tourism development outside of the Area of Outstanding Natural Beauty (AONB) will be permitted, noting that outside of the AONB, the Council is welcoming of tourist enterprises and activities which can complement the tourism industry established in the 'hotspots' across the plan area. The areas outside of the AONB can play a key role in supporting and facilitating the increase of destinations and accommodation across the plan area. Encouraging increased tourism opportunities in the less sensitive parts of the plan area will ensure that the overall tourism capacity is increased, and tourism spend increases across the plan area and throughout the year.
- 6.2. Local Plan Policies SCLP6.4 and SCLP6.5 inter alia seek to ensure that new tourism development outside of the AONB enhances the long term sustainability of the area, is well related to existing settlements, prevents or mitigates adverse impacts on the natural environment and on local landscape character, is of a scale that reflects the surrounding area, is of the highest design standards, minimises light pollution from artificial light sources and ensures the retention of dark skies, demonstrates sustainable aspects of the development during construction and throughout the life of the development, provide covered secure cycle storage and there is no significant adverse impact to highways safety. The policies further note that flood mitigation measures should be incorporated where required; no mitigation is required on this site as it is not within a flood zone or within an area at risk of surface water flooding.

- 6.3. The Local Plan and supporting documents set out the demand and need for new tourist accommodation, noting that these due to the nature of the district will often be in rural locations. The cabins are of a unique and interesting design which seeks to extend the tourism offering within the area. The amount of accommodation proposed is considered modest and appropriate for its rural location. The Council's Principal Landscape and Arboricultural Officer initially raised concern about one of the units being located on the runway which is open landscape and could adversely impact the landscape character. However revised plans were received which saw this cabin relocated inside the existing hedge, adjacent to existing hangers/sheds. As such, the cabins will largely be viewed as part of the existing structures within the airfield site and would not adversely protrude into the landscape resulting in harm; there is no objection in respect of landscape impact. The most westerly cabin has also since been relocated to the east amongst existing structures.
- 6.4. The existing cabin proposed for retention and the cabin located in the south-western corner of the site are both adjacent to Monewden Meadows Site of Special Scientific Interest (SSSI) which is also a Suffolk Wildlife Trust reserve. Natural England have not objected to the proposed development; however Suffolk Wildlife Trust have raised a holding objection until further information is submitted. Paragraph 180 b. of the NPPF states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. Officers do not consider that the proposal will have an adverse effect on the SSSI, as the cabins are set outside of, albeit adjacent to, the SSSI, where there is an existing mature vegetation border separating the sites. The development, given its modest scale, is unlikely to result in any disturbance to the SSSI which would not be beyond that of a domestic residence and would not be greater than that of the airfield when in use. Construction is limited, therefore any disturbance through dust, vibration, noise or loss of vegetation will also be limited. In this respect the proposed development is also not considered to adversely affect residential amenity. Furthermore, the Council's ecologist has not raised an objection in principle to the development, subject to conditions in respect of the submission of a landscape and ecological management plan (LEMP), the submission of an external lighting design strategy for biodiversity (should external lighting be required) and no removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants taking place between 1st March and 31st August inclusive.
- 6.5. There is some debate as to whether the units would constitute permanent structures, as SCLP6.5 states that permanent buildings will only be permitted:
- Within the Settlement Boundaries;
 - Through the conversion of buildings of permanent structure where they lie outside the Settlement Boundary;
 - On medium and large scale sites where commercial, recreational or entertainment facilities are provided on site; or
 - Where such development forms part of a comprehensive masterplan which supports wider landscape and ecological gain.
- 6.6. The cabins would not require much construction, being limited to a small base/steps into the unit, and would otherwise be of similar form to a domestic shed. Officers therefore consider that should the use of the buildings of tourism cease, they could easily be

removed from the site. They may not be caravans, but they are clearly not permanent buildings and would likely meet the definition of a caravan as set out in the caravan act; units which meet the definition of a caravan are not considered to be permanent structures. In accordance with SCLP6.5, new tourist accommodation will be restricted by means of planning conditions or obligations in accordance with national policy for planning conditions and obligations which permit holiday use only, restricted to a continuous period of 56 days by one person or persons within one calendar year, plus require a register of all lettings, to be made available at all times. A condition should also be added to restrict the use of the land so that no more than 3no. cabins are sited on the land unless express planning permission is granted; this would reinforce the description of development and ensure local impact, particularly in respect of the SSSI, is limited.

- 6.7. In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. A contribution is required for both the new cabins and the retained cabin. Subject to this being secured prior to the determination of the application, it is considered that the development will accord with SCLP10.1.

Other Matters

- 6.8. Suffolk County Council as Local Highways Authority have not raised objection to the proposed development, subject to conditions as set out below.
- 6.9. Despite the low level of construction in siting the units, the proposal does introduce a more vulnerable use to the site; therefore, the Council's Environmental Protection Team have recommended the full suite of land contamination conditions.
- 6.10. Given the visual separation between the proposed development and listed buildings to the west, there would be no listed building setting impact.

7. Conclusion

- 7.1. For the reasons outlined above, the proposal is considered to accord with SCLP6.1, SCLP6.4, SCLP6.5, SCLP7.2, SCLP10.1, SCLP10.4, SCLP11.1 and SCLP11.2 and is therefore recommended for approval.

