



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, 24 January 2023 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtu.be/nwClcVZogtk>

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
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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**1 - 26**

To confirm as a correct record the Minutes of the Meeting held on 20 December 2022

5 East Suffolk Enforcement Action - Case Update ES/1423**27 - 42**

Report of the Head of Planning and Coastal Management

6 DC/21/4896/FUL - Part Land Opposite Ashe Green Farm, Ivy Lodge Road, Campsea Ashe ES/1386**43 - 97**

Report of the Head of Planning and Coastal Management

7 DC/22/3493/FUL - 54 Looe Road, Felixstowe, IP11 9QB ES/1424**98 - 104**

Report of the Head of Planning and Coastal Management

Part Two – Exempt/Confidential**Pages**

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, 20 December 2022 at 2.00pm.**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Tom Daly, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

Other Members present:

Councillor Tony Fryatt, Councillor David Ritchie

Officers present:

Jamie Behling (Assistant Planner), Karen Cook (Democratic Services Manager), Marianna Hall (Principal Planner), Daniel Kinsman (Environmental Protection Officer), Matt Makin (Democratic Services Officer (Regulatory)), Philip Ridley (Head of Planning and Coastal Management), Dominic Starkey (Assistant Enforcement Officer), Michelle Stimpson (Environmental Health Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

No apologies for absence were received.

Councillor Yule advised that she would need to leave the meeting no later than 4pm to attend another appointment.

2 Declarations of Interest

Councillor Stuart Bird declared an Other Registerable Interest in item 7 of the agenda, as a member of Felixstowe Town Council and Chairman of its Planning and Environment Committee.

Councillor Mike Deacon declared an Other Registerable Interest in item 7 of the agenda, as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared a Non-Registerable Interest in item 6 of the agenda, as the application was in his Ward.

Councillor Debbie McCallum declared a Non-Registerable Interest in item 7 of the agenda, as a licensee in the East Suffolk area.

Councillor Mark Newton declared a Non-Registerable Interest in item 7 of the agenda, as he had taken part in the Licensing Sub-Committee that had granted a premises licence for the business on the application site and stated that he would leave the meeting and not take part in the determination of the related planning application.

Councillor Newton also declared an Other Registerable Interest in item 8 of the application, as a member of Rushmere St Andrew Parish Council.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Stuart Bird, Chris Blundell, Tony Cooper, Tom Daly, Mike Deacon, Colin Hedgley, Mark Newton and Kay Yule all declared that they had been lobbied on item 6 of the agenda and that they had not responded to any correspondence received.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 22 November 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1384** 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 had been sanctioned under delegated powers up until 28 November 2022. At that time there were 17 such cases.

There being no questions to the officers, the Chairman sought a proposer and seconder for the recommendation to note the report. On the proposition of Councillor Cooper, seconded by Councillor Yule, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 28 November 2022 be noted.

6 DC/22/0998/FUL - Land East of B1077 Mow Hill, Witnesham, IP6 9EH

The Committee received report **ES/1385** of the Head of Planning and Coastal Management, which related to planning application DC/22/0998/FUL.

The application sought full planning permission for the residential development of 32 dwellings, together with areas of new public open space and the provision of a new access to the site from the B1077 on land east of Mow Hill, Witnesham, IP6 9EH.

The application was before the Committee as the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, had requested that the decision be made by the Committee due to its scale, the allocated status of the application site and the level of public interest in the proposal.

The Committee received a presentation from the Planning Manager (Development Management, Major Sites and Infrastructure), on behalf of the case officer for the application. The Planning Manager summarised the information on the application contained in the update sheet, which had been published on the Council's website on Monday, 19 December 2022, alongside the agenda and reports for the meeting.

The Committee was informed that the principle of development had been established on the site through policy SCLP12.70 of the Suffolk Coastal Local Plan (the Local Plan), which had allocated the site for development. It was noted that there was no adopted Neighbourhood Plan for Witlesham.

The Planning Manager outlined the context of the site and its current agricultural use as an arable field; the Committee received an aerial photograph demonstrating this. The Committee was advised of the site's relationship with neighbouring dwellings to the north and west, a public house to the south, and agricultural land to the east. The proximity of Grade II and Grade II* listed buildings was demonstrated, as well as a public footpath, Public Right of Way (PROW) 26, which ran along the south-western boundary of the site.

The Committee was advised that the site was partially in flood zone 1 and there was a low probability of the site being flooded by rivers or sea. The Planning Manager noted an area of the site that was at low risk of surface water flooding, at the southernmost extremity of the site, and highlighted that no dwellings were proposed in this area

The proposed site layout was displayed, detailing the single point of access, the linear arrangement of dwellings and the use of a spine road and how housing would be arranged around this. The Planning Manager noted the southern area of the site that would accommodate an attenuation basin to deal with surface water flooding.

The Committee received photographs of the site demonstrating views:

- looking north-east on Mow Hill, looking north on Mow Hill towards the proposed access point
- looking south on Mow Hill
- looking south on Mow Hill towards the neighbouring public house
- the existing PROW (26) accesses to and from Mow Hill
- looking north-east towards Springfield
- looking east across the site (demonstrating changes in levels)
- looking south-east
- looking south towards Grade II and Grade II* listed buildings at Redhouse Farm
- looking north from the southern point of the site
- looking west towards the site and boundary with Mow Hill

The proposed site layout was revisited in more detail, with the Planning Manager detailing the location of housing along the spine road and in cul-de-sacs. The site was highlighted as being screened from Mow Hill by an existing hedgerow and that development would be set away

from this boundary to protect this vegetation. The Planning Manager highlighted the proposed drainage swales and the attenuation basin at the south of the site, along with the highways proposed to be adopted.

The Planning Manager outlined that the application site, at the southern edge, did not fully extend to the allocation site boundary. This had been discussed with the applicant and it had been requested that the Section 106 Agreement make it clear that this land is covered to its full extent to ensure a landscape strategy for the whole site. It was noted that this area of the allocated site was being retained for access to the agricultural land to the east of the application site; officers considered this acceptable but required the area be seamlessly integrated from a landscaping perspective.

The Committee's attention was drawn to the road ending abruptly at the eastern edge of the site; the Planning Manager explained the applicant had claimed this was to provide alternative access to the agricultural land to the east of the site and its use would be seasonal, for the harvest. Officers had considered the abrupt ending originally proposed to be poor from a landscaping point of view and following discussions with the applicant this had been softened by removing one of the pavements and integrating additional landscaping.

The Planning Manager acknowledged the concerns raised by Swilland & Witnesham Parish Council, who considered this access was to future-proof for further residential development to the east; the Committee was reminded that it was considering the application before it and any future planning application adjacent to the site was not a material planning consideration.

The Committee was advised that the hedgerow on the western boundary, bordering Mow Hill, would be mostly retained with only minimal loss to incorporate the access point and the required visibility splays. The Planning Manager detailed the access layout and proposed crossing points for Mow Hill, along with a landscaping plan for the site.

The Committee received the proposed street scenes and cross-sections; the Planning Manager noted the gradient of the site and outlined how the housing would be designed to "stagger" up the gradient. The Planning Manager outlined the proposed affordable housing mix, spread across the site, noting that 10 affordable housing units would be delivered; the site allocation sought 10.5 affordable dwellings and the 0.5 of a dwelling would be secured by a commuted sum, through the Section 106 Agreement.

The Committee was advised of the proposed materials to be used, including brickwork, tiling and slate; the Planning Manager considered the style to be similar to other housing developments delivered by the applicant. The drainage strategy was set out, with the Committee being made aware of the sustainable urban drainage (SUDS) features leading towards an attenuation basin for extreme events to maintain the current water run-off rate on the site.

The Planning Manager displayed proposed elevations for the different housing types proposed, as well as garage plans and the parking schedule for the site.

The material planning considerations and key issues were summarised as:

- principle of development and site allocation (SCLP12.70)
- design and layout

- affordable housing and mix
- sustainable construction
- landscape and visual impact
- biodiversity and ecology
- residential amenity
- highways, sustainable transport and public rights of way
- flood risk and surface water drainage
- archaeology
- financial contributions

The Planning Manager summarised the local planning policies that the proposed development was considered to be in accordance with, subject to compliance with conditions and obligations as applicable, as well as the draft heads of terms for the proposed Section 106 Agreement. The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee.

The Chairman invited questions to the officers. The Planning Manager advised that policy SCLP5.10 of the Local Plan sought one in three dwellings on residential developments to be affordable dwellings and that the Affordable Housing Supplementary Planning Document (SPD), adopted by the Cabinet in May 2022, set out more detail when considering affordable housing in residential developments, including how to deal with situations where a fraction of an affordable dwelling is required. The Planning Manager confirmed that the Council's policy was that partial affordable housing units were dealt with by way of commuted sum payments, which would be spent on delivering affordable housing across East Suffolk.

In response to a question on what constituted affordable rent, the Head of Planning and Coastal Management confirmed that this amount would be defined in any Section 106 Agreement and would not be a percentage of the open market; it was suggested that if the application was approved, this information would be cascaded to members of the Committee and the relevant ward members when available.

The Planning Manager confirmed that a Habitat Regulations Assessment (HRA) had been completed and considered acceptable by the Council's Ecologist, and that further ecological surveys would be secured by condition. A Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) payment had been secured and the Committee was advised that replacement planting would take place on the site to mitigate the loss of hedgerow required to create the access point to the site. The Head of Planning and Coastal Management added that Natural England had granted a licence on the site regarding Great Crested Newts and had not objected to the application subject to proposed conditions.

The Planning Manager stated that Electric Vehicle charging points could be required by condition and new Building Regulations also expected them to be delivered on new sites; air source heat pumps could not be secured by condition.

In response to a question regarding having adequate footpaths linking to the wider network, the Planning Manager noted that the Highways Authority had not objected to the application and noted the crossing points that would link the site to the wider pedestrian network and provide a walking route into Witlesham.

The Chairman invited Councillor Hindle, representing Swilland & Witnesham Parish Council, to address the Committee. During Councillor Hindle's address, the Planning Manager displayed drawings on the screens requested by Councillor Hindle to illustrate his points. Councillor Hindle considered that it had been a mistake to allocate the site when creating the Local Plan, given the significant impact any development will have on Witnesham, but acknowledged it was an allocated site and would be developed.

Councillor Hindle said that despite the Parish Council attempting to work with all parties to seek a suitable development for the site, that would integrate into Witnesham and meet planning policy requirements, it had felt ignored during this process.

Councillor Hindle stated that should the Committee be minded to approve the application, the Parish Council sought that 11 rather than 10 affordable dwellings be delivered, a 10-metre tree belt along the eastern boundary and a small tree copse planted which would be looked after by a management company and used as public open space, removal of the proposed farm access on the eastern edge of the site as it was deemed improper for agricultural vehicles to use a residential area as an access route, further consultation on public open spaces as the southern open space would be largely occupied by the attenuation basin, and pedestrian access from the north-west of the site to the wider village. Councillor Hindle suggested these aspects could be delivered by conditions.

The Chairman invited questions to Councillor Hindle. Councillor Hindle said that the Parish Council had not been consulted at the pre-application stage and it had proposed the conditions he had set out at each consultation stage. Councillor Hindle considered that the applicant had been dismissive of the Parish Council during the process.

Councillor Hindle noted that the Parish Council had objected to the site allocation during the consultation phases for the Local Plan and at its Public Inquiry.

Councillor Hindle said he was not familiar with the Council's policy addressing partial affordable housing units and considered more should be delivered on the site as there was a poor affordable housing provision in Witnesham.

The Chairman invited Mr Eburne, representing the applicant, to address the Committee. Mr Eburne was accompanied by Mr Martin-Edwards from James Bailey Planning Ltd, who was present to answer any technical questions. Mr Eburne noted that the site was allocated for development in the Local Plan and that the proposed development accorded with planning policies as set out in the report and presentation.

Mr Eburne confirmed that a broad range of homes were proposed, all compliant with national space guidance. Mr Eburne highlighted that there had been no objections to the application from statutory consultees and that the development would be sympathetic to neighbouring heritage assets and flooding issues and would be climate change resilient. Mr Eburne considered that the site would be well-connected to the village and have appropriate landscaping, including the retention of the hedgerow on the western boundary. Mr Eburne advised that affordable housing would be prioritised for those in housing need and with a link to Witnesham.

Mr Eburne said that Electric Vehicle charging points and air source heat pumps would be installed as standard on the site and noted the £740,000 committed sum that would be

secured. Mr Eburne commended the application to the Committee as a sensitive scheme, deserving of its full support.

The Chairman invited questions to Mr Eburne and Mr Martin-Edwards. Mr Eburne said that further ecological surveys would be secured by condition and that their findings would advise further mitigation strategies as appropriate. Mr Eburne acknowledged that mitigation was also proposed for any Great Crested Newts found on the site, as well as for a badger sett off-site. Mr Eburne confirmed that ecological surveys would be refreshed immediately prior to construction commencing, to ensure mitigation strategies were up to date. Mr Martin-Edwards highlighted that the removal of hedgerow would be kept to a minimum, to create the access point and the required visibility splays.

Mr Eburne said that the applicant was happy to engage with the Parish Council throughout the process, noting it had attempted to do previously but had found this very difficult given the Parish Council's opposition to the application. Mr Martin-Edwards added that a consultation meeting took place in June 2022, which the Parish Council was invited to, and that there had been email correspondence throughout the application process. Mr Martin-Edwards said it would be possible to share contact details with the Parish Council for construction management. Mr Eburne noted that several amendments made to the scheme had been in response to the Parish Council's responses.

Mr Eburne said that a tracking exercise had been conducted to ensure that agricultural vehicles would be able to navigate to the eastern access on the site and this had been vetted by the Highways Authority. Mr Eburne reiterated that this access would only be used on a seasonal basis and would not form part of regular traffic movements on the development.

Mr Eburne confirmed that open space management will be put into a management company, secured through the Section 106 Agreement and noted that to achieve the Parish Council's wish for a north-western pedestrian access out of the site, further and significant hedgerow removal would be required to ensure a safe crossing point at Mow Hill.

NOTE: Councillor Tony Fryatt, Ward Member for Witnesham, had been present remotely to speak on the application, but was not able to address the Committee due to technical issues. Democratic Services officers attempted to resolve the issue but were unable to do so, and Councillor Fryatt left the meeting.

The Chairman invited the Committee to debate the application that was before it. Councillor Hedgley, who was also Ward Member for Witnesham, considered the concerns of the Parish Council and other objectors to be genuine and considered that despite their efforts, engagement with the applicant had been limited. Councillor Hedgley questioned the need for 32 dwellings in Witnesham, when significant development was happening nearby on the edge of Ipswich and noted conflicting statements from government departments on the need from housing land and growing land, highlighting that this development was on an agricultural field. Councillor Hedgley was of the view that the eastern access to agricultural land was not required.

Councillor Bird spoke about the robustness of the Local Plan making process and highlighted that the site had been allocated for development in the adopted Local Plan; he considered revisiting the debate on whether the site should be allocated as superfluous and was of the view that there were no material planning reasons to refuse the application. Councillor Bird

said it was clear that fractions of affordable housing requirements were dealt with, by policy, through a commuted sum and considered that the Parish Council's request for a north-western pedestrian access would cause harm to the hedgerow through further removal.

Councillor Bird concluded that the application was policy compliant in all aspects, there was a need for the housing, and that the scheme was extremely well designed, and would be supporting its approval.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the conditions. On the proposition of Councillor Bird, seconded by Councillor Cooper, it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, with conditions (listed below) and subject to final landscaping revisions, the completion of a S106 Legal Agreement to secure obligations including but not limited to:

- Affordable housing provision.
- Contribution towards Habitats Regulations Mitigation (RAMS).
- Open space (including management company) covering the site and adjacent farm access land up to and including the Public Right of Way.
- A financial contribution towards school transport.
- Bus stop improvements.