8. Recommendation

- 8.1. Approve Planning Permission.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 4315-01B, 4315-02B and 4315-05F received on 03 March 2023, 4315-03, 4315-04 and 4315-06 received on 02 November 2022.

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

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

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

4. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or any Order revoking or re-enacting the said Order). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

5. There shall be no more than three holiday cabins or other means of tourism accommodation on the site at any time, unless planning permission is granted by the Local Planning Authority for additional tourism units/use.

Reason: In the interests of the landscape, ecology and the highway network.

6. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and

- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

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

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

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

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

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

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

8. Prior to any occupation or use of the approved development the RMS approved under condition 7 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
 - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
 - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

10. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

11. Prior to the first use of the new cabins, details of the areas and infrastructure to be provided for the loading, unloading, manoeuvring and parking of vehicles including electric vehicle

charging points and secure, covered, and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking where on-street parking and or loading, unloading and manoeuvring would be detrimental to highway safety and to promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking (2019).

12. Prior to first use of the first new cabins details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

13. A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the siting of the two additional cabins. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first use of the first new cabins. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

15. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

16. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within

the public highway shall be carried out by the County Council or its agents at the applicant's expense.

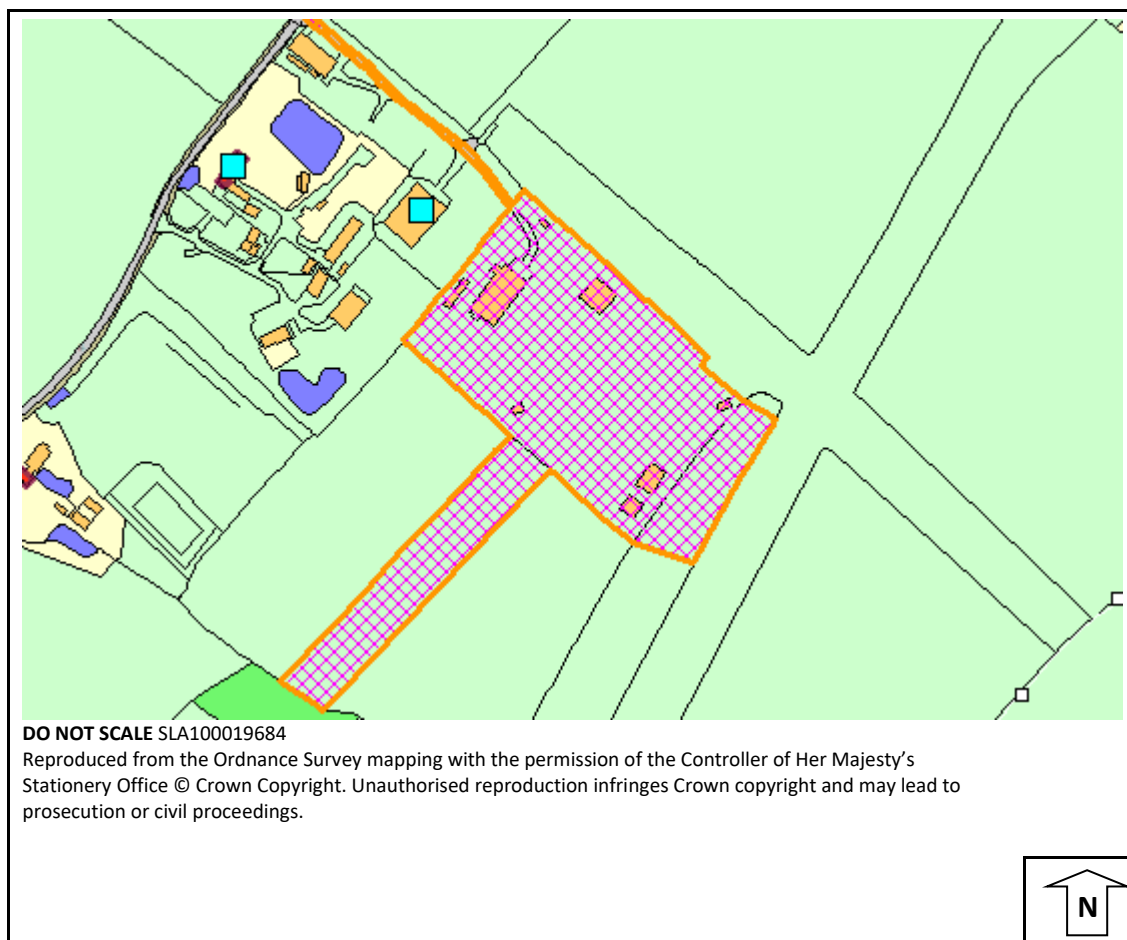
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

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





Background information

See application reference DC/22/4334/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South - 28 March 2023

Application no DC/22/2466/FUL

Location

Wardens House, Office
View Point Road
Felixstowe
Suffolk
IP11 3TW

Expiry date 14 August 2022

Application type Full Application

Applicant Harwich Haven Authority

Parish Felixstowe

Proposal Demolition and reconstruction of an office annex to Landguard Bungalow.