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:

Received 20 October 2022:

- WIT1 004 Rev D
- WIT1 005 Rev D
- WIT1 105 Rev B
- WIT1 106 Rev B
- WIT1 107 Rev A
- WIT1 117 Rev A
- WIT1 118 Rev A
- WIT1 125 Rev A
- WIT1 126 Rev A
- WIT1 127 Rev A
- WIT1 128 Rev A

- WIT1 129 Rev A

Received 19 August 2022:

- 7589/ASP3 D

Received 14 July 2022:

- WIT1-006 A
- WIT1-112 A
- WIT1-116 A
- WIT1-202 A
- WIT1-204 A
- WIT1-007
- WIT1-130

Received 11 March 2022:

- WIT1 003
- WIT1 101
- WIT1 102
- WIT1 103
- WIT1 104
- WIT1 108
- WIT1 109
- WIT1 110
- WIT1 111
- WIT1 113
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- WIT1 203
- WIT1 205
- WIT1 206
- WIT1 207
- WIT1 208
- WIT1 301
- WIT1 302
- WIT1 303
- WIT1 304
- WIT1 401

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. Each section of the approved means of enclosure illustrated on the external works layout (005 Rev D) shall be erected prior to the occupation of the dwelling to which they specifically relate. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

5. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwellings. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

6. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

7. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological

assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

8. Prior to commencement of the hereby approved development, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority and include details demonstrating how a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in Building Regulations is achieved. The identified measures shall be implemented in accordance with the approved statement, and thereafter be retained and maintained in their approved form.

Reason: To ensure the finished development implements the approved sustainable measures to comply with Planning Policy SCLP9.2.

9. The following dwellings shall be constructed to meet the Requirements of M4(2) of Part M of the Building Regulations for accessible and adaptable dwellings and therefore retained in their approved form:

- Plot 4
- Plot 5
- Plot 7
- Plot 8
- Plot 9
- Plot 10
- Plot 11
- Plot 12
- Plot 13
- Plot 14
- Plot 15
- Plot 25
- Plot 31
- Plot 32

Reason: To ensure the development complies with Planning Policy SCLP5.8.

10. 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, F 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.

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

12. 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.

13. Prior to any works above ground level, a "lighting design strategy for biodiversity" for the site shall be 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.

14. No development shall take place (including any demolition, ground works, site clearance or vegetation clearance) until the further surveys for badger and hazel dormouse identified in the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) have been undertaken. The results of these surveys and details of any necessary additional mitigation measures shall be submitted to the Local Planning Authority prior to works commencing.

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

15. Prior to any works above ground level an Ecological Enhancement Strategy, in accordance with the measures identified in the Preliminary Ecological Appraisal (PEA) (Southern Ecological Solutions, March 2022) and addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

16. 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.

17. All noisy construction activities (i.e. those audible beyond the site boundary) should be restricted to the following hours to minimise the potential for nuisance:

Monday - Friday: 7:30-18:00

Saturday: 8:00 - 13:00

Sundays/Bank Holidays: No noisy working

These restrictions also apply to deliveries/collections from site.

Reason: In the interests of residential amenity.

18. No development shall commence until a detailed Construction Method Strategy has been submitted to and approved by the Local Planning Authority. This statement shall set out how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To ensure minimal adverse impact on the public highway and neighbouring amenity during the construction phase.

19. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority.

Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

a) parking and turning for vehicles of site personnel, operatives and visitors

- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase

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. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

20. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. DM10 with an entrance width of 5.5 metres. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

21. 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 highway.

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

22. Before the access is first used visibility splays shall be provided as shown on Drawing No. 004-D with an X dimension of 2.4 metres and a Y dimension of 90 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.

23. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. 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.

24. The use shall not commence until the area(s) within the site shown on Drawing No. 004-D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained 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.

25. Before the development is commenced details of electric vehicle charging infrastructure 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 of charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019.

26. 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.

27. Before the development is commenced, 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 (or) the approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation 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.

28. Before the development is commenced details of a new footway shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first occupied and fully completed prior to the occupation of the dwellings hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

29. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.

30. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

31. The strategy for the disposal of surface water (detailed Flood Risk Assessment 2140-570, Revision A 22 September 2021; 2104-570 Mow Hill, Witnesham Suffolk: Technical Note on Planning Objection (received 11 July 2022); and 2104-570 Mow Hill, Witnesham Suffolk :Technical Note on Planning Objection (received 01 August 2022) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

32. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister>.

33. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

i. Temporary drainage systems

- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidanceon-development-and-flood-risk/construction-surface-water-management-plan>.

34. 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.

35. No development shall commence or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plan, have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

36. 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.

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. 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@eastsuffolk.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>.

4. 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.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

5. The Local Planning Authority recommends that developers of housing estates should enter into formal agreements with the Highway Authority under Section 38 of the Highways Act 1980 in the interests of securing the satisfactory delivery, and long term maintenance, of the new streets.

For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

Please note that this development may be subject to the Advance Payment Code and the addition of non statutory undertakers plant may render the land unadoptable by SCC Highways for example flogas and LPG.

6. Acceptance of the road layout by the highway authority during the planning process does not guarantee meeting the Section 38 of the Highways Act 1980 adoption criteria. It is recommended that the applicant refers to the current adoption

criteria: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice>.

7. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

8. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

9. Any works to a main river may require an environmental permit.

10. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

11.

i. PROW are divided into the following classifications: o Public Footpath - only for use on foot or with a mobility vehicle o Public Bridleway - use as per a public footpath, and on horseback or by bicycle o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage o Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

ii. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

iii. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below: o To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads->

[and-transport/public-rights-of-way-in-suffolk/rightsandresponsibilities](https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rightsandresponsibilities) or telephone 0345606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. o To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> or telephone 0345 606 6071.

iv. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

v. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage. In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk>.

NOTE: following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.25pm and was reconvened at 3.34pm. Councillor Yule left the meeting during the adjournment.

7 DC/22/1341/FUL - 55-57 Undercliff Road West, Felixstowe, IP11 2AD

NOTE: Councillor Newton left the meeting for the duration of this item.

The Committee received report **ES/1387** of the Head of Planning and Coastal Management, which related to planning application DC/22/1341/FUL.

The application sought retrospective approval for change of use from restaurant use (Class E) to drinking establishment (Sui Generis) at 55-57 Undercliff Road West, Felixstowe. As the case officer's recommendation of refusal was contrary to Felixstowe Town Council's recommendation of approval, the application was considered by the Planning Referral Panel at its meeting on 22 November 2022 where it was recommended that the application be determined at Committee.

The Committee received a presentation from the Principal Planner, on behalf of the case officer for the application. The site's location was outlined, and the Committee was shown images of the front of the site taken from Undercliff Road West; the Principal Planner noted that no external alterations had been made to the building other than signage. The Principal Planner also displayed the floor plans for the building from before and after the change of use.

The material planning considerations and key issues were summarised as the impact on the character of the area, particularly the conservation area, and the impact on residential amenity. The recommendation to refuse the application was outlined to the Committee.

The Chairman invited questions to the officers, and it was noted that officers from the Council's Environmental Protection team were also present to answer any queries. The Planning Manager (Development Management, Major Sites and Infrastructure) advised that the planning system could impose hours of use by condition; officers would usually seek to come to an agreement with applicants on this matter and where there is resistance from an applicant, this would often result in a recommendation of refusal.

The Principal Planner noted that four objections to the application had been received, relating to noise spillage from the premises and noise from customers leaving the building. The Environmental Health Officer advised that the Environmental Protection team had received a total of 26 complaints, from two complainants, relating to noise issues. Environmental Protection officers had visited the site on several occasions to witness these noise issues.

The Principal Planner confirmed that the premises had opened as a bar in 2021. The Principal Planner was not aware of the operating hours of other premises in the immediate area; the Planning Manager advised that there were no other late-night drinking establishments in that row of premises.

The proximity of residential properties to the application site was demonstrated to the Committee.

The Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee. Councillor Smith stated that the Town Council's Planning and Environment Committee had considered the application at its meeting in June 2022 and noted that since that time, additional information had become available that was not attached to the application when that committee considered it.

Councillor Smith said that the Town Council regularly saw planning applications that sought to evolve and update the varied resort offer in this area of Felixstowe and was experienced in judging the positive tourism effects of such applications against their impact on residential amenity and had framed its comments on this application as such.

Councillor Smith said the proposed change of use was a new element in Felixstowe's tourism offer, considering it to be novel and with minimal impact on residential amenity. Councillor Smith considered the Town Council's recommendation of approval to have been in line with East Suffolk Council's own planning policies, as well as the Town Council's own policies to encourage varied use whilst keeping impact of residential amenity to a minimum.

Councillor Smith acknowledged that since the Town Council had made its recommendation, several issues had been raised in relation to the premises; Councillor Smith said he could not comment on these issues as the Town Council had not come to a collective view on them.

The Chairman invited questions to Councillor Smith. Councillor Smith maintained that the Town Council's support of the application was predicated on the information that had been available

to its Planning and Environment Committee's meeting in June 2022 and could not comment on the additional information submitted in the intervening period.

The Chairman invited the Committee to debate the application that was before it. Councillor Bird opened the debate and admitted to being conflicted on the application, supporting the change of use's contribution towards high intensity tourist use in the area and to creating a more varied tourist offer for Felixstowe seafront, and noting that other late-night operations, such as takeaways, immediately neighboured the site.

Councillor Bird also acknowledged the concerns about noise issues and the complaints made about their impact on residential amenity. Councillor Bird was reluctant to refuse the application and suggested it could be approved with conditions to reduce the opening hours and minimise noise spillage from the premises.

In response to a question from the Chairman on opening hours, the Principal Planner advised that discussions had taken place with the applicant, who had been willing to reduce the opening hours but not to the extent recommended by Environmental Protection. The applicant had also been contacted regarding reducing music levels in the premises but had not responded. The Chairman considered that the applicant, as a premises licensee, had a responsibility to work with their neighbours.

Councillor Deacon said he was opposed to the application as he had insufficient confidence that the recommendations made by Environmental Protection, set out in the report, could be met on the site as the applicant had been given several opportunities to do this and had not done so. Councillor Deacon noted that a sizable block of flats was also located close to the site.

Councillor Blundell expressed concerns about the late-night noise issues, considering them to be the principal concern.

Councillor Daly noted that the night-time industry had suffered due to COVID-19 lockdowns and considered there was a demand for the services offered on the site; he was reluctant to refuse the application without good cause. In response Councillor Deacon spoke about his own experience of living near a licensed premises where there had been noise issues, describing it as having been an absolute nightmare.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to refuse the application, as set out in the report. On the proposition of Councillor Deacon, seconded by Councillor Cooper, it was by a majority vote

RESOLVED

That the application be **REFUSED** for the following reasons:

This application seeks retrospective planning permission for the use of the premises as a bar.

The current use of the premises as a bar is considered to have a detrimental impact on the residential amenity of nearby dwellings in terms of noise and disturbance, due to music breakout from the building itself and noise from customers outside of the premises. The submitted Noise Assessment furthermore does not provide sufficient confidence that noise from the premises can be sufficiently controlled in order to prevent unacceptable impacts.

The proposal is therefore contrary to policies SCLP10.3: Environmental Quality and SCLP11.2: Residential Amenity of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) and to paragraphs 174 and 185 of the National Planning Policy Framework. These require proposals to protect the quality of the environment by minimising all forms of pollution, including noise pollution, and avoid noise and disturbance giving rise to significant adverse impacts that result in an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.

Informative:

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

8 DC/22/2599/FUL - 708 Foxhall Road, Rushmere St Andrew, IP4 5TD

NOTE: Councillor Newton returned to the meeting for this item.

The Committee received report **ES/1388** of the Head of Planning and Coastal Management, which related to planning application DC/22/2599/FUL,

The application sought permission to erect a detached annex within the rear garden of 708 Foxhall Road in Rushmere St Andrew. As the case officer's recommendation of approval was contrary to Rushmere St Andrew Parish Council's recommendation of refusal, it was considered by the Planning Referral Panel at its meeting on 22 November 2022, where it was referred to the Committee for determination, to consider the relationship between the annex and the main dwelling, and highway safety due to the parking arrangement.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined, and the Committee was shown the original and revised plans for the proposed development. The Assistant Planner confirmed that the proposed annex would now be located on the eastern boundary in a more linear form, and closer to the host dwelling than originally proposed.

The Committee received the proposed floor plan and elevations, along with photographs of the site demonstrating views of the application site from various points of the host dwelling's garden, the building to be removed, the southern, eastern and western boundaries of the host dwelling's garden, and the existing driveway parking arrangements. The Assistant Planner noted that there had been no objection to the proposals from the Highways Authority.

The material planning considerations and key issues were summarised as the relationship to the host dwelling, the impact on residential amenity, and off-road parking. The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. The Assistant Planner confirmed that the use of the annex for family purposes would be enforced by condition and that any alternative use, such as a holiday let, would be dealt with by way of planning enforcement.

In respect of question regarding policy SCLP5.13 of the Suffolk Coastal Local Plan (the Local Plan) on how officers were satisfied the annex would be well related to the host dwelling, the Assistant Planner said that in this instance, as the annex would be located directly behind the host dwelling with limited access and a shared drive, it would be difficult to sub-divide the property without being contrary to planning policies, and therefore would be easy to resist should any application be made.

There being no public speaking, the Chairman invited the Committee to debate the application that was before it. Councillor Newton, whose Ward the application site was in, opened debate and highlighted that it had been extensively debated by Rushmere St Andrew Parish Council, particularly on the matter of the annex's relationship to the host dwelling. Councillor Newton said that the Parish Council had considered that if it was well-related then it would have use to the host dwelling beyond being an annex and any additional use was not clear. Councillor Newton also expressed concerns about vehicles reversing from the driveway onto Foxhall Road, where speeding was common.

Councillor Bird considered that the parking arrangements on the site would not be changed by the proposed development and therefore as an existing issue could not be held against the proposals. Councillor Bird stated that the Assistant Planner's explanation on how officers considered the annex to be well-related to the host dwelling had been helpful in clarifying the issue for him and he was satisfied with the application. Councillor Hedgley concurred with Councillor Bird's point on parking.

In response to a point raised by Councillor Deacon, officers confirmed that a building 0.5 metres shorter than the proposed annex could be developed under permitted development rights, but that the proposed use required planning permission.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application, set out in the report. On the proposition of Councillor Bird, seconded by Councillor Hedgley, it was by a majority vote

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 2257.01D received 25/10/2022, 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 annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 708 Foxhall Road.

Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.

5. 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.

Informative:

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 4.15pm.

.....
Chairman



Planning Committee South

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

24 January 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 16th December 2022. At present there are 17 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. *6 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. *2 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 16 December 2022 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.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/21/0074/SIGN
Location / Address	297 High Street, Walton
North or South Area	South
Date of Report of Breach	23.02.2021
<u>Nature of Breach:</u> Partial change of use of shop to residential accommodation	
<u>Summary timeline of actions on case</u> 25/08/2022 – Enforcement Notice served. Comes into effect on the 26/09/2022. 3 months for compliance	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	26/12/2022

A.4

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	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/03/2023

A.5

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	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	06/04/2023

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
<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.	
<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	
<u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

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.	
Current Status/Position 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
Nature of Breach: 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	
<u>Current Status/Position</u> Appeal submitted, waiting start date.	
Date by which Compliance expected (or prosecution date)	05/04/2023

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.	
<u>Current Status/Position</u> Site visit completed; file has been passed to the Legal Dept for further action.	
Date by which Compliance expected (or prosecution date)	legal process dependant.

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

<u>Nature of Breach:</u> 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 th February 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	EN/09/0305
Location / Address	Park Farm, Chapel Road, Bucklesham
North or South Area	South
Date of Report of Breach	09.10.2009
<u>Nature of Breach:</u> Storage of caravans	
<u>Summary timeline of actions on case</u> 13/09/2013 - Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received (Reference DC/14/2901/FUL) 21/07/2015 – Application reported to Planning Committee for determination. Application was subsequently withdrawn. 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. Further enforcement action to be put on hold and site to be monitored <u>Review in January 2019</u> 29/01/2019 – Legal advice sought; letter sent to site owner. 18/02/2019 – contact received from site owner. 04/04/2019 – Further enforcement action to be placed on hold and monitored. <u>Review in April 2021.</u> 13/04/2021 – Letter sent to owner to establish current situation. Given until the end of June to either comply or supply the Council with any other information. Case being reviewed. 22/05/2021 – contact received from site owner. Case reviewed. Due to the receipt of confidential information formal action has been placed on hold. 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at present to pursue. Review in two years.	
<u>Current Status/Position</u> Land has been cleared and case will be closed.	
Date by which Compliance expected (or prosecution date)	July 2023

G.2

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

Committee Report

Planning Committee South – 24 January 2023

Application no DC/21/4896/FUL

Location

Part Land Opposite Ashe Green Farm
Ivy Lodge Road
Campsea Ashe
Suffolk

Expiry date 15 February 2022

Application type Full Application

Applicant Iken Bay Riding and Livery

Parish Campsea Ashe

Proposal Change of use from agriculture to private horse riding school and livery, to create grazing paddocks, fence perimeter, build 12 stables, 10 riding school stables and storage and manege of 40m x 80m. Provision on field isolation shelter. As amended by revised plans and Design Report received on 08/02/2022 and further revised plans received 22/12/2022.