Case Officer Natalie Webb
07825 754344
natalie.webb@eastssuffolk.gov.uk

1. Summary

- 1.1. This application seeks the demolition and reconstruction of an office annex to Landguard Bungalow, Felixstowe.
- 1.2. This application is presented to the planning committee as it is considered that East Suffolk Council have 'an interest' in the site. East Suffolk Council is not the owner of the site nor applicant, however we lease the building for accommodation for our Landguard Ranger.
- 1.3. The application is considered to accord with Local and National Policies and is therefore recommended for approval.

2. Site Description

- 2.1. The application site is on the edge of a Site of Special Scientific Interest (SSSI). It also falls within the Landguard Fort and Associated Field Works Scheduled Monument but is excluded from the scheduling (list entry 1018969). The Bungalow was built in 1895 by

Harwich Haven Authority (then known as the Harwich Harbour Conservancy Board) as accommodation for its staff.

- 2.2. The Bungalow was continuously used until the retirement of HHA's final inspector in July 1994, apart from a few years during World War II, when all of Landguard Point was taken over by the Military. It was during WWII that the office annex was constructed. The office extension in situ is therefore not original to the bungalow, and of a more utilitarian design regarding the detailing and materials. The surrounding landscape is relatively open, with the reserve accessible and open to the public, as such there are wider views of the property and designated assets on the peninsular.
- 2.3. Various issues were found to the office annex, including damp penetration due to poor gutter detail, cracking to the floor slab in the kitchenette and the poor condition of the asbestos cement sheet roof covering, which came to the Authority's attention following receipt of a Planned Maintenance Report.
- 2.4. An earlier application was refused under reference DC/18/1739/FUL for the demolition of the office extension and replacement with a portable modular office block and storage container for the reasoning as set out below;
- 2.5. "The submitted application is deficient in that it fails to meet the requirements of paragraph 128 of the NPPF which requires an applicant to describe the significance of any heritage assets affected. The submission ignores the significance of the Scheduled Monument, which is a designated heritage asset and also ignores the significance of the Warden's Cottage, which appears from map regression to be late Victorian or Edwardian in origin and, by virtue of its position, may have provided lightkeeper's accommodation for the nearby former Landguard Lighthouse. The design of the replacement building is very poor and is wholly unacceptable. It would detract from the surrounding landscape of identified scientific, natural and ecological value and it would detract from the historic character of the Warden's cottage; and harm the setting of the Grade I listed Fort. Its design is inappropriate, poor quality and hardly reflects the importance and quality of the remarkable setting of this site. The Council will resist development proposals which are out of scale and character with their surroundings and will attempt to ensure that the appearance and treatment of spaces between and around historic buildings is appropriate."
- 2.6. Pre application advice was provided under DC/22/0168/PREAPP which concluded that any application would require robust supporting information and a sympathetic design approach, to be supported.

3. Proposal

- 3.1. The proposal seeks the demolition and reconstruction of the office annex to Landguard Bungalow. The replacement will house similar accommodation to include an office annex with kitchenette, accessible WC, open plan office space and storage area. The new office extension will be built on the same footprint, but the front wall will be brought in line with that of the front wall of the bungalow, providing a modest extension to create greater internal floorspace.

4. Consultees Third Party Representations

4.1. No third-party representations were received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	15 July 2022	4 August 2022
Summary of comments: Committee recommended APPROVAL. We welcome this much-needed upgrade to the building.		

Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	8 September 2022	23 September 2022
<p>Summary of comments:</p> <p>The proposed development is located within the Scheduled Monument known as 'Landguard Fort and associated field works' (LEN 1018986). The designated area covers the whole peninsula but in relation to the bungalow the description says that 'Landguard Fort is in the care of the Secretary of State. Within the area of protection, a number of features are excluded from the scheduling; these include a bungalow and adjacent garage, a modern radar tower to the south west of these (...) The ground and structures beneath and around these features is included in the scheduling'.</p> <p>The Heritage & Design and Access Statement identified that the office annexe proposed for demolition was constructed during Second World War. The annexe is associated with the use of the site by the Military during that time.</p> <p>Historic England have taken into consideration the status of the site as a Scheduled Monument and we can confirm that we do not object in principle to proposal. However, given the historic nature of the structure and potential for the survival of archaeological remains we would recommend that in the event of your authority granting consent that an archaeological & historic building recording condition is applied to the planning permission. This would be to ensure that historic structure is appropriately recorded prior to demolition and any surviving archaeological deposits can be investigated and recorded during the development.</p> <p>We would also like to confirm that the Scheduled Monument Consent (S00242988) for the proposals outlined in this application has been granted by The Department for Digital, Culture, Media & Sport.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	8 September 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	15 July 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Natural England	21 February 2023	3 March 2023
Summary of comments: No objection subject to appropriate mitigation being secured (submission of a Construction & Environmental Management Plan)		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	8 September 2022	12 September 2022
Summary of comments: Internal consultee – comments included within officer's report.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	8 September 2022	13 September 2022
Summary of comments: Suffolk County Council, as Lead Local Flood Authority (LLFA), is a statutory consultee under the Town and Country Planning Act for major applications and some minor applications where flooding has been identified. Therefore, as this is a minor application we have no comment to make.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 July 2022	19 July 2022
Summary of comments: Insufficient information received; full suite of land contamination conditions recommended.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	16 January 2023	8 February 2023
Summary of comments: The application site is located immediately adjacent to Landguard Common Site of Special Scientific Interest (SSSI) and Landguard Common Local Nature Reserve (LNR) and therefore any potential impacts on the designated sites must be avoided. It is noted that the existing property is fenced off from the designated sites, and it is therefore requested that all works (including any storage of materials) are kept within the property boundary. It is suggested that compliance with this and any other necessary works to avoid impacts on the designated sites (particularly during demolition works) could be secured through the production and implementation of a Construction Environmental Management Plan (CEMP), secured via condition.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 November 2022	15 November 2022
Summary of comments: I acknowledge receipt of the Phase 1/ Tier 1 report provided by Sweco (ref: 65207303). The report identifies that further investigation is required by way of a Phase 2/ Tier 2 report. The full suite of contamination conditions are therefore required.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 November 2022	6 December 2022
Summary of comments: The submitted report is a Tier 2 Geotechnical report, and not a Tier 2 Contaminated land report. It is therefore not suitable for satisfying the requirements of the pre-commencement conditions previously recommended. The Tier 2 Geotechnical report, and the Tier 1/ Phase 1 report previously submitted both highlight that made ground is on the site. Therefore, an intrusive Tier 2/ Phase 2 Contaminated Land assessment must be provided.		

Consultee	Date consulted	Date reply received
Historic England	16 January 2023	10 February 2023
Summary of comments: We do not wish to offer any further comments to our response dated 23 September 2022.		

Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	4 August 2022	25 August 2022	East Anglian Daily Times

Site notices

General Site Notice
Reason for site notice: Affects Setting of Listed Building
Date posted: 2 August 2022
Expiry date: 23 August 2022

General Site Notice
Reason for site notice: General Site Notice
Date posted: 2 August 2022
Expiry date: 23 August 2022

5. Planning policy

- National Planning Policy Framework 2021
- Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)
- SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

- SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.6 - Non-Designated Heritage Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning Considerations

Design and Heritage Impact

- 6.1. The aforementioned refusal is a material planning consideration in assessing the proposed development. The application has followed pre-application advice in that the replacement annex is integrated with the existing building, which is of some historic interest. The design has followed this concept of extruding the existing building and has demonstrated successfully that this is the correct approach. The proposed replacement annex will seamlessly appear as one with the existing building, so that, in long and near views to it, it will appear as a single coherent building. The consequence is that the new design will be far better in quality than the existing annex structure, with the result that the building will contribute more positively to its historic and natural surroundings, which is a welcome outcome. The Council's Principal Design and Conservation Officer supports the application and requests that any permission includes conditions to seek the full specification of all external materials, including brickwork joinery details.
- 6.2. Historic England have taken into consideration the status of the site as a Scheduled Monument and do not object in principle to the proposal. However, given the historic nature of the structure and potential for the survival of archaeological remains, they recommend that in the event of permission being granted an archaeological and historic building recording condition is applied to the planning permission. This would be to ensure that the historic structure is appropriately recorded prior to demolition and any surviving archaeological deposits can be investigated and recorded during the development. Conditions have therefore been proposed in this respect, although the wording may vary subject to confirmation from Historic England on what is required within the recording.
- 6.3. Subject to the above conditions, the proposed development is therefore considered to accord with SCLP11.1, SCLP11.3 and SCLP11.4

Residential Amenity

- 6.4. Due to the site's location away from any other residential properties, the proposed development will not adversely impact residential amenity. The proposed development is therefore considered to accord with SCLP11.2.

Flood Risk

- 6.5. Developments should exhibit the three main principles of flood risk, in that they should be safe, resilient and should not increase flood risk elsewhere. In this respect, single storey residential developments will not be permitted in areas of high risk of flooding within or outside Settlement Boundaries.
- 6.6. The site is located within flood zone 3. Local Plan Policy SCLP9.5 states that proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor). These include the 'sequential test'; where needed the 'exception test' and also a site specific flood risk assessment that addresses the characteristics of flooding and has tested an appropriate range of flood event scenarios (taking climate change into consideration). This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; identification and provision of surface water exceedance routes; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere, including sewer flooding.
- 6.7. The Environment Agency were consulted on this application as a statutory consultee, however, have not provided any comments in respect of the proposed development.
- 6.8. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Paragraph 162 of the NPPF states that "development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The building exists in this location, as does the existing extension which is to be replaced. Paragraph 163 further states "if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3."
- 6.9. Whilst the bungalow does provide some residential accommodation, the proposals do not seek to provide any additional accommodation to the bungalow, rather replace rooms forming the office annex, which include a kitchenette, accessible WC, open plan office space and storage area. The proposal is therefore considered to provide 'less vulnerable development' as set out in the Flood Risk Vulnerability Classification set out in Annex 3. The building is utilised and provides community benefit from the management of the Landguard Reserve, which is open to the public. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall in accordance with the requirements of the exemption test.
- 6.10. The supporting Flood Risk Assessment states that flood risk will be principally managed by the site being vacated following receipt of a flood warning from the Environment Agency. Floor levels of the extensions will be set at the same level as the existing floor in accordance with Environment Agency standing advice; therefore, would be no lower than the existing. The proposed plans also illustrate the inclusion of an escape to the roof space which will enable safe refuge for those residents in the property. The slight increase in footprint is not significantly considered to increase the flood risk elsewhere. It is therefore considered that it is possible for flood risk to be mitigated to ensure development is safe

for its lifetime and the lifetime of the relevant flood defence, in accordance with Local Plan Policy SCLP9.5 and Chapter 14 of the NPPF.