Case Officer Ben Woolnough – Planning Manager
Ben.woolnough@eastsuffolk.gov.uk

1. Summary

- 1.1 This application seeks to introduce a new equestrian business into a countryside location in the parish of Campsea Ashe. It is proposed as the relocation of an existing business, who's tenancy within the District (Iken) is coming to an end and they wish to maintain a local business with and maintain existing riding school and livery customers whilst continuing to provide these equestrian uses for the local area.
- 1.2 The site is a sensitive one, it has landscape character which the proposal impacts upon and the proposal will cause 'less than substantial harm' to the setting of a nearby Grade II Listed Building and the nearby Grade II* Listed Parkland.
- 1.3 The proposal brings economic and social benefits, particularly the riding school in respect of its health and wellbeing benefits and visitor economy benefits. This is a rural use in a

necessary rural location, which is also appropriately linked with the local bridleway network. In all respects other than heritage and landscape impacts, this proposal is Local Plan and NPPF policy compliant.

- 1.4 In reaching a conclusion on this application, a considerable number of third party representations of support and objection have been considered, including concerns from Historic England and The Gardens Trust. For the purpose of harm to heritage assets, the public benefits of the development would outweigh low level less than substantial harm. The negative landscape effects are also not significant enough to justify a refusal on landscape grounds alone. Overall, therefore this is a policy compliant development which on balance, can be supported. For this reason, Planning Committee members have been recommended to visit the site prior to presentation and consideration by the Planning Committee.
- 1.5 The proposal has taken some time to reach a recommendation due to a number of amendments, consultations and oversights by the applicant and Council during the course of its determination. A complete consideration has now been reached ensuring with suitable restrictions and specific conditions, this proposal can be recommended for approval.

2. Site Description

- 2.1. The site currently comprises an arable field and is around a mile to the southeast of the Campsea Ashe village boundary (designated a small village in the local plan) and one and a half miles to the north of Rendlesham (designated a large village in the local plan). The site is to the west of Ivy Lodge Road (C337), with mature woodland surrounding most of the site, apart from the northeast part of the site which is not enclosed and open, with open views across the field from the road. The site is surrounded by public rights of way. To the east of the site there are designated heritage assets, including the Grade II listed building Ash Green Farmhouse on the other side of the road, and the Grade II* Campsea Ashe Listed Parkland located to the North of the Farmhouse (northeast of the site). The site is also surrounded on all sides by public footpaths and bridleways. The site has no planning history.

3. Proposal

- 3.1. The proposal is for the change of use of land from agriculture to private horse riding school and livery. This would create grazing paddocks, a fenced perimeter, the erection of a stable block containing 22 stables, an isolation stable building/field shelter and storage and manege of 40m x 80m.
- 3.2. The proposals include a new vehicular access (partially constructed at the time of the application) onto the highway. The stable block will have a height of 4.3m and built around a yard leading to the arena, orientation south.
- 3.3. The proposal would combine a riding school and livery use. The riding school would be based on 10 ponies being kept so would largely be focussed on younger people and this would provide riding lessons and other activities to paying customers visiting the site. The

livery would be a facility for people to keep their own horses and the site, paying for stabling, grazing and care and having access to the riding facilities.

- 3.4. Amended plans have been received during the course of the application that have omitted the original inclusion of a dwelling and floodlighting as part of the scope of works, as per amended plans and documentation received 8 February 2022. Further amended plans were received on 20th December 2022 which proposed amendments to the western wing of the stable block to incorporate 10 stables for riding school ponies along with an isolation field shelter.

4. Third Party Representations

- 4.1. Neighbours were consulted on 22 November 2021, 29 July 2022 (based on landscape information submitted) and 22 December 2022 (based on stable amendments).
- 4.2. At the time of writing the report, the consultation period based on neighbour letters (between 22.12.22 and 17.01.23) had not ended therefore this report covers up to 13 January. A required Press Advert does not expire until 26.01.23 (due to publication on 05.01.23). Any representations received following the neighbour consultation period but after the writing of this report will be provided in an Update Sheet on 23 January, the day before the Planning Committee Meeting on 24 January. Any comments related to the consultation received after 24.01.23 and by 26.01.23 will be presented to the Chair and Vice Chair of the Planning Committee after the Planning Committee meeting. It is regrettable that the entire consultation period does not end by the Planning Committee but that is because of the extended press publishing timeframe over Christmas. By the date of the Planning Committee meeting the consultation period would have been live for 32 days.
- 4.3. 151 supporting comments have been received, key themes are summarised below, for full comments please see the public website;
- Provides work experience opportunities
 - Benefit to the local economy to retain business and support local equestrian businesses
 - Positive design
 - Meets needs of local riding community
 - Educational and recreational benefits
 - Benefit to local wildlife and landscape with the additional planting
 - current business well run by experienced owner
 - benefit to mental health and well being
 - valuable asset to local community – permission will allow the business to continue operating
 - brings employment to the area
 - good location, close to bridleways
 - inclusive and affordable operation
- 4.4. 76 objections received, key themes are summarised below, for full comment please see the public website (additionally representations have been received from Boyer on behalf

of objectors, and commissioned a separate HIA, and Friends of Campsea Ashe Group and also comments from the County Councillor for the ward);

- highway safety concerns, inc narrow width of road, speeds, parking, additional traffic
- light pollution, loss of dark skies
- landscape impact
- detriment to local wildlife, ecology and biodiversity
- detriment to local public rights of way
- loss of open space
- inappropriate location for business
- extent of development not appropriate, overly dominating and detrimental to local character
- harm to designated assets
- boundary issues
- field potential NDHA and common, should not be developed
- drainage / flooding concerns
- overdevelopment of site
- increased noise, smells, / disturbances
- not appropriate in conservation area
- setting a precedent for further development
- concern would result in a phased development, with further development required at a later date
- inclusion of dwelling unjustified, insufficient and misleading information submitted and lack of viability evidence
- loss of views
- construction works
- contamination
- unsustainable location – insufficient public transport links
- health and safety concerns
- neighbouring amenity concerns inc loss of privacy and overlooking, impact on value
- principle of use
- security concerns
- insufficient grazing space and stables
- detrimental to the streetscene
- detriment to character of countryside and suburbanisation
- should be sited in a different location
- Inaccurate and misleading information
- Ownership queries
- Doubt over the applicant's commitment to the riding school element

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Campsea Ashe Parish Council	22 November 2021	6 January 2022
<p>Summary of comments:</p> <p>Campsea Ashe Parish Council hereby strongly objects to above planning application. The Parish Council received unprecedented negative feedback from residents with regards to this matter, even though the applicants proceeded with an aggressive media campaign. So far, CA PC is not aware of any actual Campsea Ashe resident in support of this proposal.</p> <p>Whilst the PC is totally supportive of any business / riding school wanting to locate within the boundaries of the Parish, we maintain that support would have to be based on availability of actual suitable land (and location) for any such new businesses. The relocation of this small family business (from nearby Iken) to Campsea Ashe does not create new jobs nor opportunities for residents, and any potential perceived small benefit to this proposed re-location is not proportional to the many negative impacts this project will bring to the area. The proposed 'new' livery/stable operation will in fact be smaller than the existing operation in Iken. Additionally, there appears to be no shortage of liveries in this area.</p> <p>I Site related Issues</p> <p>1 History and setting; The PC strongly objects to a key greenfield site outside the village envelope being considered for a building proposal, that encompasses over 2 acres of the land. The site is a non designated heritage asset (SHER CAA 010), going back to medieval times and located in the vicinity of designated heritage assets, as well as being one of the last two remaining historic settings in Campsea Ashe.</p> <p>2 We regard the agent's Historic Impact Assessment as rather superficial, failing to provide any convincing justification for the proposal and would like to draw attention to Mr Selby's HIA (letter of objection) as well as the comments made by the Suffolk Preservation Society in their letter of objection.</p> <p>3 A recent planning application by a resident living opposite the site for re-roofing had been rejected by the planners because of the impact it would have on the historic setting of the area. We therefore would ask the planners to apply equally strict parameters to this application, which obviously will impact the setting of the area immensely.</p> <p>4 The PC hence has serious concern about the medium/long term viability of the site to cater for such a density of horses to be held on the land. Because of the heavy nature (clay) of the soil, and regardless of the current drainage solutions put into the ground, which are - in effect - dispersing the problems to the neighbouring fields, the remaining ca 20 acres are in our view not sufficient to hold 22 + horses and ponies in an adequate manner and will penultimately lead to either a reduction of horses catered for or a secession of the operating business. Regardless of the current drainage 'solution', over time the animals will compact the ground and hence reduce the</p>		

effectiveness of the drainage. That will most likely result in animal welfare issues, as the fields become again increasingly water logged.

5 As mentioned above, the site is within an area of heavy clay soil that regularly has severe issues of saturation and muddiness during the wet autumn to spring seasons, always affecting the few nearby path and bridleways. A livery/stable operation of that size, with horses attempting to use those few neighbouring path/bridleways, would heavily damage those and would make them unusable for other residents, especially during the wet periods. The site has only access to two footpath/bridleways leading from the site, which indicates either heavy usage of those few paths (and with it resulting damage) and/or increased need for transporting horses to other hacking areas, creating further traffic impacts locally. (see II Traffic comments below)

6 The above mentioned 'dispersion' of (saturated ground) water affecting the footpath is already occurring. Images of the problems are being taken by residents.

7 The PC noted with concern that the applicants proceeded with un-lawful building works as well as compromising land boundaries, without any engagement with the owners. We are also concerned that drainage works already done will impact neighbouring land in the future.

8 The Application states that land designation is Rendlesham NP. CA PC has questioned this statement already during the process, but has not received any response to the matter.

II Traffic 1 Due to continuing developments in the Rendlesham area, CA and Ivy Lodge Road have increasingly suffered from traffic related incidents. The site is on Ivy Lodge Road, which finally had been granted a TRO in 2020, due to the traffic issues this road had been increasingly subjected to. The site is on a stretch that has become notoriously fast and dangerous, to an extent that residents do not feel safe cycling or riding on this road any more. Regular speed related incidents occur, including a flipped car in 2020, as well as actual blockages due to vehicles not able to pass each other.

The north-western stretch (ca 0.8m) of ILR is severely restricted in width, with a final width restriction at the B1078/Eyke Rd junction. That specific area has seen repeated damages to the ancient church yard wall and neighbouring listed properties and is one of the reasons for the Traffic Order on ILR, to which residents contributed £4000. The PC therefore would regard a livery & stable operation with its inherent vehicle movement impacts and increasing traffic - not only in those parts of Campsea Ashe - as unacceptable.

2 The PC regards the traffic impacts stated by the applicant as questionable and understated.
a Due to site specific issues (see I points 4 & 5), daily impacts will be much heavier, as horses will have to be transported to/from side to appropriate hacking (riding) areas, such as Tunstall Forrest.

b Daily impacts will be heavier during holiday times, as the applicant states they intend to increase lessons by 100+ / month during those times. Each lesson will create at least 2 car movements, which – during summer holiday times especially – would add over 50 movements a week.

c The PC is also highly concerned about (non-public) Private Events, especially as that is a constant feature within the current set up. Private (Invitation only) events can draw regularly substantial amounts of 'invited' guests/participants to the site, which will create higher levels of traffic and subsequently resulting in noise/air pollution to villagers and also will add to further environmental lighting and noise disturbance in that traditionally quiet, dark rural setting of Ash Green. These events are not listed and accounted for.

Whilst the applicant states that no 'public' events will be hosted, he has not done so categorically, which implies 'private' events are part of the modus operandi. It has also been noted that a reference to a cafeteria in the Pre-App drawings, implying catering facilities to a larger crowd, has been erased, with the actual area remaining but now having no official 'designation'.

d The applicant's statement that 30% of visitors will travel by bicycle to the site is highly questionable and lacks any foundation.

3 The site entrance/exit will pose additional safety issues to road users, especially as the location is in a 'high speed' problem area.

III Environment

Campsea Ashe PC objects to covering nearly 2.5 acres of greenfield land with buildings in an area that is one of the last remaining relatively undisturbed rural environments in Campsea Ashe.

1 The PC is concerned, that no environmental impact assessment has been commissioned as this unbuilt green area would be subjected to major noise and lighting impacts, starting with the building process and the subsequent operational impacts of the proposal.

2 The area is rich in bats, owls, insects and other important wild life, that has roamed the area undisturbed for decades. Ash Green forms the north-easterly boundary of a stretch of relatively undisturbed wood and farmland, an important habitat for the local wildlife. This new proposal undoubtedly will impact on the diverse local wild life

3 A disproportionally huge manege with its flood lights, the noise it creates when being used as well as the associated noise/air/lighting pollution created by visitors will fundamentally impact the environment and residents. Whilst the applicant states that activities at the manege will be finished by 8.30 pm and hence flood lights will be turned off, the ongoing activities at the stables will continue for some time and with that, further lighting and noise impacts.

IV Buildings 1 As stated above, the PC objects to a historic green field site being covered (more than 10%) by roads and large stables and buildings.

2 Concern has been raised that even with this amount of stabling, not enough shelter for the 22 declared animals are available. That would suggest an enlargement of facilities within a very short space of time.

3 The PC is hugely concerned about the proposed building of a 3(!) bed roomed house outside the village envelope. The reasoning for a 3 bed roomed house is superficial and overstated. As has already been pointed out, the applicant has overstated the Animal Welfare Issues with regards to a 5* rating, which clearly states it not being a necessity for a person to live 24hours on site. Even if that would be the case, a person could be accommodated to stay overnight within the stable block, and it would certainly not require a 3 bed-roomed house. Equally, there are certainly enough rental properties (to even accommodate a whole family) within 30 minutes of the site in the area, something that would satisfy the 5* rating of Animal Welfare.

4 The PC is also concerned that the business reason for building such an extensive and elaborate site seem not to financially add up, creating serious concerns for the actual potential long-term purpose of this application. a Information about the previous business (used as an argument for it

being a 'successful and profitable agricultural' business) are scant. b The available business plan seems very limited and does not show a realistic ability to repay loans (in the region of £650.000-750.000?) as well as pay rent, rates, NI and wages for the employees. c Whilst the actual ownership is 'opaque', there are queries regarding the stated income stream, as at least 5 of the 10 horses are owned by the actual owners and the applicants (K, G&P) and hence do not create an income stream. d The proposed 'new' livery/stable operation will in fact be smaller than the existing operation in Iken. Additionally, there appears to be no shortage of liveryes in this area.

A successful business must easily have sound financial records available to back up their claim. However, with the level of information actually available and provided, we are forced to conclude this not being a profitable functioning agricultural business and hence have to reject the argument for a house on the site.

V Cumulative Impacts As stated in section II Traffic, Campsea Ashe PC is concerned about cumulative impacts the development will add to the Campsea Ashe area. In view of continued developments in the Rendlesham area and our continued efforts with other Parishes to highlight and resolve traffic issues in the Melton – Tunstall – Snape – Hacheston corridors, this development will further add to the impacts already felt and which are affecting our residents. With Friston (Scottish Renewable) and Sizewell C being distinct possibilities to further adversely affect this area in the coming years, applications like this must also be judged in a cumulative strategic manner.

To summarize, Campsea Ashe PC objects to this application on multiple grounds. Whilst we support in principle horse riding activities and recognise its benefits to the people who can afford this sport, we believe this being the wrong location for such scaled business proposal, especially on environmental, traffic and heritage grounds. The PC would have no objections to a small temporary stable being build to provide shelter for a few horses.

Should the Planning Officers decide to grant the application, we request for this application to be referred to and scrutinized by the Planning Committee.

Further comments received 26 January 2022

In response to the recent submitted responses by the applicant, Campsea Ashe Parish Council wishes to express its grave concern regarding the continuing inconsistencies within the application, especially about the following issues

1 We are astonished that, contrary to ESC's Local Validation Requirements (October 2020), no Ecological survey / Impact Study has been submitted in this historical rural and relatively undisturbed area. Suffolk Wildlife Trust for example has not been willing to support this application due to the lack of an appropriate Ecological Survey.