Ecology

- 6.11. The application site is located immediately adjacent to Landguard Common Site of Special Scientific Interest (SSSI) and Landguard Common Local Nature Reserve (LNR) and therefore any potential impacts on the designated sites must be avoided. It is noted that the existing property is fenced off from the designated sites, and it is therefore requested that all works (including any storage of materials) are kept within the property boundary. It is suggested that compliance with this and any other necessary works to avoid impacts on the designated sites (particularly during demolition works) could be secured through the production and implementation of a Construction Environmental Management Plan (CEMP), secured by condition. Natural England have also commented in respect of the proposed development, where they have also requested a condition for a CEMP. Subject to the inclusion of this condition, the proposal is considered to accord with SCLP10.1.

Highways Matters

- 6.12. Suffolk County Council as Local Highways Authority were consulted in respect of the application, however no response was received. The site is served from an existing access, where the proposed development will not result in an intensification of the use; thus does not require any additional parking provision.

Land Contamination

- 6.13. The Council's Environmental Protection Team have reviewed the application and considered that there is insufficient information in respect of land contamination. The full suite of land contamination conditions is therefore recommended. Further information was provided during the consideration of the application, however this was not sufficient to satisfy the recommended conditions. The full suite of conditions have therefore been included.

Other Matters

- 6.14. The proposed block plan shows a replacement air source heat pump. As the site is on land which is designated as a scheduled monument, permission is required for its installation, even as a replacement. No details of the air source heat pump have been provided as part of this application, therefore a condition has been included for details of the air source heat pump to be submitted prior to its installation.
- 6.15. As noted, the works are in the grounds of a scheduled monument and as such the applicant is advised that they may need to apply separately for Scheduled Monument Consent (SMC) from Historic England. It is therefore advisable to liaise with Historic England separately as any SMC would be required in addition to planning permission.

7. Conclusion

- 7.1. This application seeks the demolition and reconstruction of an office annex to Landguard Bungalow, Felixstowe. For the reasons given above the proposed development is

considered to accord with SCLP9.5, SCLP10.1, SCLP10.4, SCLP11.1, SCLP11.2, SCLP11.3 and SCLP11.4 and is therefore recommended for approval, subject to the inclusion of conditions as outlined at the base of this report.

8. Recommendation

8.1. Approve planning permission.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 03313-02-D4, 03313-03-D4, 03313-04-D4, 03313-05-D4 and 03313-06-D4 received on 20 June 2022.

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

3. Prior to the erection of the replacement extension, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) specifications of all external facing and roof materials
- (ii) brickwork detailing (including brick type, joinery and bonding pattern) including detailed drawings of how the extension will be joined to the existing building
- (iii) eaves, verge, barge boards and capping pieces (including shape, material and finish)
- (iv) rainwater goods (including material, colour and profile)
- (v) all new windows and external doors (including full details of the profile of frame, glazing bars (if applicable), method of opening, materials and finish)
- (vi) details of any new or replacement fencing (height, location, appearance, materials and finish)

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

5. No development shall commence until a method statement of archaeological and historic building recording has been submitted to and approved by the Local Planning Authority. This shall cover the existing building to be demolished and how any surviving archaeological deposits would be investigated and recorded during the development, and provision shall be made for archive deposition of the analysis and records of the site investigation. The development shall then be undertaken in accordance with the approved method statement.

Reason: To safeguard historical and archaeological assets and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological and historical assets affected by this development, in accordance with Local Plan Policies SCLP11.7 and SCLP11.3.

6. Prior to the first use of the extension, the site investigation and post investigation assessment shall be submitted to the Suffolk Heritage and Environment Record (HER).

Reason: To ensure the proper recording of the historic building.

7. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;

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

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

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

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

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

9. Prior to any occupation or use of the approved development the RMS approved under condition 7 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

10. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
 - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;

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

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

11. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

12. Prior to the installation of any new or replacement air source heat pump system, details of the equipment including manufacturers specification, and location shall be submitted for approval in writing by the Local Planning Authority. Only the approved scheme shall be implemented and shall be maintained and retained in the approved form thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity and protection of the local and historical environment.

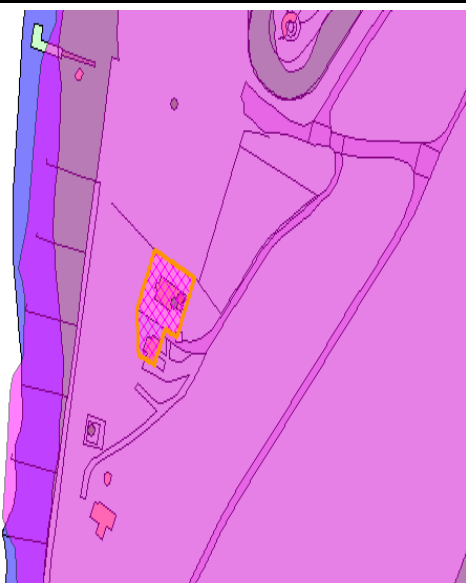
Informatives:

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

Background information

See application reference DC/22/2466/FUL on [Public Access](#)

Map



DO NOT SCALE SLA100019684

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Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South - 28 March 2023

Application no DC/22/4367/FUL

Location

Land East Of Bent Hill
Undercliff Road West
Felixstowe
Suffolk

Expiry date

Application type Full Application

Applicant East Suffolk Council

Parish Felixstowe

Proposal Change of use to allow continuation by local business use of the open space. The land will be used for tables and chairs as in previous applications. N. B. Development of this site for groundworks have temporarily been put on hold because of cost restraints. This may be revisited as part of a future application in due course.

Case Officer Grant Heal
grant.heal@eastsuffolk.gov.uk

1. Summary

- 1.1 Full planning permission is sought for the continued use of public recreation land for outdoor dining purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.
- 1.3 Reviewed against the Council's adopted scheme of delegation, the application must proceed to planning committee because East Suffolk Council is the applicant and landowner.

2. Site description

- 2.1 The application site comprises two linear parcels of land laid to grass and separated by a public footway linking the southern side of Undercliff Road West with the promenade and beach.
- 2.2 The Bent Hill junction lies adjacent to the north, while a number of restaurants, bars and cafes front the opposite side of Undercliff Road West.
- 2.3 The site lies within the Felixstowe (South) Conservation Area and the Conservation Area Appraisal (CAA) (2020) identifies the site as 'important open/green space'. Further, the site falls within 'Character Area 1' of the Conservation Area, which is generally described as follows:

'The Sea Front Gardens and Promenade Character Area has a linear character, running parallel with the shore, with steep road connections to the town centre at Convalescent Hill, Bent Hill, and Bath Hill. Between these are pedestrian connections in the form of steps, integrated into the design of the Sea Front Gardens, which form the backdrop to the character area.'

'The Character Area has seen considerable public and private investment in recent years, with the restoration of the Grade II-registered seafront gardens, including repair and reinstatement of shelters and other features, and public realm improvements, including new road and footpath surfaces, new lighting, and removal of street clutter'.

- 2.4 The CAA subsequently describes the character of the site and its surroundings in more specific terms on page 31, as follows:

'The wide, straight Undercliff Road West has benefitted from urban realm improvements, with new paving, street lighting and decluttering. The road is lined on the beach side with a series of open lawns, divided by evergreen hedges, some of the lawns planted with simple bedding schemes. Of note here is the War Memorial, a fluted Corinthian stone column surmounted by a dove, unveiled in 1920. Otherwise, built development is on the landward side'.

3. Proposal

- 3.1 The application seeks full planning permission for the continued use of public recreation land for outdoor dining purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe.
- 3.2 The proposal seeks to use the land for the siting of tables and chairs between the hours of 09:00 and 23:00 (daily) to allow open-air dining and drinking by patrons of adjacent restaurants, cafes and bars (including 'The Alex', 'One 29', 'The Cork' and 'Steak Lobster & Co') that all have existing frontage seating areas onto the northern side of Undercliff Road West.

- 3.3 This application follows the approval of two previous applications which consented the site's use for the purposes here sought, albeit the previous applications were both granted permission on a temporary basis for one calendar year (see below planning history).

4. Consultees

Third Party Representations

- 4.1 Forty-one (41) representations of support have been received which recognise the proposal's potential to benefit the local economy and tourism, as well as support the long-term vitality of adjacent hospitality businesses and the wider resort. Supporters also recognise the proposal's benefits for public health and wellbeing from increased opportunities to socialise in an outdoor setting.
- 4.2 One objection and two neutral responses have also been received which raise concerns in relation the proposal's potential to encourage antisocial behaviour.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	7 December 2022	30 December 2022
Summary of comments: "Committee recommend approval."		

Non statutory consultees

Consultee	Date consulted	Date reply received
Disability Forum	7 December 2022	None
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	7 December 2022	None
Summary of comments: No comment received		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area	15 December 2022	10 January 2023	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Conservation Area

Date posted: 11 January 2023

Expiry date: 1 February 2023

5. Planning policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.
- 5.2 The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:
- SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.14 - Spa Pavilion to Manor End (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.9 - Development in Town Centres (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.10 - Town Centre Environments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP8.2 - Open Space (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

- 5.3 The National Planning Policy Framework (NPPF) 2021 is also a material consideration in planning decisions.

6. Planning considerations

Planning history:

- 6.1 DC/22/0266/FUL: Temporary continuation of change of use for further 1 year to allow adjacent business use of open space. ESC will seek a further application for groundworks, but this has not advanced sufficiently. The land will be used for tables and chair as in application DC/21/0808/FUL at Land East Of Bent Hill Undercliff Road West Felixstowe - Permitted for one calendar year from the date of 26 May 2022.
- 6.2 DC/21/0808/FUL: Temporary change of use for one year to allow adjacent businesses use of public open space temporarily whilst ESC seeks further application for planning and ground works. The land will be used for tables and chairs for the consumption of food & drink outside at Land East Of Bent Hill Undercliff Road West Felixstowe – Permitted for one calendar year from the date of 26 May 2021.

Planning principle:

- 6.3 With relevance to the proposal, the National Planning Policy Framework (NPPF) makes clear that planning decisions should help to create the conditions in which businesses can adapt through an approach that allows each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 6.4 Further, the NPPF also sets out that decisions should support the role that Town Centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.5 It also encourages decisions that ensure the provision of social, recreational and cultural facilities, while providing shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities.
- 6.6 Importantly, the NPPF emphasises the need to guard against the unnecessary loss of valued facilities and services and ensure that established shops, facilities and services are able to develop, modernise, and are retained for the benefit of the community.