2 Historic England, Suffolk Preservation Society and the resident commissioned Heritage Impact Assessment clearly supported the PC's view of this piece of land being an important non-designated Heritage Asset, especially in the wider view of The Setting of Heritage Assets, with applicant not having been able to demonstrate otherwise. We also refer to DC/19/2468/ROC re Little Barn, Ash Green, which was refused on above grounds.

3 The validity of the requirements for a house have been thoroughly shown to be either incorrect or misrepresented. The approval for a residential dwelling will dangerously lead to a potential precedent for further development and creep in this rural area.

4 The applicant's statement of removing the telescopic lighting (and this hopefully not being just temporarily), whilst welcomed by the PC and residents, will in effect further undermine the viability of the business and further questions the business case of this application.

5 The submitted business plan is not supported by any accounts of the previous years and hence bears no relevance. We also refer to some of the issues we have quickly identified and which put into serious question the validity of a business case. (see attached appendix).

6 The PC has been made aware of legal issues between the applicant and local landowners regarding the boundaries of the application submitted. This - together with the actually unknown ownership of the land - throws up the issue of the legality of an application, where boundaries are not yet established between the parties.

In summary we query whether this application is able to continue in its format, as many of the issues are not correct or have changed to such a degree, that this application should be rejected or withdrawn or to be resubmitted in a new format. We query whether this application is sustainable in law or fact.

Campsea Ashe Parish Council is concerned about continuing discrepancies and even substantial changes to the submitted financial data, which we feel requires further scrutiny, as the application pivots around the business model.

1 Original capital costs were given as £546,200. This also corresponded to the Director's Loans. In the second submission they are £740,000 and the Director's contributions only amount to £380,000.

Why are these numbers different? Where is the shortfall coming from and who is paying it, on what terms, and where is it in the accounts?

2 Teaching income in 2018/19 was £36,000 and is projected to more than double to £82,000 by 2023/24. How is this phenomenal growth achieved so suddenly by a long established successful business, that will have less horses to teach with? They may claim that the 'double' sized menage will allow more lessons but that does not explain the linear increase in lesson income throughout the accounts.

3 Projected income from liveries increases by £3,000 a year, projected income from Teaching increases by £2,000 a year. However costs (salaries, feed, bedding, maintenance, utilities) are all projected NOT to increase in cost over the same 3 years. We think this not being realistic, especially with current inflationary environment.

4 Original submission showed Loan Capital repayment of £31,400 but nothing mentioned in the new submission. Original submission showed Loan interest repayment of £13,600 but is now £25,200 in new submission. Further, original submission showed Net profit £16,708.98 but in the new submission shows as £34,000; quite a substantial increase although at higher loan repayments?

There is also NO capital expenditure after 2021/22 through till 2025/26 at the earliest

5 In the original statement, no mention was made of income from course design, as that was income from part time activity of applicant.

6 We also note that there is no indication of income from the Café, which somehow is now not featured as such in the submission. Does this mean there will be no caféteria catering for visiting people, i.e. visitors to invite only – non public – events.

7 We remain concerned that accounts for the previous years, which might/might not demonstrate a viable business in the past, have not been made available.

It therefore seems, that the original submission had no substantive figures behind it. This application is littered with inconsistencies, which require closer inspection and which therefore raises grave concerns about the validity of the submission.

Campsea Ashe Parish Council

25 January 2022

In response to the recent submitted responses by the applicant, Campsea Ashe Parish Council wishes to express its grave concern regarding the continuing inconsistencies within the application, especially about the following issues

1 We are astonished that, contrary to ESC's Local Validation Requirements (October 2020), no Ecological survey / Impact Study has been submitted in this historical rural and relatively undisturbed area. Suffolk Wildlife Trust for example has not been willing to support this application due to the lack of an appropriate Ecological Survey.

2 Historic England, Suffolk Preservation Society and the resident commissioned Heritage Impact Assessment clearly supported the PC's view of this piece of land being an important non-designated Heritage Asset, especially in the wider view of The Setting of Heritage Assets, with applicant not having been able to demonstrate otherwise. We also refer to DC/19/2468/ROC re Little Barn, Ash Green, which was refused on above grounds.

3 The validity of the requirements for a house have been thoroughly shown to be either incorrect or misrepresented. The approval for a residential dwelling will dangerously lead to a potential precedent for further development and creep in this rural area.

4 The applicant's statement of removing the telescopic lighting (and this hopefully not being just temporarily), whilst welcomed by the PC and residents, will in effect further undermine the viability of the business and further questions the business case of this application.

5 The submitted business plan is not supported by any accounts of the previous years and hence bears no relevance. We also refer to some of the issues we have quickly identified and which put into serious question the validity of a business case. (see attached appendix).

6 The PC has been made aware of legal issues between the applicant and local landowners regarding the boundaries of the application submitted. This - together with the actually unknown

ownership of the land - throws up the issue of the legality of an application, where boundaries are not yet established between the parties.

In summary we query whether this application is able to continue in its format, as many of the issues are not correct or have changed to such a degree, that this application should be rejected or withdrawn or to be resubmitted in a new format. We query whether this application is sustainable in law or fact.

Appendix re Business Plan inconsistencies

Campsea Ashe Parish Council is concerned about continuing discrepancies and even substantial changes to the submitted financial data, which we feel requires further scrutiny, as the application pivots around the business model.

1 Original capital costs were given as £546,200. This also corresponded to the Director's Loans. In the second submission they are £740,000 and the Director's contributions only amount to £380,000.

Why are these numbers different? Where is the shortfall coming from and who is paying it, on what terms, and where is it in the accounts?

2 Teaching income in 2018/19 was £36,000 and is projected to more than double to £82,000 by 2023/24. How is this phenomenal growth achieved so suddenly by a long established successful business, that will have less horses to teach with? They may claim that the 'double' sized menage will allow more lessons but that does not explain the linear increase in lesson income throughout the accounts.

3 Projected income from liveries increases by £3,000 a year, projected income from Teaching increases by £2,000 a year. However costs (salaries, feed, bedding, maintenance, utilities) are all projected NOT to increase in cost over the same 3 years. We think this not being realistic, especially with current inflationary environment.

4 Original submission showed Loan Capital repayment of £31,400 but nothing mentioned in the new submission. Original submission showed Loan interest repayment of £13,600 but is now £25,200 in new submission. Further, original submission showed Net profit £16,708.98 but in the new submission shows as £34,000; quite a substantial increase although at higher loan repayments?

There is also NO capital expenditure after 2021/22 through till 2025/26 at the earliest

5 In the original statement, no mention was made of income from course design, as that was income from part time activity of applicant.

6 We also note that there is no indication of income from the Café, which somehow is now not featured as such in the submission. Does this mean there will be no caféteria catering for visiting people, i.e. visitors to invite only – non public – events.

7 We remain concerned that accounts for the previous years, which might/might not demonstrate a viable business in the past, have not been made available.

It therefore seems, that the original submission had no substantive figures behind it.

This application is littered with inconsistencies, which require closer inspection and which therefore raises grave concerns about the validity of the submission.		
Campsea Ashe Parish Council		11 February 2022
<p>Summary of comments:</p> <p>We are highly concerned, as we have discovered - yet again - further changes to above application having been submitted and this time representing quite a substantial change from the original application. CA PC has not been informed by officers nor applicant of such fundamental changes, which seem to have been accepted by the department astonishingly close to the decision date of 15th of February. This re-submission appears to be in response to the additional comments sent by residents representatives (Boyden) and the PC. It appears that the recent communications sent by the PC and residents, have found their way to the applicant, yet not to the portal, something pointed out to officers over the past week. Whilst the PC is pleased for the applicant to have dropped the demand of a dwelling, it as become further confusing and ambiguous. The reference to the dwelling remains in the title of the application, though the dwelling now apparently being removed but also still being referenced at within the re-submission? The PC remains gravely concerned, that whilst the dwelling and light is currently dropped, the ability to re-submit at a later stage for both is regarded a very real dangerous possibility and something the PC categorically wishes to have blocked within any of the applications. It also reaffirms the ambiguity of the applicant first submission, as initially need for the dwelling was featured as an utmost necessity for the business to function - this either obviously not being the case, or now the intention being for it to be re-submitted later. We struggle to understand how several issues that were claimed to be fundamental to the original business viability somehow now are possible and do not affect the whole viability of this business? This application should really have been stopped some time ago and the applicant should have been required to submit a new one, as seem to be the case with so many other applications, such as a recent application on Mill Lane re DC/21/5506/FUL. We look forward to your response.</p>		
Campsea Ashe Parish Council		7 March 2022
<p>Campsea Ashe Parish Council hereby continues to strongly object to above planning application. Whilst the PC acknowledges the applicant removal of the proposed dwelling and the removal of lighting of the manage, members unanimously feel that all other issues cited in our original objection have not been addressed appropriately in the revised plans. We remain opposed to the scale of this proposal, its impacts (traffic, environmental & historic) on the setting, and regard this development wholly inappropriate for this particular site. We continue to express our support in principle for business and horse riding activities, but that those activities and the impacts linked to it, should not be to the detriment of residents, the area and environment. We refer to our original letter of objection. Should the Planning Officers decide to grant the application, we request for this application to be referred to and scrutinized by the Planning Committee.</p>		
Campsea Ashe Parish Council		10 August 2022

<p>In response to further amendments and submissions by the proposer, Campsea Ashe Parish Council hereby continues to strongly object to above planning application. We have seen no substantial added evidence or information and hence we remain opposed to the scale of this proposal, its impacts (traffic, environmental & historic) on the setting, and continue to regard this development wholly inappropriate for this particular site. We especially would again like to refer to 1 the inadequacy of the surrounding area for horse riding activities (lack of sufficient bridleways and the resulting need to transport horses to sites/areas that can accommodate appropriately riding activities), 2 the traffic impacts on Ivy Lodge Road and the village by the daily activities as well as 'private' competitions and events, 3 Up to this date, no viable business plan nor proof of this having been a viable business in the past has been provided. We continue to express our support in principle for business and horse riding activities, but that those activities and the impacts linked to it, should not be to the detriment of residents, the area and environment. The negative impact of this development outweighs the possible and - from our perspective – not proven public benefit. We refer to our original letter of objection. Should the Planning Officers decide to grant the application, we continue to request for this application to be referred to and scrutinized by the Planning Committee.</p>		
Campsea Ashe Parish Council		11 January 2023
<p>Further to the revised application DC/21/4896/FUL Campsea Ashe PC would like to reiterate its objection to the proposal. The finally acknowledged issue of providing shelter for the 10 ponies has not altered or affected the other main issues on which the PC based its earlier objections. 1 Traffic impacts on an already dangerous lane 2 Unsuitable / insufficient bridleway network for constant exercising of horses (leading to increased need of transporting of horses) 3 Permanent destruction of heritage settings 4 (Unsuitable) Development outside the village settlement boundary 5 Environmental and ecological impacts in a tranquil rural setting, neighbouring a listed heritage assets. The PC is also concerned about possible general appearance & clutter, linked to parked vehicles, trailers, waste, etc., which again will seriously impact on this tranquil rural setting. We would also like to emphasise, that a wide variety of stakeholders have objected/raised concerns regarding the development: Historic England, The Gardens Trust, Suffolk Preservation Society, Suffolk Archaeology, Suffolk CC Public Rights of Way, Suffolk Wildlife Trust. District and County Councillors C Poulter & A Nicoll All neighbouring residents on Ivy Lodge Rd and who will be most directly affected by this have objected. Council Officers including advisers on Landscape, Conservation, and Ecology, have expressed significant reservations about this proposed development. It has also been noted, that the Historic Environment SPD within the Planning Policy & Local Plan had not been adhered to, including the lack of consultation with required consultees, such as the Garden Trust. We are also very concerned that an ecological survey has never been carried out. Allowing this development to go ahead despite the views of an extensive list of experts, stakeholders and local residents, and after a process that seemed to have contravened several planning policies and processes, would be a travesty. Finally, we wish to challenge the procedure as managed by ESC Planning Department throughout this process, exemplified most recently by an email dated 22/12/22 (!), which set out a restricted time frame for responses, which is less than the 21 day consultation period and - most importantly - which was not directly communicated to the PC</p>		

Consultees

Consultee	Date consulted	Date reply received
SCC Rights Of Way	6 December 2021	21 December 2021
<p>Summary of comments:</p> <p>Public Rights of Way comments: The proposed site contains public rights of way (PROW):</p> <ul style="list-style-type: none"> • Campsea Ashe Public Footpath 7A bounds the northern and western boundaries of the site, • Campsea Ashe Bridleway 7B bounds the eastern boundary of the site, • Campsea Ashe Bridleway 7 bounds the southern boundary of the site. <p>The Definitive Map for Campsea Ashe can be seen at: https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Campsea-Ashe.pdf. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service. The Design Report states “The only change proposed to the paths is a small diversion to the roadside bridlepath to make a safe crossing where the driveway meets the highway.” Please note bullet 4 below regarding diverting (however minor) public rights of way. Please also take note of bullet point 3 below which states that nothing may be done to alter the alignment, width, surface or condition of a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. We would accept this proposal subject to the above being met and the following:</p> <ul style="list-style-type: none"> • Campsea Ashe Public Footpath 7A is upgraded to bridleway status. This will enhance the local public right of way network and be commensurate with the proposed development. • This upgrade is delivered as a public path creation agreement under Section 25 of the Highways Act 1980. • The legal costs for a Creation Agreement is £5,000 and should be provided as a Section 106 obligation under the Town and Country Planning Act 1990. 		
SCC Rights Of Way		20 January 2022
<p>Summary of comments:</p> <p>We previously responded to this consultation through the SCC Highways Development Control response dated 21 December 2021. Following a review of the proposal we no longer require Campsea Ashe Public Footpath 7A to be upgraded to bridleway and we no longer require a Section 106 obligation. Thank you for taking the time to consider this response.</p>		
SCC Rights Of Way		6 October 2022
<p>Summary of comments:</p> <p>Councillor Nichol has drawn my attention to a letter from East Suffolk Council’s Strategic Landscape Advisor dated 4th October 2022 in connection with this application. In the officer’s letter, they draw attention to the direct negative effects on views from the PROW surrounding the site, noting views are limited to close distance views directly adjacent to the site, due to the site’s partial enclosure by woodland. The change to composition of those close distance views and experiential qualities of footpaths would be readily noticeable and negative even once mitigation is established. In the summary, the officer further notes the proposal would likely have some negative effects on landscape character, experiential qualities and the composition of close distance views, which would be readily noticeable, whilst acknowledging recent changes to the</p>		

proposals would reduce and better mitigate the potential impact on views, and on the special qualities and features of the local landscape. Please would East Suffolk Council ensure the impact of the application on the enjoyment of PRow users using the adjacent paths is given proper weight when considering this application. The county council seeks to ensure there is no loss of amenity to PRow users when access networks are affected by planning applications.

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	22 November 2021	25 November 2021 and 13 March 2022

Summary of comments:

We have looked at this proposal. In our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

13 March 2022

I have reviewed the application and subsequent submissions, and I am writing with comment from SCC Archaeological Service regarding i) Ash Green as a site recorded in the Historic Environment Record, and ii) below ground remains. Detailed comment on historic landscape and the setting of designated assets are matters for East Suffolk's Landscape Advisors, Conservation and Design advisors and Historic England. The planning application affects the western (larger) portion of an area of now arable land called Ash Green. The land was historic pasture/grazing, noted to have been requisitioned for arable cultivation in the Second World War (Heritage Impact Assessment, Selby, 2021). Ash Green is recorded and mapped as a historic landscape feature in the County Historic Environment Record (CAA 010). There is a reference to 'Aysshe Green' from 1433, but Hodskinson's 1783 Map of Suffolk is the earliest cartographic source. The green is depicted according to the conventions for greens that the cartographer used more widely across the map. Whilst the alignment of the road through the green appears different on this map to the modern day (discussed in 'Replies to Comments', Curry-Hyde), some allowance needs to be made for the accuracy of mapping at this scale, and at this date and the location and general form of the green as depicted is consistent with the green as shown on the tithe map of 1839 and historic OS maps (1905). The shape of the green has remained largely unchanged since at least the 1839 tithe map. The heritage statement submitted with the application (Joubert 2021) notes that ditches at the western edge of properties set back on the eastern side of Ivy Lodge Road could have originally formed the eastern boundary of the green, with some partial early enclosure around Ash Green farmhouse (reflected on Hodskinson's map). The former character of the green, as pasture for cattle grazing with driftways, is also noted in the Heritage Statement (Joubert 2021). The site is surrounded on three sides by tree belts and has been so since the 1839 map. Effectively, it is a former medieval green that has remained an open space within a wider estate landscape that has developed around it. This combination of a green or common and estate landscape, is entirely consistent with the Plateau Estate Farmlands of the wider landscape, and in particular the transitional nature of this landscape between the claylands and sandlands of eastern Suffolk. The proposal involves bringing a large area of the land back into a pasture/grazing use, which would be a positive change. It also, however, brings built form into the northern end of the site, and introduces new boundary treatments. Parkland-style clump planting is also proposed – this would seek to integrate the space into the surrounding landscape rather than maintain the differentiation of the former green. We recommend that considerations of the proposals and design parameters

are matters for East Suffolk's Conservation and Design and Landscape Advisors, and Historic England, which should be informed by the historic character and use of the site outlined here. The HER entry records the green as a feature of historic interest although entry in the HER is not a designation. The National Planning Policy Framework (2021) defines a heritage asset as A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). East Suffolk Council local plan policy SCLP11.1 of the Suffolk Coastal Local Plan 2020 is relevant, as is non-designated asset guidance (<https://www.eastsuffolk.gov.uk/planning/design-and-conservation/non-designated-heritageassets/>) and the Historic Environment Supplementary Planning Document (2021), (<https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-LocalPlans/Supplementary-documents/Historic-Environment-SPD/Historic-Environment-SPDreduced.pdf>), where non designated heritage assets are noted to hold a degree of significance meriting consideration in planning decisions because of their heritage interest (p18). We therefore advise consideration in relation to paragraph 203 of the NPPF, which says that The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In terms of below ground archaeology, the closest surrounding entries on the Historic Environment Record are Campsey Ashe Park (CAA 006), Rendlesham Park (RLM 022), and a pond on the south edge of the green (RLM 023). These are related to the historic landscape and are broadly self-contained. As a landscape feature, we would not anticipate the green itself to have high potential for significant or extensive below ground remains relating to the medieval and later periods, as activity on it may be expected to have been transient with a generally sparse archaeological signature. Usually, higher densities of remains are located around the edges of greens where properties were located, often set back from the frontage. For earlier features, the HER includes records for cropmarks to the west (CAA 036), c600m away, and round barrows near Ash Lodge (RLM 009) at a similar distance. Whilst absence of evidence is not evidence of absence, the topography, nature of the closest recorded sites and distance from the site, soil type, combined with the scale and form of development mean that on balance, whilst investigation would be the only way to establish for sure whether there are archaeological remains on the site, in this case we would not advise that there is a strong research justification for a full programme of archaeological work to be secured through planning conditions.

Consultee	Date consulted	Date reply received
SCC Highways Department	22 November 2021	21 December 2021
<p>Summary of comments:</p> <p>Notice is hereby given that the County Council as Highway Authority cannot make a comment at this time due to a lack of information to make an informed decision. The Highway Authority would recommend a holding objection until the information has been submitted: • Lack of Visibility shown on plans – No visibility has been demonstrated on the plans to enable the Highway Authority to assess the impact upon road safety or ascertain if current guidelines have been met. • Lack of information on sustainable transport links. Please also see Rights of Way comments below, especially with regard to the access design and the public rights of way that are affected by the proposed access. Points 3 and 4. Visibility: The Design Report Part 1 sets out parameters for access position and access design. The speed data and methodology is accepted. Visibility splays have</p>		

<p>been quoted to be provided to 120m in each direction set back 2.4m. However, this has not been demonstrated on any submitted plans. Without evidence that the required visibility splays can be achieved in applicant ownership or land maintained by SCC, then it cannot be assessed to its impact on road safety. This is contrary to NPPF 111 and until this is supplied via the LPA website, I request a holding objection. Sustainable links: No information as to sustainable links have been submitted to be assessed. This is contrary to NPPF 110a. It is also noted on page 6 of the design report that this application is not seeking permission for events open to the public.</p>		
SCC Highways Department		10 March 2022
<p>Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below: Previous comments have been addressed by the applicant with confirmation of the boundary of SCC land maintainable at public expense and the visibility splay. There may be addition mitigation/asset assessment required for the land to be cleared that is maintained by SCC and this work is to be assessed before the application of a section 278 which is required as it is illegal to work on the adopted highway without a licence.</p> <p>I can now recommend the following conditions with the information supplied in the application.</p> <p>Access Condition: No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing labelled Highways Plan on the planning portal dated 21.12.2021. Thereafter it shall be retained in its approved form.</p> <p>Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. *This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.</p> <p>Visibility Condition: Before the access is first used visibility splays shall be provided as shown on Drawing labelled Highways Plan on the planning portal dated 21.12.2021. with an X dimension of 2.4 metres and a Y dimension of 120 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.</p> <p>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.</p>		

Construction Management Plan Condition: Before the development hereby permitted is commenced
a Construction Management Plan shall have been submitted to and approved in writing by the Local
Planning Authority. Construction of the development shall not be carried out other than in
accordance
with the approved plan.

The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase.

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. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	22 November 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Historic England	16 December 2021	5 January 2022
<p>Thank you for your letter of 16 December 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.</p> <p>Historic England Advice</p>		

The development proposed within this application is; change of use from agriculture to private horse riding school and livery, to create grazing paddocks, fence perimeter, build 12 stables and storage, a menage of 40 x 80m and a small dwelling for security and horse welfare.

The land which it proposed to develop is marked on the 1883 first edition OS map as Ash Green. The Suffolk Historic Environment Record records it as being a medieval green and its presence on a map of 1433 is mentioned. Although it does not appear to be used as a Green in the traditional sense in the present day, the shape of the land and its use for agriculture has remained the same since at least 1433. It is therefore an important part of the landscape. Its openness and emptiness and agricultural use is part of the contribution to the setting of the registered park and garden.

The scheme would involve a large amount of development on the former open agricultural field which fundamentally changes its character. The historic maps do not indicate any structures of any kind on the Green and therefore this would be a marked change. The provision of hard surfaces, fenced partitions and large new buildings would be detrimental to the character of the Green. The new hedge, the gates leading into the field and the new planting serve to formalise this previously communally managed space. 24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU Telephone 01223 582749 HistoricEngland.org.uk *Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

The menage is proposed to be surrounded by 8 light posts, 4 along each long end (Drawing 3 - Site Plan). No further information is given as to the height or luminance levels of these lights but regardless of this, there are no other lights in the area and these would create a glow around the site when they are used which could be visible from some distance. This may impact upon the setting of Campsea Ashe registered park and garden. No information is provided regarding the impact of this lighting on the highly graded heritage asset.

Policy Context

Paragraph 194 of the NPPF states that planning authorities should require an applicant to describe the significance of any heritage asset affected including any contribution made by its setting.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater that weight should be)

Paragraph 200 of the NPPF states that any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the scheme.

Historic England Advice Note GPA3 - The Setting of Heritage Assets contains useful information. In particular Page 5: Designed Landscapes which states that impact can come from areas outside of a designed landscape when adjacent to it if they would be particularly visible or prominent.

Historic England's Position.

Historic England considers that there is not enough information provided in relation to the impact of the menage lighting, and any other proposed lighting on site, would have on the setting of Campsea Ashe grade II* registered park and garden. The site is, at present a dark site and no other street lighting or street facing lighting is currently visible. A large amount of floodlighting such as that proposed, has the potential to impact upon the setting of the registered park and garden. We consider that more information is required on this element of the proposal and its impact. The scheme is not therefore in accordance with paragraphs 194 and 199.

The change of use of the land to that proposed will impact upon the setting of the registered park and garden through the loss of the understanding of the landscape

surrounding great estates. The predominant understanding of this land will be of buildings and lighting, formalised landscaping and hardsurfacing rather than that of grazing as stated in the heritage assessment. The scale of the business has not been justified in this location. A smaller and low key use of the land without lighting and large development may be more appropriate here. The scheme may not therefore be in accordance with paragraph 200 of the NPPF.

We therefore consider that the scheme has the potential to cause less than substantial harm, low in scale to the character and significance of Campsea Ashe Park, a grade II* registered park and garden and more information is required for the proper impact upon this significance to be determined. Your local authority should therefore carry out the planning balance as required by paragraph 202 of the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 199 and 200 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Consultee	Date consulted	Date reply received
Historic England		8 March 2022

Thank you for your letter of 15 February 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The amendments to this application take the form of the removal of the proposed dwelling on site and the removal of the floodlighting around the menage. This letter should be read alongside our letter dated 5th January 2022.

While the amendments have reduced the elements that make up the harm, the change of use of the land from open, agricultural land to formalised and separated horse paddocks as well as associated stabling remains the same as the previous proposal. Our letter dated 5th January 2022 described the concerns relating to these works, and stated that this change of use would fundamentally alter its character. We therefore consider that the level of harm from the development which needs to occur to facilitate the change of use of this land would result in a low level of less than substantial harm. Your local authority should therefore ensure that the requirements of paragraph 202 of the NPPF are considered as part of the decision making process.

Recommendation

Historic England has concerns regarding the application on heritage grounds. This letter regarding the amendments should be read alongside our previous letter dated 5th January 2022.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Consultee	Date consulted	Date reply received
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Historic England		11 August 2022
<p>Thank you for your letter of 29 July 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.</p> <p>Historic England Advice</p> <p>We acknowledge the provision of viewpoints and the further information provided by the applicant in relation to our previous comments. We have already acknowledged the removal of the floodlighting but the visual montages provided only serve to emphasise the change in character to this field should the development be permitted. We therefore have nothing further to add following our letters to you dated 5th January 2022 and 8th March 2022.</p> <p>Your authority should determine the application in line with paragraph 202 of the NPPF.</p> <p>Recommendation</p> <p>Historic England has concerns regarding the application on heritage grounds.</p> <p>Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.</p>		
Consultee	Date consulted	Date reply received
Historic England		4 January 2023
<p>Thank you for your email of 22nd December 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.</p> <p>Historic England Advice</p> <p>We acknowledge the revisions to this application which consist of;</p> <ol style="list-style-type: none"> 1. The change of development description; 2. The submission of an outline landscape plan and revised floorplans. <p>Our previous letters dated 5th January 2022, 8th March 2022 and 8th August 2022 have acknowledged further revisions and laid out our concerns relating to the principle of the change of use of this land. Since our first letter of 5th January 2022, we would also like to acknowledge the submission of concerns by the East Suffolk Council Landscape Officer dated 4th October 2022 and The Suffolk Gardens Trust dated 14th December 2022 which eloquently describe the harm of the proposed development on the setting of the grade II* registered park and garden at Campsey Ashe.</p> <p>While we recognise the willingness of the applicant to change elements of the scheme to reduce the harm, the fundamental change of use of this open former green which has retained this openness, would result in a change to the way the park and garden is experienced and would result in a low level of less than substantial harm to the setting of the designated heritage asset as described in our letter of 5th January 2022 and the letters of others as mentioned above.</p> <p>We therefore consider that your local planning authority should determine the application bearing in mind the tests as required by paragraph 202 of the NPPF. 24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU Telephone 01223 582749 HistoricEngland.org.uk</p> <p>Recommendation</p>		

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Consultee	Date consulted	Date reply received
Strategic Landscape Advisor	N/A	4 October 2022
Summary of comments: Comments received and included in the report		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	N/A	20 December 2021

Summary of comments:

In conclusion, the public benefits of the riding school and livery must be balanced against the very real disbenefits to landscape character, environmental quality and residential amenity. SPS objects to the proposals on the grounds that they would result in material harm to the quality and character of the historic landscape. We concur with Mr Selby's view that Ash Green is a significant open space which helps in the understanding of the relationship between *two large Suffolk estates and its evolution through time has not altered this historic relationship. It is still an open space, devoid of buildings and other uses other than agricultural. It forms an important component of a wider historic landscape of high significance.* (Para 2.18). While we note from Mr Joubert's statement the claim that the site is to be returned to grazing, we do not agree that the predominant visual impact of the proposals will be one of grazing, but rather one of a medium sized business characterised by formalized paddocks and a number of ancillary buildings and structures.

Suffolk Preservation Society		3 March 2022
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Thank you for reconsulting the SPS on the recently submitted amendments to the scheme. We welcome the removal of the no. 3 bed dwelling together with the external lighting from the scheme, and the significant reduction to the ridge heights of the stables from 7m to 4.3 metres, together with the revised layout, moving the stables 15m further away from the road and nearby properties. Cumulatively this will help to reduce the impact upon the landscape character. We note from the Design report that reference is made to a Landscape Plan that has been submitted. I have been unable to identify this plan on the online system, but note from the report that *There is also the opportunity to restore planting along the Ivy Lodge Road frontage which has been absent for well over 70 years (page 6) and continues There is an opportunity for significant landscape and biodiversity enhancement through additional planting (page 7).* Nevertheless, these aspirations do not

appear to be reflected in the revised drawings, and the indicative layouts do not provide the level of certainty required to give confidence that the potential landscape benefits on offer are delivered

by these amendments to the scheme.

While we welcome the proposed planting of trees, both in terms of the avenue and forming clumps across the grazing area, which will contribute to the landscape character and potentially the wider setting of nearby heritage assets, it is regrettable that a detailed Landscape Plan has not been submitted at this stage, to further support the amended scheme.

In summary, notwithstanding the above amendments, we remain concerned about the principle of this change of use and the scale of the enterprise which will allow for 22 animals, up to 8 members of staff, 7 day a week lessons together with associated car movements of students, animal owners, vets, farriers and feed and waste delivery/collections. While we recognise the applicant's significant attempts to ameliorate the impacts of the proposals, the scale of the operation continues

to present significant harmful impacts upon the landscape character and residential amenity of nearby residents.

For the above reasons, we continue to object to this application. We would like to be consulted on any further information or amendments that are submitted in support of this application and trust that you find these comments helpful in the consideration of this case

Suffolk Preservation Society		9 August 2022
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Thank you for reconsulting the SPS on the recently submitted amendments to the scheme. Having reviewed the Supplementary Heritage Assessment and the Landscape and Visual Impact Assessment, the SPS objection to the principle of the scheme remains as set out in our previous letters dated 3 February 2022 and 20 December 2021. We do not wish to make any further comments on the application at this time.

Consultee	Date consulted	Date reply received
The British Horse Society	22 November 2021	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	22 November 2021	22 November 2021
Summary of comments: Final response		

Please note, the comments provided below reflect our views on the aspects of this proposed development which may need to be the subject of detailed planning conditions. These comments are not intended to be transposed into conditions verbatim without first being reviewed to ensure they are:

- ☐ necessary;
- ☐ relevant to planning and;
- ☐ to the development to be permitted;
- ☐ enforceable;
- ☐ precise and;
- ☐ reasonable in all other respects

The revised drawings appear to have provided permanent stabling accommodation on site for the ten riding school horses, and a field isolation shelter which is welcomed, and will assist with compliance for a “Hiring out Horses” Licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

1. Discovery of Unexpected Contamination (Std. CL Condition 5)

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.

2. Water Supply

As the development involves the creation of a new private water supply advice should be sought from the

Environmental Protection Team prior to commencing works. All works undertaken must comply with the

Private Water Supplies Regulations 2016 (as amended). The water must not be used before it has been

assessed by the Local Authority.

3. Animal Licensing (General)

In order to operate these premises a licence may be required under Animal Welfare Licensing legislation.

An application form may be obtained from the Environmental Protection Team. The issue of the licence will

be subject to inspection and a fee being paid. For further details please contact the Environmental Protection Team e-mail at environment@eastsuffolk.gov.uk

These comments are based on the details available at the time of writing. Any subsequent variations to

those details, (such as changes to layout, orientation, type of use, days and times of operation, details of

HVAC plant, etc.) may invalidate our comments.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	22 November 2021	17 December 2021

Summary of comments:

Having reviewed the submitted plans I would offer the following comments on this proposal. The application site is predominantly arable land and whilst I understood that it historically comprised of rough grazing land, the application documents indicate that it has been used as arable land since at least the latter part of the 20th century. Given the methods used to maintain such land in arable production, including the use of pesticides and fertilisers, it is likely that the majority of the site is of relatively low ecological value. The proposed plans offer the opportunity to provide grassland, shrub and tree planting which, subject to the correct species mix, implementation and management, will provide improvements for biodiversity on the main part of the site.