- 6.7 Considered within the context of the adopted Local Plan, the site falls within the 'Settlement Boundary' (SCLP3.3) of Felixstowe, which is categorised as a 'Major Centre' within the 'Settlement Hierarchy' (SCLP3.2).
- 6.8 With relevance to the proposal, SCLP12.2 (Strategy for Felixstowe) seeks to ensure that the town retains its role as a thriving coastal resort with a comprehensive range of services and facilities that supports the community through, amongst other things, maintaining successful retail and leisure opportunities and enhancing links between the Town Centre and seaside.
- 6.9 The site is also affected by policy SCLP12.14 (Spa Pavilion to Manor End) which aims to support, amongst other things, high intensity tourist uses and encourages new resort experiences and the retention of commercial frontages. Moreover, SCLP12.14 states that:
- 'Between the Pier and the Spa Pavilion, activities which promote cultural attractions including cafes, restaurants and shops on the ground floor will be supported where they make a positive contribution to the significance of the two Conservation Areas, and respect the Registered Gardens and the Victorian and Edwardian architectural heritage of the resort. Proposals which provide a link between the resort and the town centre will also be supported'.*
- 6.10 The existing restaurant businesses which would utilise the land subject to this application lie on the edge of Felixstowe's Town Centre where Policy SCLP4.9 (Development in Town Centres) requires that town centres develop in ways that support healthy lifestyles, social interaction, overnight stays, culture and the arts.
- 6.11 Further, Policy SCLP4.10 (Town Centre Environments) states that development will encourage people to spend more time, enjoy and participate in town centres. It will achieve this by, amongst other things, supporting opportunities for social interaction.
- 6.12 Following consideration of the above, both national and local planning policy both clearly emphasise the need to support businesses towards equipping them with the means to adapt to a fast-changing economic landscape and/or circumstances that might challenge their future vitality or ability to meet the needs of the communities they serve. As such, due regard must be given to the negative financial impacts that recent geopolitical and socio-economic events continue to have on the viability of the tourism and hospitality sectors, brought about by reduced public spending and inward investment.
- 6.13 While both policies SCLP12.2 and SCLP8.2 (Open Space) principally resist the loss of open space, the use of the proposal site for enjoyment by the public would not be lost and no physical changes to the land would result from this application.
- 6.14 The previous two temporary consents have demonstrated that the site can be utilised for the purposes sought without any demonstrable harm to the land or surrounding environmental receptors. Using similar planning conditions as included on the previous two consented applications, the Case Officer can find no compelling reason why the site's use for the siting of chairs and tables to allow for outdoor dining and socialising should not continue indefinitely.

- 6.15 Indeed, continuing to use the site in way proposed would provide a significant benefit to local businesses, the vitality of the Town Centre and the wider seaside resort more generally. Fundamentally, the nature of the proposal would not result in the loss of open space since the land will still be enjoyed by the public. Therefore, SCLP12.2 and SCLP8.2 would not be undermined.
- 6.16 In-line with the above assessment, it is therefore judged that, on balance, the planning principle could be considered acceptable, subject to a satisfactory assessment of other material planning matters, as set out below.

Visual amenity and heritage:

- 6.17 The proposal includes the temporary placement of chairs, tables and parasols across the site for use during the opening hours of adjacent hospitality businesses. It is understood that all furniture would be removed between the hours of 23:00 and 09:00 for security purposes while businesses are closed.
- 6.18 Given that no permanent development would be erected on the site, the application is considered to represent a low impact on the prevailing street scene and character of the Felixstowe Conservation Area.
- 6.19 As such, the proposal would not undermine the relevant provisions of the NPPF, nor policies SCLP11.1 (Design quality), SCLP11.3 (Historic environment) and SCLP11.5 (Conservation Areas) of the adopted development plan.

Highway safety and parking:

- 6.20 While no additional vehicular parking provision is proposed as part of this application, the site is sustainably located close to Felixstowe's Town Centre and within its seaside resort where there are a number of dedicated public car parks. The site also has good access to alternative transport links, including bus and train services. On-street parking is also available within the streets surrounding the development.
- 6.21 The nature of the proposal is otherwise unlikely to present the potential to impact negatively upon existing highway safety or restrict parking provision unduly, when judged against the provisions of the NPPF, or policies SCLP7.1 (Sustainable Transport) and SCLP7.2 (Parking proposals and Standards) of the adopted development plan.
- 6.22 No highway safety incidents were evident on crashmap.co.uk within 180 metres of the site at the time this report was compiled.

Flood risk:

- 6.23 Notwithstanding the proposal site's susceptibility to the risks of tidal flooding, given the site's established recreational use, the controlled nature of development and the existence of protective seawall flood defences, this application is not considered to hold the potential to undermine the provisions the NPPF or policy SCLP9.5 (Flood Risk) of the adopted development plan.