However, whilst the main part of the site is likely of relatively low ecological value, it is surrounded on three and a half sides by woodland blocks which are of greater value both in their own right and also as they offer connectivity for species to other such habitats in the wider landscape. Whilst the proposed development will not directly impact on any of these areas (e.g. through direct land take from them), there is the potential for indirect impacts to arise, particularly as a result of disturbance of nocturnal species (such as bats) from increased

lighting on the site. There are records of hibernating bats in close proximity to the site and the woodland areas (including their edges) will provide suitable foraging, commuting and likely roosting habitats. The plans indicate that the manege will be illuminated by eight telescopic lights which will be operated until 8:30pm in the winter (Design Report, Curry-Hyde LLP, October 2021). Whilst the primary purpose of these lights will be to illuminate the manege area, no specification for them (including lux diagrams) has been submitted and therefore it is not currently possible to determine whether their operation could result in light spill onto the surrounding woodland habitats. Given the close proximity of a known bat hibernation site this could be of particular importance when the lighting will be in use at times when bats are moving to and from the site and during the hibernation period when bats may leave hibernation during warmer periods to forage. The Design Report states that the arena lights will be designed to meet East Suffolk Local Plan, Supplementary Planning Guidance 11: Recreational Lighting (1995) and BS EN 12193:2018. Although I understand that the SPG is still valid, given its age I would recommend that any consideration of lighting for this site should also be in accordance with the Institute of Lighting Professionals Guidance Note 8 (Bats and Artificial Lighting) (<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>). In addition to the arena lights, it is also unclear whether any other external lighting is proposed for the site, particularly in relation to the stable block and service yard which borders the northern woodland boundary. This should be clarified as part of the application.

To allow more detailed consideration of the ecological impacts likely to arise from development at this site, I would recommend that further details of all proposed external lighting for the development are requested. This should include proposed specifications of lamps to be used and drawings showing lux levels and any measures necessary to prevent adverse ecological impacts occurring as a result of increased lighting.

In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B – within 13km of the Sandlings SPA; the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Orfordness-Shingle Street SAC; the Deben Estuary SPA; and the Deben Estuary Ramsar Site) 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. This must be secured prior to the application being determined.

I would be happy to provide further comments on the above information when it is available.

East Suffolk Ecology		25 March 2022
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Further to my comments of 17th December 2021, I note that revised plans for this proposal have been submitted. My earlier comments raised concern over the potential for ecological impacts to arise as a result of the development, in particular from the introduction of lighting and the impact that this could have on nocturnal wildlife (particularly bats). I recommended that further details on the lighting proposals were requested from the applicant. I now note that the most recently submitted plans (Drawings 2 and 3) indicate that the lighting columns on the arena have been removed from the proposal and that the applicant has suggested that lighting around the stables will be low level and low height, with the details being secured by planning condition (Replies to Comments document, Charles Curry-Hyde, 10th January 2022). I also note that the proposed

dwelling has been removed from the scheme, thus removing the need for consideration of any impacts arising from it.

The removal of the arena lighting and dwelling are welcomed, as they will therefore not be able to cause any potential adverse impacts. The proposal to limit any lighting associated with the stables to being of a low level, low height type is also welcomed and the details and implementation of this can be controlled by a suitably worded condition should permission be granted. In my opinion the removal of the arena lighting and control over any low level building lighting via condition is adequate to ensure that the proposed development will not result in any significant adverse impacts on bats using the woodland bordering the site. I would recommend that the following condition is included to control this, should permission be granted:

1) Prior to commencement, a "lighting design strategy for biodiversity" for the site shall be 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.

My earlier comments also noted the need for a financial contribution to the Suffolk Coast RAMS to mitigate in-combination impacts arising on European designated sites as a result of new residential development. However, as the proposed dwelling has been removed from the scheme there is no longer a requirement for this element of mitigation.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	22 November 2021	13 December 2021

Summary of comments:

Thank you for sending us details of this application, we wish to submit a holding objection to this application, and we have the following comments:

Although we do not have any detailed information about this site, from the information available, including the habitats on site and neighbouring the site, as well as species records in the area provided by Suffolk Biodiversity Information Service (SBIS), it appears that several Protected and/or UK and Suffolk Priority species could be present in the area. 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, in particular consideration should be given to the possible presence of bats, badger, reptiles and breeding birds. Such assessment, and any surveys required to inform it, should be undertaken by a suitably qualified ecologist.

No response in further consultations

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	6 December 2021	16 February 2022
Summary of comments: Comments received - low to moderate level of less than substantial harm identified to the setting of Ashe Green Farmhouse (Comments in full included in report)		

Consultee	Date consulted	Date reply received
District Ward Councillor	N/A	2 December 2021
Summary of comments: I am writing to you in connection with the above referenced Application in my Ward. In Campsea Ashe there is considerable interest in the Application and I am being contacted on a daily basis by many residents expressing their concerns. It would be fair to say that during my time as an East Suffolk Councillor, I have never before received so much correspondence on any one issue. To date these concerns, among others, centre around the siting of the proposed development in open countryside on a greenfield site outside the village envelope on what appears to be a site with heritage connections. In the circumstances, rather than be determined under delegated authority, I consider that this should, at the very least, be referred to the Referral Panel, if the designated officer is minded to recommend approval. I am sure that you will have noted that this planning application has received a great deal of public interest and was the subject of an article in the East Anglian Daily Times this week. In my opinion it is essential that our planning process at East Suffolk Council is seen to be open and transparent which is a further reason why this planning application should ultimately be considered by the planning committee. I would be grateful for your acknowledgment of this and confirmation of approach.		

Consultee	Date consulted	Date reply received
District Ward Councillor		04 January 2022
I am sending this letter of objection to the above planning application to you direct as I am unable to register my objection within the public access portal. There is apparently a technical issue as the portal will not accept my East Suffolk Council email address. I object to this application and support the concerns raised by local people. I understand that Ash Green is recognised by Suffolk Heritage as a non-designated heritage asset as it is the former village green. It		

has its original shape with boundary woodlands which is rare. There are several listed buildings nearby and Campsey Ash Park (Grade II*) which is one of only two parks in Suffolk with heritage status. Ivy Lodge Road sits in an ancient and largely unaltered landscape with bats, owls, pine marten and other species thriving in the unlit woodland and open countryside. The application says that the telescopic arena lights will be switched off by 8.30pm. What guarantees will exist to enforce this and will these be the only lights on the site? I assume not if a house is allowed to be built. Such lights and others such as yard lights may continue to be lit well after 8.30pm.

The house which is proposed on a green field site outside the village envelope is stated by the applicant as necessary, under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, to maintain a five-star rating. The regulations, when read in full, however, demonstrate that a five-star rating is not dependent on having a house on site. Could the building of a house in this location increase the chances of future permissions being granted for additional houses or fixed caravan sites on Ash Green?

I am concerned, as are Ivy Lodge Road residents, that the access to the site will see slow moving, equestrian, and other vehicles enter and exit the site by day and after dark, unavoidable in winter months. I note that Councillor Nicoll (in his objection) asks whether a line of sight to achieve 120m visibility on Ivy Lodge Road is possible without encroachment onto 3rd party land. Even, if possible, the access to the site cannot ignore the history of traffic problems and near misses which have been documented by the Parish Council.

Consultee	Date consulted	Date reply received
District Ward Councillor	29 July 2022	11 August 2022

Summary of comments:

I wish to object to the revised planning application DC/21/4896/FUL in Ash Green which was recently resubmitted. I objected to the original application and nothing that the applicant has produced in the latest submission has changed my opinion. In fact, I am even more concerned that a number of key issues have not been properly addressed. In particular, I note that there is a complete lack of recognition by the applicant that the field is a non-designated heritage asset as recognised by Suffolk Archaeology. As far as I am aware, it is our Council's Policy to preserve our historic environment. It is certainly the case that National Planning Policy Framework requires "any harm to designated heritage assets to be weighed against the public benefit of the proposal." The

rationale provided by the applicant to substantiate the planning proposal states that there is a “growing shortage of equine facilities within Suffolk” This is factually incorrect as there are at least 12 such establishments within 20 miles of the proposed site and consequently it is difficult to establish any such public benefit from this planning proposal. I again register my objection to this proposed planning application.

Consultee	Date consulted	Date reply received
District Ward Councillor		4 January 2023

Summary of comments:

As East Suffolk Ward Councillor for Campsea Ashe I wish to register my objection to the above planning application

As you know I have written to you before about this application and continue to have several major concerns which have never been addressed. As you are also aware, I support the submissions made by Campsea Ashe Parish Council and the many concerned residents who have written to you on numerous occasions providing substantiated objections to this planning application.

I am particularly concerned about the contents of the letter sent to East Suffolk Council Planning Department from the Gardens Trust of 14th December to East Suffolk raising significant issues regarding this planning application. As you know, the main thrust of Trust’s concerns reflect those of other statutory consultees on this matter and highlight potential harm to the Green itself as a heritage and landscape asset and to other adjoining heritage assets (grade 2 farmhouse and grade 2*historic park) As you are also aware, the Councils stated policy is to protect such assets and in particular historic parks and gardens and I refer you to the link below which clearly defines East Suffolk Council Planning policy in this respect:

<https://www.eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Supplementary-documents/Historic-Environment-SPD/Historic-Environment-SPD-reduced.pdf>

In relation to this planning application, I reproduce below the following paragraphs which are particularly pertinent:

“Development proposals in the immediate vicinity of an historic park or garden should therefore protect and enhance the setting of that park or garden”

Also:

“Historic parts or gardens in rural parts of the district were set in areas of agricultural land and it is therefore important that the agricultural setting of these parks and gardens are retained”.

And very importantly:

“On dealing with planning applications affecting registered parkland there is a statutory requirement for the Council to consult with Historic England (on Grade 1 and 11*) and the Gardens Trust”

In my opinion there are two very important issues to be addressed.

Firstly, I am reliably informed that the Gardens Trust were not consulted by East Suffolk Council Planning Department on the above revised application and only became aware of it when

contacted by residents. Will you please advise me whether this information is correct and if so, why the planning Department did not follow due process and contact the Gardens Trust?

In my opinion, another key issue is the fact that many aspects of this application appear to be contrary to the Councils stated policy as outlined above and I would very much appreciate your opinion on how it can therefore be supported when the outstanding issues have never been addressed.

Consultee	Date consulted	Date reply received
Suffolk Gardens Trust		14 December 2022

I am writing on behalf of the Suffolk Gardens Trust to express our opposition to the above application for the change of use of Ash Green, a former medieval green (recorded as such in the Suffolk Historic Environment Record – see <https://heritage.suffolk.gov.uk/Monument/MSF15031>) which lies in close proximity to Campsea Ashe Park, a Grade II* Registered Park (<https://historicengland.org.uk/listing/thelist/list-entry/1000368?section=official-list-entry>). We are also concerned that this planning application has not previously been referred to The Gardens Trust, the statutory referee with regard to applications affecting or in proximity to Registered Parks and Gardens. Greens are recognised as important and characteristic features of the Suffolk landscape (see: <https://heritage.suffolk.gov.uk/hlc> and <https://suffolklandscape.org.uk/glossary/greens/>). In the case of Ash Green, although it no longer functions as a communal pasture, it still retains much of its original open space and should be regarded as a heritage asset in its own right, with potential for reinstatement as a pasture. Ashgreen Farm (Listed Grade II) and Ashe Green Cottage lie on the eastern margin of this former green. Ash Green also seems to have acquired a design function as an open area separating the parks of Campsea Ashe and Rendlesham – Campsea Ashe on the northern margin and Rendlesham on the southern. The openness seems to have emphasised by the addition of tree belts on the north and west sides of Ash Green (Green Covert and Barnes's Grove) – both were in place by the time of the Campsea Ashe tithe map of 1839 (Suffolk Archives FDA55/a1/1b) – and a similar belt (Rogueslane Belt) on the south side, in Rendlesham. Joseph Hodkinson's *Map of Suffolk* of 1783 implies that the northern entry to the park of Rendlesham White House was then by a road that diagonally crossed the green (this is shown as a trackway on the OS 25in map of 1883). However, significant alterations were made to Rendlesham White House c.1801–5, which also seem to have involved the creation of new lodges and new entrances to the park – Ivy Lodge on the west (Listed Grade II), Woodbridge

Lodge (Grade II – misnamed on the list as ‘Rendlesham Hall Lodge, Ash Green’) on the south-east, and, to the north, Ashe Lodge. Ashe Lodge is actually a pair of buildings flanking the entrance (now Ashe Lodge and Ashe Green Lodge) which are described as ‘white brick with Gothick detailing. Little porticoes with paired columns’ (J. Bettley and N. Pevsner, *The Buildings of England, Suffolk: East*, 2015, p. 468). The pair of buildings at Ashe Lodge were also provided with a pair of small flanking groves, as shown on the 1839 tithe map of Campsea Ashe (parcels 328 and 329). The tithe map also shows a very straight road leading north from the lodge across the open green towards the south-west corner of Campsea Ashe Park. The Ordnance Survey 25in map of 1883 indicates that the southern part of that straight road, near Ashe Lodge, was by then an ornamental tree-lined avenue (and had probably been so in 1839, but was not shown as such because of the limitations of the mapping conventions used for the tithe map). This avenue still exists and can be seen in the submitted Landscape & Visual Appraisal (view point 3). There seems to have been a deliberate intention to use this straight road, with its avenue, as a device to focus attention on the entrances to the two neighbouring parks. This straight road can also be seen as an intentionally designed feature that made an addition to the earlier geometric ornaments of Campsea Ashe Park, as it is aligned at a right-angle to the long avenue that leads eastwards out of the park to Light Grove, and parallel to another avenue leading northwards through the park. The proposed development would completely change the visual linkage between the two parks, the setting of the avenue and park lodges, and would also destroy the visual openness of the historic green; we therefore recommend its refusal.

Consultee	Date consulted	Date reply received
The Gardens Trust		12 January 2023
<p>Thank you extending the response window to the above application, due to East Suffolk’s lack of consultation with the Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Gardens as per the above application.</p> <p>We have considered the documentation and concur entirely with comments made by our colleagues in the Suffolk Gardens Trust (SGT), Historic England and Eleanor Larke, ESC’s Strategic Landscape Officer. We will not repeat their comments for brevity.</p> <p>The imposition of stables, menage and other riding school paraphernalia, including cars of visitors to the site, will fundamentally alter the experience and understanding of Ash Green, a former medieval green (recorded as such in the Suffolk Historic Environment Record) which lies in close proximity to Campsey Ashe Park, a Grade II* Registered Park & Garden (RPG). Ash Green separates the parks of Campsey Ashe and Rendlesham – Campsey Ashe on the northern margin and Rendlesham on the southern - and SGT’s letter explains the design features contrived to focus attention on the entrances to the two neighbouring parks. Despite recent amendments to the</p>		

proposals (removal of proposed clumps of new trees from the green, hedging around the perimeter etc), SGT has summed up the impact succinctly : *The proposed development would completely change the visual linkage between the two parks, the setting of the avenue and park lodges, and would also destroy the visual openness of the historic green.*

Whilst the applicant stresses that this type of development is usual for the countryside, here the sensitivity and nature of the setting makes the site completely inappropriate for development of this nature. Whilst the applicant states it is reversible, it seems highly unlikely that should the application be allowed, the development would ever be removed, permanently compromising the experience of the heritage assets.

Your officers will be aware of Historic England's *The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3* (Second Edition), pub 2nd Dec 2017, Part I – Settings and Views. (SHA) Page 2 of this document states '*The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity ...*'

The GT strongly objects to the above proposals and urges your officers to refuse this damaging application.