Residential amenity:

- 6.24 In essence, this application seeks to provide an area of overspill for external seating areas already present on the opposite side of Undercliff Road West. While it is appreciated that the proposal would effectively increase the seating capacity over a greater area and, as a result, the potential for increased noise, the increased distance and separation between the application site and residential properties along Undercliff Road West provides a suitable buffer towards mitigating any perceived increase in noise that may arise.
- 6.25 As licence holders, the hospitality businesses - whose patrons would occupy the site during its use - would also be responsible for upholding a duty of care towards managing any excess noise and antisocial behaviour. It is also the responsibility of the license holders to ensure that the site is kept in a clean and tidy state.
- 6.26 The Council's records indicate that no noise complaints have been received within the past two-year period. Nevertheless, suitably worded planning conditions would also be used to ensure appropriate conduct is enforceable.
- 6.27 Taken together, this application is not considered to hold the potential to undermine the relevant provisions of the NPPF or SCLP11.2 (Residential amenity) to a level that could be considered unacceptable.

7. Conclusion

- 7.1 As per the above assessment, this application accords with the NPPF and all relevant policies of the adopted development plan.

8. Recommendation

- 8.1 The application is recommended for approval with appropriate conditions and there are no contrary views from statutory consultees.

Conditions:

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

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

2. The development hereby permitted relates to the land identified within the submitted site location plan received on 4 November 2022.

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

3. The hereby approved development permits the use of the subject land for the siting of chairs, tables and parasols associated with adjacent hospitality business only. No other furniture or apparatus shall be placed or erected on the site at any time unless otherwise agreed by the Local Planning Authority.

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

4. The hereby approved development site shall at all times be maintained in a clean and tidy state as free from litter and waste.

Reason: In the interest of public health and visual amenity.

5. At no time shall there be allowed any display of recorded or live music or performances on the hereby approved development site.

Reason: In the interests of amenity and protection of the local environment.

6. The hereby approved development site shall only be open to the public for dining and drinking purposes between the hours of 09:00 and 23:00 Monday to Sunday.

Reason: In the interests of amenity and protection of the local environment.

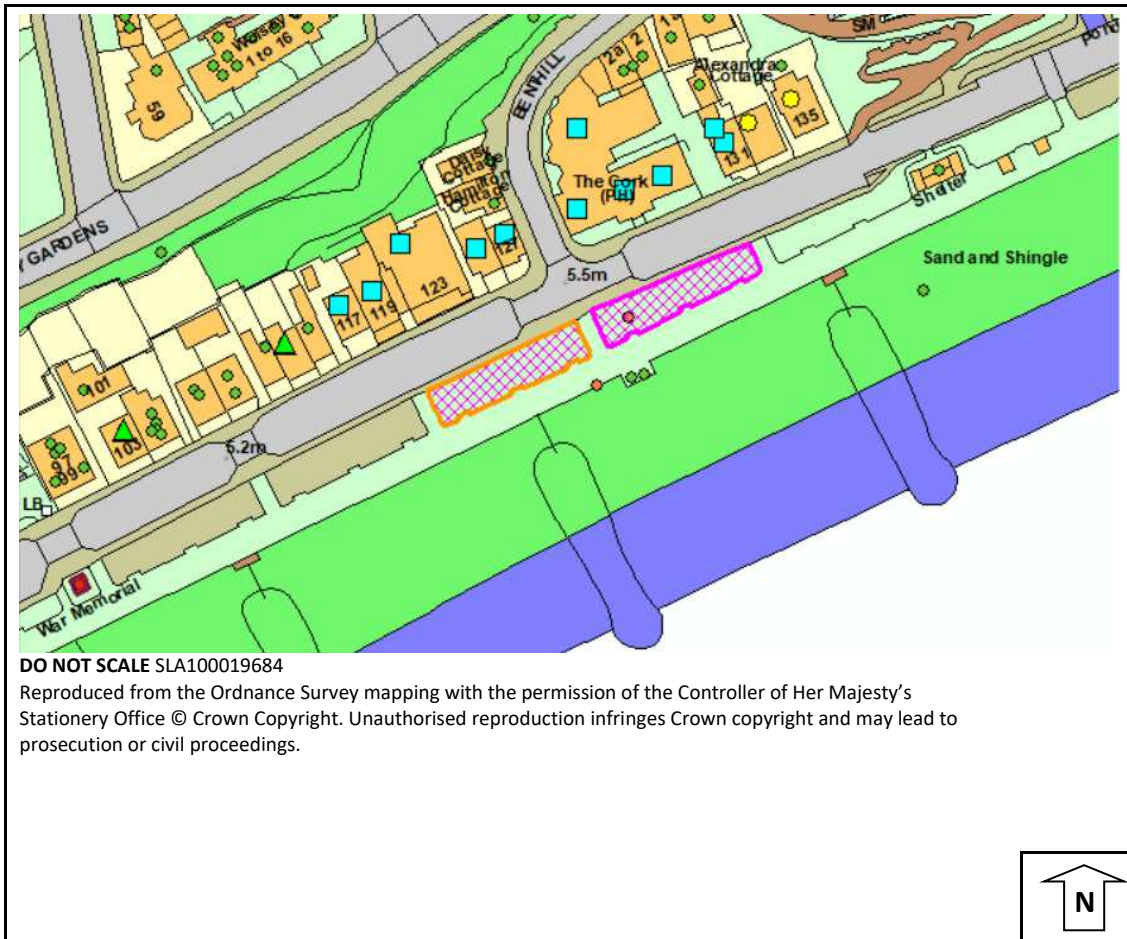
Informatives:

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





Background information

See application reference DC/21/0808/FUL on [Public Access](#)

Map



Key

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