Publicity

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

Category Public Right of Way Affected	Published 23 December 2021	Expiry 18 January 2022	Publication East Anglian Daily Times
Category Public Right of Way Affected Affects Setting of Listed Building	Published 9 December 2021	Expiry 5 January 2022	Publication East Anglian Daily Times
Category Public Right of Way Affected Affects Setting of Listed Building	Published 05 January 2023	Expiry 26 January 2023	Publication East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Affects Setting of Listed BuildingIn
the Vicinity of Public Right of Way
Date posted: 17 December 2021
Expiry date: 12 January 2022

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Date posted: 6 December 2021 Expiry date: 29 December 2021
General Site Notice	Reason for site notice: Change of Use Date posted: 25 November 2021 Expiry date: 16 December 2021

6. Planning Policy

National Planning Policy Framework 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)

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)

SCLP11.2 - 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)

SCLP11.8 - Parks and Gardens of Historic or Landscape Interest (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Guidance (SPD)

7. Planning Considerations

Principle of development

- 7.1. As set out in the supporting information the applicant has been operating the existing business Iken Bay Riding and Livery at Iken Cliffs for the past 15 years but is required to relocate to a new site as the lease is being terminated to be able to continue operating. The existing business at Iken has 30 horses in livery and 12 ponies for lessons, 35 acres of paddocks providing 8-10 lessons per day. The applicant's tenancy of their existing site is coming to an end and the wish to relocate the business to this site.
- 7.2. The proposed site is smaller, as such that the livery aspect will be reduced, with the intention to retain the riding school as per current operations, with the number of horses in livery stables at 12 and ponies for the riding school at 10. The applicant states that the business caters for a wide range of customers of varying abilities and disabilities, provides training opportunities and experiences for students, local employment and volunteering.
- 7.3. The NPPF advocates supporting a prosperous rural economy. It states that decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, the development and diversification of agricultural and other land-based rural businesses, sustainable rural tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services and community facilities (paragraph 84). The NPPF also recognises that such sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 7.4. Local policy SCLP4.5 supports economic development and diversification in rural areas where this would not adversely impact the character of the surrounding landscape, is of a suitable scale and acceptable in terms of parking, access, noise, odour and other amenity concerns. Equestrian use is a rural based activity, for which such sites are almost always located in the countryside and in areas generally not well served by public transport. The supporting information sets out that the proposed site is closer and more accessible to the customers who use the existing business, reducing distances travelled, including through access to the train station at Campsea Ashe. Although it is acknowledged that there is no pavement connecting the site with the train station, as such there is likely to be a high degree of car dependency, but there is scope for cycling to the site given the spatial proximity. The business also supports a range of equine related businesses and services, making a positive contribution to the local rural economy, in addition to providing employment on the site itself.
- 7.5. The proposal would also act as a recreational and tourism facility, providing some benefits to health and well-being. Additionally, proposals will be expected to provide additional community, cultural or tourism benefits where opportunities exist. It is recognised that the premises would deliver such benefits to the community and tourism offering. This is the relocation of an existing businesses which provides such benefits, albeit with a reduced

scope following the relocation from the current larger premises at Iken. The proposal will also provide employment and add to the local economy through supply chains.

- 7.6. Planning permissions do not tend to be personal to the occupiers or owners. As such the development of this facility could result in an additional facility in the area rather than a relocation and that is a risk which must be addressed (this is covered in the conclusion). Therefore, whilst the applicant is proposing to relocate, a new business operator could move into the existing site. However, the end of applicant's tenancy is a fact in this application and many of the applicant's customers would come with the applicant rather than the site. Unlike other business premises, it cannot be assumed that the same service and same customers would remain with an existing site. It is therefore reasonable to expect the continuity of an individual's business in a relatively local area in rural economy terms. The applicant's intention to find a site and pursue planning permission for a new site in the countryside of this area is justified, though this report is tasked with considering how suitable this site may be. In principle, the proposed equestrian development in this location is not in conflict with the NPPF or Local Plan policies, there is policy support for rural business investment for such a facility in the countryside and there are no policies which explicitly prohibit such equestrian developments in the countryside or in this location.

Highways and public rights of way

- 7.7. The site is served by a C road, Ivy Lodge Road, which connects the B1069 to the south and the B1078 to the north. The B1078, via Campsea Ashe village, leads a short distance to the Campsea Ashe/Wickham Market Train Station and it then a relatively short distance to the A12. It is acknowledged that locally Ivy Lodge Road is seen as a bit of a short cut compared to the main B1069/B1078 route and it has signs stating it is unsuitable for heavy goods vehicles for that reason. In terms of access to the vehicular highway network the site is well served by the routes north and south and it is not in a location where traffic visiting and leaving the site needs to rely on unclassified or narrow single track roads. The majority of traffic associated with this use will be the cars of those using the riding school and keeping their horses there. There would also be occasional horsebox/lorry traffic if horses were being transported to and from the site. A small amount of hay, straw and feed delivery would take place through lorry or tractor and trailer delivery but this would be of very limited effect on the highway network and it is likely that straw and hay may be delivered in bulk, consistent with agricultural traffic already commonplace in the area. The Highway Authority has no objection to this use based on its traffic generation.
- 7.8. The proposal does include a new access and internal driveway with parking and manoeuvring areas. The access was partially created in summer 2021 without planning permission and was raised as an enforcement complaint prior to this application being received. The access was formed in an unsurfaced form over an existing grass verge and within the site crushed hardcore has been laid to form a track and rectangular hardstanding area.
- 7.9. The proposal seeks to establish this access in a fully constructed form. It is proposed to have a highways standard layout and hard surface along with appropriate visibility splays. In respect of highway safety and technical design, this has been accepted by the Highway

Authority with no objection to it as an essential part of the development and use. The visual effects of this along with the development are considered in the landscape section.

- 7.10. Public Footpath 7B runs alongside the full roadside edge of the site and it crosses over the created/proposed access immediately where the access meets the road. This alignment needs to remain and footpath crossing of the access is considered safe.
- 7.11. An additional important consideration for the principle of any large horse riding facility is its access to the bridleway network. This is essential to the safe and effective running of such a facility unless it is in an open access area or well served by country lanes. It is a key influence in site selection for any such development, particularly one with a riding school which would offer hacking in the countryside, and it is a material consideration in how appropriate a site may be. In this case the site is immediately adjacent to a bridleway on its east and south sides and the bridleway network continues to both the east and west including links to rural road routes. In that respect the site is well suited for such a use and it enables south rural access for horse riders.
- 7.12. The site also has a public footpath on its north and west sides, Footpath 7A, which would be protected from the development and grazing by fencing. As a public footpath this would not be available for horse riders, but as set out above a range of alternative routes for horse riding exist. Initially the Public Rights of Way response to this application sought to upgrade this footpath to a bridleway and s106 funding was requested to undertake this. However, this request was later withdrawn following a review by the consultee but with no further explanation. Such an upgrade may have been beneficial to users, although it is also beneficial to walkers to maintain a footpath which would not be interrupted by horse riders. The key consideration in terms of public rights of way for this section is that they are protected from interference and that would be the case through measures proposed. The impact on the enjoyment of rights of way is a visual consideration addressed in the later landscape section and this is not a key responsibility for the Public Rights of Way Service as a consultee, despite their comments in this respect.

Heritage

- 7.13. Local policy considerations seek to ensure that the historic environment is preserved and enhanced, and ensure where possible that development makes a positive contribution to the historic environment (SCLP11.3). Additionally, development affecting the setting of listed buildings will only be supported where they demonstrate a clear understanding of the significance of the designated assets and their settings alongside an assessment of the potential impacts, do not harm the character or features that contribute towards its special interest, of an appropriate design, scale, form, height, materials and massing (SCLP11.4).
- 7.14. There are 7 parks in the plan area included in the National Register of Parks and Gardens of Special Historic Interest compiled by Historic England and have the status of Designated Heritage Assets, (for which Campsea Ashe Park is also Grade II * listed), local policy SCLP11.8 encourages the preservation and enhancement of these parks and gardens of historic interest and their surroundings. Permissions will be permitted where the development proposal will not have a materially adverse impact on the character, features or immediate setting of the delineated park having regard to the Historic Environment SPD.

- 7.15. Part 16 of the National Planning Policy Framework requires development to conserve and enhance the historic environment. The applicant is required to describe the significance of the heritage assets affected, including any contribution made by their setting.
- 7.16. The submitted heritage assessment has been reviewed by the Design and Conservation Officer, and is considered proportionate and acceptable in accordance with the requirement under paragraph 194 of the NPPF. The LPA is required to identify and assess the particular significance of any heritage asset that may be affected by the proposals (including affecting the setting of designated assets), taking into account necessary evidence and expertise (including from relevant consultee responses) when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal under paragraph 195 of the NPPF. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199 of the NPPF).
- 7.17. Paragraph 200 sets out that any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification, with paragraph 202 requiring where proposal would lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal.
- 7.18. A low to moderate level of less than substantial harm has been cited by the conservation officer on the impact to the setting of the designated Grade II assets to the east of the site. An excerpt of the officer's comments are below;

'The application site is located opposite Ash Green Farmhouse, a Grade II Listed Building. Its listing description states: farmhouse. Late C17 - early C18. Remodelled C20. L Plan. Main range has 4 bays: lobby entrance. Timber framed and plastered in decorated panels. Plain tiled roof. 2 storeys. Scattered fenestration: C20 casements with single glazing bar. Entrance doorway has original C18 architrave with ears and moulded hood over: C20 4 panelled door. Axial red brick stack to ridge. Stop chamfered beams and posts exposed inside.

Currently the site is an open field surrounded by woodland on its northern, western and southern edges, and bordered by Ivy Lodge Road to the east. The site is registered on the Suffolk County Heritage Environment Record under Monument record CAA 010 with the following description: Ash Green. Marked and named on J Hodkinson's Map of Suffolk 1783 and on OS 2nd edition 6in scale map of 1905. Not marked as a green on the modern 1:10000 map. The agent has noted that in the Hodkinson's map the site appears to be included in the parkland of Rendlesham White Hall. The drive also appears to be in a different location to the current road, which is an either an error or instead indicates its previous alignment prior to 1830, when Rendlesham White Hall was rebuilt. The heritage statement submitted by John Selby includes a sale catalogue from 1922 when the application site (alongside others) were sold by the Rendlesham Estate. The agent has also included the details of a 1975 hearing which determined that the site had been incorrectly identified as a common following the Commons Registration Act 1965. Evidence was also heard that the site had been used for agriculture during the war.

The current scheme proposes the development of the site for a riding school. This would involve the construction of a stables, car park, arena, tree lined avenue and fencing, in addition to a house.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The scheme would not result in any physical impact on the designated heritage asset, however it may impact on its setting. It appears that Ashe Green Farmhouse is currently largely screened from Ivy Lodge Road by hedges and other vegetation. However, the open agricultural character of Ashe Green contributes positively to the setting of Ashe Green Farmhouse, reinforcing its rural character and context, and therefore development of the site would likely harm its significance. The harm resulting is judged to be less than substantial, specifically low to moderate.'

- 7.19. Additionally Historic England have also provided comments on the impact to the Grade II* designated parkland at Campsea Ashe Park, see excerpt of comments below from the original consultation;

'The land which it proposed to develop is marked on the 1883 first edition OS map as Ash Green. The Suffolk Historic Environment Record records it as being a medieval green and its presence on a map of 1433 is mentioned. Although it does not appear to be used as a Green in the traditional sense in the present day, the shape of the land and its use for agriculture has remained the same since at least 1433. It is therefore an important part of the landscape. Its openness and emptiness and agricultural use is part of the contribution to the setting of the registered park and garden.'

The scheme would involve a large amount of development on the former open agricultural field which fundamentally changes its character. The historic maps do not indicate any structures of any kind on the Green and therefore this would be a marked change. The provision of hard surfaces, fenced partitions and large new buildings would be detrimental to the character of the Green. The new hedge, the gates leading into the field and the new planting serve to formalise this previously communally managed space.

The menage is proposed to be surrounded by 8 light posts, 4 along each long end (Drawing 3 - Site Plan). No further information is given as to the height or luminance levels of these lights but regardless of this, there are no other lights in the area and these would create a glow around the site when they are used which could be visible from some distance. This may impact upon the setting of Campsea Ashe registered park and garden. No information is provided regarding the impact of this lighting on the highly graded heritage asset.'

'Historic England considers that there is not enough information provided in relation to the impact of the menage lighting, and any other proposed lighting on site, would have on the setting of Campsea Ashe grade II registered park and garden. The site is, at present a dark site and no other street lighting or street facing lighting is currently visible. A large amount of floodlighting such as that proposed, has the potential to impact upon the setting of the registered park and garden. We consider that more information is required on this element of the proposal and its impact. The scheme is not therefore in accordance with paragraphs 194 and 199.'*

The change of use of the land to that proposed will impact upon the setting of the registered park and garden through the loss of the understanding of the landscape surrounding great estates. The predominant understanding of this land will be of buildings and lighting, formalised landscaping and hardsurfacing rather than that of grazing as stated in the heritage assessment. The scale of the business has not been justified in this location. A smaller and low key use of the land without lighting and large development may be more appropriate here. The scheme may not therefore be in accordance with paragraph 200 of the NPPF.

We therefore consider that the scheme has the potential to cause less than substantial harm, low in scale to the character and significance of Campsea Ashe Park, a grade II registered park and garden and more information is required for the proper impact upon this significance to be determined. Your local authority should therefore carry out the planning balance as required by paragraph 202 of the NPPF.'*

- 7.20. Following the amendments to the scheme that omitted the new dwelling and lighting posts from the proposal further comments were received as per the below;

'While the amendments have reduced the elements that make up the harm, the change of use of the land from open, agricultural land to formalised and separated horse paddocks as well as associated stabling remains the same as the previous proposal. Our letter dated 5th January 2022 described the concerns relating to these works, and stated that this change of use would fundamentally alter its character. We therefore consider that the level of harm from the development which needs to occur to facilitate the change of use of this land would result in a low level of less than substantial harm. Your local authority should therefore ensure that the requirements of paragraph 202 of the NPPF are considered as part of the decision making process.'

- 7.21. The Gardens Trust are a statutory consultee in respect of proposals affecting listed parkland. In error they were omitted from initial consultations but they were later consulted in December 2022 and have responded since through both their Suffolk Office and National Office with objections.
- 7.22. Less than substantial harm has been identified as the proposal will affect the setting of the designated assets to the east of both the historic parkland and farmhouse. The openness of the land is sited as being an important landscape characteristic that contributes to the settings of these designated assets, the cumulative extent of works proposed, developing, enclosing and formalising this space will alter this character, and impact the setting. Accordingly paragraph 202 of the NPPF requires this harm to be weighed against the public benefits of the proposal.
- 7.23. There would be recreational benefits from the proposal that would make a positive impact on mental health and wellbeing from allowing the business on the site to the benefit of customers including through tourism. This relates to an existing trading business in the local area which the NPPF and Local Plan support the retention and diversification of due its economic benefits, which are public benefits. The business would provide benefits, directly in supporting the local economy through employment, volunteering opportunities, and indirectly supporting associated equine related services and businesses and associated employment.

- 7.24. The level of harm identified is a low level of less than substantial harm. Whilst such harm should not be taken lightly in the balance it is the minimum level identifiable beyond there being no harm. This harm is considered to be outweighed by the public benefits arising from proposed development.
- 7.25. Through the public comments and consultation response from the Suffolk County Archaeological Services, it has been raised whether the site constitutes a Non designated heritage asset.
- 7.26. Policy SCLP11.6 of the Local Plan and appendix F set out the criteria to be applied when considering whether a building or structure is identified as a non-designated heritage asset. The recognition of a non-designated heritage asset is a Local Planning Authority and Neighbourhood Planning responsibility and can be identified in the planning application process, in neighbourhood plans, supplementary planning documents. Non-designated heritage assets do not have a formal designation which is mapped as a planning constraint or status outside of adopted documents or planning permissions.
- 7.27. Based on our own criteria at least two will need to be met for a building or structure to be considered by the council as a non-designated heritage asset. Importantly, the guidance does not extend to places, areas or landscapes in using these criteria. The main categories are archaeological interest (HER), architectural interest (aesthetic value, known architect, integrity, landmark status, group value), artistic interest (aesthetic value, known designer), historic interest (association, rarity, representativeness, social and communal value).
- 7.28. As set out in the response from the archaeology officer, there is a HER record on the site, as such it does accord with the archaeology criteria. It should be noted as per the comments that it is not expected that the former green itself would have high potential for significant below ground remains, and accordingly does not recommend the need for a full programme of archaeological work to be undertaken or secured by planning conditions.
- 7.29. As stated the categories used to identify non designated heritage assets are based on buildings and structures, not spaces. The arable field has been in continuous use for farming purposes for a sustained period, as per the supporting information the field is not designated as common land, as confirmed by the decision by the Commons Commissions dated 24 February 1975. The field in situ is not a preserved green, nor directly associated with the designated assets to the east, as such the field is not considered to be a non designated heritage asset by the Local Planning Authority. Therefore paragraph 203 of the NPPF and policy SCLP11.6 are not applicable.

Landscape

- 7.30. For completeness the Strategic Landscape Advisor's comments are provided here in full to enable members to take full consideration of the thought process and balance of that consultee's assessment. In summary however, it is clear that this is the most contentious aspect of the development, and it represents the greatest degree of harm from the development.
- 7.31. The application was poorly presented when first submitted with no landscape appraisal accompanying it. The unfortunate consequence of that is that the development has not

been shaped or designed around landscape appraisal or demonstrated landscape influences. It has been architecturally designed into the site without important landscape expertise to best integrate it. It can be predicted that some harm may have been reduced had the proposal been developed in a landscape-led manner. Whilst some criticism can be voiced on this, the proposal still requires consideration in its submitted form and in order to enable that the applicant has produced a Landscape and Visual Appraisal with an approach of reviewing and demonstrating their consultant's interpretation of the effects of this development on the landscape.

- 7.32. The way in which that work has been undertaken includes some flaws in approach and interpretation and there are aspects with which the Strategic Landscape Advisor disagrees. There is identified landscape harm in this proposal. It is not to the extent that the Strategic Landscape Advisor believes the application should be refused or that they formally object, but a robust recognition of harm is voiced for inclusion in any judgement in this report. The full advice is set out below:

These follow some previous informal advice given, at which stage the project Architect prepared a Landscape and Visual appraisal (LVA). In response to advice given at that time, the Landscape Partnership were appointed to undertake a further more comprehensive LVA of the likely effects of the proposed development, and to suggest appropriate mitigation measures to help offset any adverse effects to landscape character and visual amenity that might arise from the development.

Within these comments, there is focus on the amended Landscape Outline Plan, Landscape and Visual Appraisal dated 13th July 2022, and subsequent amendments to the associated documents, which responded to some queries raised with the landscape consultant.

Recent Changes to the application

The additional LVA work has influenced a number of changes to the proposal, these being;

- *the removal of a formal layout for the paddock area (although my understanding is that this would still be fenced with white tape or similar, though fencing is omitted from the application on the basis that it doesn't require permission)*
- *the removal of a full hedgerow around the development area to maintain openness*
- *omitting tree groups within the paddocks*
- *omitting the more formal elements of the design in favour of a more natural approach to landscape screening*

These changes are considered largely positive in landscape terms, more detailed comments are included below where relevant.

Despite the changes and additional evidence provided around the current proposal, we hold a number of concerns/cautions as follows, which we have provided some additional commentary on below

- 1. Outline Landscape Plan*
- 2. The acceptability of horsiculture within a rural landscape*
- 3. Interpretation of the LVA*

Outline Landscape Plan

As mentioned above, the Outline Landscape Plan has seen some positive amendments to remove the more formal elements of the proposal, which were considered harmful to the landscape character. However my preference is always that Landscape proposals are informed by the process of site analysis of a landscape professional, and as such I would prefer to have seen an Outline Landscape Plan prepared by The Landscape Partnership – and for that plan to be more clear in terms of a landscape strategy.

The Landscape Partnership have confirmed it was previously agreed that the detailed landscape scheme could be made subject of a condition to secure details such as species, specification, density etc to be agreed prior to commencement of development. If this is the Councils position then I do not wish to undermine that, but I would say that in the case of an application where there is a question around the acceptability of the level of landscape and visual harm, understanding the strategic landscape proposal should very much be part of the assessment process, particularly where it forms part of the mitigation offer. I therefore do not find it helpful that the applicant has not been forthcoming with a clear strategic landscape proposal as part of this process even if they feel they are not obliged to. This leaves some questions over the final appearance of the proposal, as does the omission of certain elements which do not require planning permission, but would not occur without a change of use for the site. Items such as internal fencing, divisions, any additional planting that might come forward to offer shelter or shade within the paddocks, and items such as field shelters and jumps. These would all contribute to a change in character and visual experience.

The revised Outline Landscape Plan does not include a hedge along Ivy Road, the removal of this from the proposal means that the openness (one of the key landscape characteristics of the site) is maintained, however it also means the site is more visually exposed. This is an example of where addressing harm to one aspect of a landscape setting (in this instance character) means a greater level of harm to the other (in this instance potential visual impacts).

A hedge is proposed around the arena to screen activities within it. This hedge is said to intend to integrate the arena and partly screen the site when viewed from the south and Rogues Lane.

The acceptability of horiculture within a rural landscape The submitted documents draw attention to horse paddocks being an established use associated with many of the houses on Ivy Lodge Road, providing a context that this proposed use would not be out of place within the immediate setting. I would just point out that a direct comparison should not be drawn with these sites if the context is different, for example where these sites are screened by a boundary hedge and thus don't demonstrate the characteristics of openness and enclosure typical of the LCA description, or where the sites in question are further south at greater distance from the Registered Park and Garden at Campsea Ashe Park. These land uses are also associated with some form of existing development (residential) on these sites, which does not exist on the application site. If a change of use is to be granted on the site in question it would bring what has been considered an acceptable land use elsewhere closer to the Registered Park and Garden and do so in a way which could be readily noticeable due to the openness of the site.

A narrative is also presented in relation to other more detrimental land uses which would not require planning permission. I do not attend to place any focus on this other than to say

that GLVIA3 confirms that assessment of sensitivity inherently is a judgement on the value of the landscape and its susceptibility to the particular type of change proposed. This could enable some comparison between a proposed use and alternative uses, however my own professional opinion is that consideration of the actual potential changes that could arise from this proposed development should be the focus of any landscape assessment and my comments, and these suggested alternative uses only serve a distraction.

Interpretation of the LVA

LVIAs and LVAs are technical documents, they rely on professional value judgements, it should be noted that as this application is accompanied by an informal Landscape and Visual Appraisal, the methodology is less rigid, for example it is acceptable that viewpoints and any visual representations of the proposal are non-verified. In this instance that means that several the viewpoints although taken with a 50mm lens (as per industry guidelines), have been stitched together to provide wider or panoramic views, the team who have produced this information have explained that they believe this approach better represents the scale of the proposal relative to the scale of the context/setting. DV_F's methodology statement provides some additional explanation around this. It should be noted that whilst this is useful to demonstrate the wider context of the proposal, this is not intended to represent what would be seen with the human eye in terms of field of vision. If this application is taken to committee, I expect that members might wish to make a site visit to assist them with understanding the scale of the proposal within the context and other matters covered within the LVA. I would also encourage within the officer recommendation some explanation to be provided around the more technical points of the LVA.

In terms of the Landscape and Visual Appraisal document itself, I broadly agree with the appraisal in terms of the baseline and predicted effects, but I feel some of the effects (both landscape and visual) are slightly understated due to a reliance that the proposed use is one that is wholly appropriate within the countryside. Whilst I agree that equestrian use is one which the LVA and other documents state can only be accommodated in the countryside, the question for consideration here is whether it can be accommodated within this particular part of the countryside. As discussed in some detail under the relevant heading above, horsiculture is often considered a development pressure within the countryside and something that requires careful management within the district.

In terms of the potential effects of this development, my opinion is as follows:

- There would be no direct effects, or loss of site features other than the change of land use resulting in the loss of agricultural land.*
- There would be a negative change to the way in which the site features are experienced, or perceived, experiential qualities haven't been covered separately within the report but this does overlap with character and visual change*
- In relation to landscape character, the sensitivity of the site is high, the proposal would have limited negative effects on landscape character, the contrasting sense of openness and enclosure that is an important part of the landscape character would be maintained, although perhaps the overall effect of this contrast would not be as noticeable as it would with the baseline condition of an open field*
- There would be direct negative effects on views from the PROWs surrounding the site, views are limited to close distance views directly adjacent to the site, due to the sites partial enclosure by woodland. The change to composition of those close distance views and experiential qualities of footpaths would be readily noticeable and negative even once mitigation is established*

- *The potential effects from the proposed development could influence the wider setting of a designated landscape, Campsea Ashe Park being a Registered Park and Garden. The position of the access and proposed building are in the portion of the site closer to the designated landscape, although the landscape strategy has seen some changes in providing less formal landscape mitigation to minimise these impacts*

In summary, in landscape terms this site is highly sensitive to any change or any form of development given the combination of public accessibility through PROWs surrounding the site, the partial visual openness of the site and its representativeness of key positive characteristics identified within the LCA. The proposal would likely have some negative effects on landscape character, experiential qualities and the composition of close distance views, which would be readily noticeable. However, recent changes to the proposals would reduce and better mitigate the potential impact on views, and on the special qualities and features of the local landscape.

I hope these observations and comments are useful for consideration when determining the above Application, but as always, I am happy to discuss further should you need any other input.

- 7.33. This advice is clear in the sensitivities and some negative effects but it does not extend to being an objection and would not support refusal on landscape grounds. The proposal therefore presents some landscape harm to be factored into the conclusion but it is not contrary to policy. The Strategic Landscape Advisor has also responded confirming the December amendments as minor and would not change previous comments.

Built Design

- 7.34. The proposal includes a single large C shaped stable block which will comprehensively house stables and storage facilities. This is of a fairly typical modern stable design and suitable for a rural setting in respect of its built design. This would surround a well sheltered yard area and immediately abut the fenced riding arena/menage. Based on the landscape assessment of the proposal there is no design objection also to the proposed building.
- 7.35. Initially the proposal did include a three bedroom single storey dwelling. After it was raised by officer that there was no functional need for this to be included and it was not policy compliant as a residential use in the countryside, it was withdrawn from the application. Based upon recent decisions, including appeals, equestrian uses rarely justify the inclusion of a residential dwelling in policy terms. Methods of surveillance and security for horse welfare and against theft are very well advanced now that there is no need to be within 'sight and sound' of horses.
- 7.36. A number of objections are concerned over the withdrawal of this element and understandably so. Whilst the application is entitled to pursue a dwelling on the site in the future, the current application does not propose that, it would be unreasonable to refuse permission because of the risk of a proposed dwelling in the future and the establishment of this use and development on the site does not set a precedent to allow a dwelling to come forward in the future. There are residential opportunities to live in Rendlesham, Wickham Market, Tunstall or Campsea Ashe within a short driving distance of the site and

all of those locations should be reasonable if the applicant or a managing member of staff wishes to live nearby. Equally, if a residential use was of fundamental importance to the applicant then they would have been better placed looking for an existing home with adjacent land for such a use. As it stands, the applicant is prepared to proceed with the proposed use without a dwelling and that is what officers and the Planning Committee must limit their consideration to.

Environmental considerations and animal welfare

- 7.37. The proposal has been reviewed by the Council's Environmental Protection team and such a use could, in some circumstances, introduce noise, odour and disturbance and all have been considered.
- 7.38. In respect of residential amenity of nearby neighbours, the form, scale and intensity of activity through coming and going would not be of such significance to result in a loss of residential amenity to nearby neighbours. The nearest dwellings are located to the east, 85 metres from the site boundary and to the south, 30 metres from the site boundary. Properties to the east are closest to the proposed building and most likely to be affected by the activity of visitors coming and going. To the south there would be very little activity beyond the riding and grazing of horse to affect neighbours. The distances of separation are all significant enough to avoid adverse impacts through human activity, machinery and the sound of horses at the scale of use proposed.
- 7.39. External floodlighting of the riding arena has been removed during the course of the application so any effects of lighting and light pollution would be limited to external/security lighting and vehicle headlights. The external lighting can be controlled by condition and the low level of traffic movements would not adversely affect residential amenity.
- 7.40. Odour from horses is not typically significant unless dwellings are particularly close to stables and much storage. Here the separation is sufficient to avoid odour from stable waste. It will be necessary to ensure good management of stable waste and the collection of horse droppings from fields and that can be controlled by condition. This would maintain odour levels and would also avoid significant flies from the site. Horses do attract flies and that can be noted by nearby properties, however this is in the countryside and not an unusual expectation of rural living. Muck storage should be stored in a well contained manner to be removed by trailer and there should also be no burning of muck or store on the site.
- 7.41. In respect of animal welfare, the riding school use is licenced by the Environmental Protection Team under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Whilst this licencing regime should not dictate planning decisions and it is a subsequent process, it has proven necessary to ensure the proposal has been designed in a way which will ensure that the riding school element is delivered and maintained as a part of the proposal. Without the riding school the benefits factored into this consideration, specifically in respect of heritage harm and the overall conclusion would be affected significantly. The applicant has proposed a riding school with 10 ponies and it is necessary that that use is secured and delivered alongside the livery.
- 7.42. More recent amendments to the application have been sought by officers to ensure that a licence for a riding school can be granted and that a good quality provision for the riding

school is invested in for that purpose. One fundamental requirement of the licence is that *"It must be possible to bring all the horses at the premises under cover"*. As stables were originally only proposed for the livery horses, the ponies were proposed to be kept outside only. To the Local Planning Authority, this seemed to be a sub-standard provision for the ponies and for licencing purposes, this would have made securing a licence very difficult. It was suggested to the applicant that stables should be incorporated into the building for the ponies. This was added to the proposal in December within the form of the stable building already proposed through the addition of 10 stable doors and partitions. In addition, an isolation stable was included in the proposal as a separate small stable in the field.

- 7.43. It is unfortunate that the Council had to go through this process to secure an optimum riding school provision for the site. The applicant's reluctance in this respect did not fill officers with confidence, however the assessment must be made based upon what is now before us and the proposal does now properly secure stabling for the full number of horses and ponies to be kept on site and the range of facilities will ensure that a good standard of care and riding school offer can be provided. This point is further considered in the conclusion in respect of planning conditions.
- 7.44. The site will require a new private water supply and Environmental Protection have advised that all works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended). The water must not be used before it has been assessed by the Local Authority.
- 7.45. Some objections have raised concerns over flooding and drainage. This site is not in a flood zone and it is on a flat site. As a minor form of built development this proposal would not create increased surface water flooding risks. It will be important to ensure that suitable permeable surfaces are used where possible and methods of surface water drainage should be addressed by condition, including water efficiency through collection of rainwater for use on site.
- 7.46. Ecology and biodiversity are well covered in the Council's Senior Ecologist response and amendments were made to the application to remove lighting, his primary concern in respect of bats. As a result of this there is no ecology objection and a condition is recommended. The Ecologist has not raised a request for any further species surveys.

8. Conclusion

- 8.1. This is a finely balanced recommendation and one which Officers have felt is necessary to recommend to members alongside a prior site visit so that the visual effects can be considered in person alongside the personal case put forward by the applicant. It is acknowledged by the Local Planning Authority that the site is not the optimum location for this and that there has been no form of site selection process to appraise the best location for the relocation of this business in planning terms. However, there is no policy requirement to undertake such a process for this rural use and both Local and National Policy is supportive of opportunities to establish rural equestrian businesses in the countryside. Furthermore Local Plan Policy.....and paragraphof the NPPF support existing rural enterprises.

- 8.2. Balanced against this is a degree of harm. As has already been balanced for the purpose of paragraph 202 of the NPPF, the proposal results in 'less than substantial harm' to a heritage assets. As an exercise that should not be undertaken lightly and harm is to be very carefully noted in decision making. However, harm alone is not a justification to refuse planning permission. The NPPF is clear that harm should be weighed against public benefits. The proposal will also result in significant change to the landscape and there will be notable impacts from that. In respect of landscape impacts, there is no specific policy balance to be struck, but it is a key policy consideration to be applied and in reaching a conclusion of the landscaping influence on a decision, if it was found to be a reason for refusal it would need to be defensible in both specific impact terms and policy terms. There are negative landscape effects despite there being no explicit policy conflict, so these negative effects do need to be taken into account on the whole in judging this material consideration against policies.
- 8.3. The benefits of this application are recognised, predominately in the riding school element of the proposal. Such a use is of public benefit in existing in the rural area. Horse riding brings health and wellbeing benefits, especially to young people (as is intended here) and also benefits to the visitor economy. As is clear from the application, this is not a speculative proposal, it is a relocation of an existing business which already serves a benefit to the relatively local community and wider area. The ability for an existing rural business to remain in the local area should be given weight as a public economic benefit. The livery element of this use is of lower public benefit since it is a private facility for the stabling and care of privately owned horses. This will bring some similar public health and wellbeing benefits but the reach of these is restricted to a far smaller range of individuals.
- 8.4. Based on the lack of any policy restricting the principle of an equestrian business use in this location, the Local Plan on the whole is supportive of this proposal for a rural business. As a final recognition, there are some positive attributes of the location in respect of the site being located on a well-connected C Road and there being good access to a local Bridleway network, which is a relevant material consideration in appraising the suitability of sites for new equestrian uses.
- 8.5. This decision has not been reached lightly, nor has it been reached easily with many shortfalls in the quality and content of the application, amendments required and later supporting documents submitted. Some representations have been critical of the opportunity afforded to the applicant to make such improvements to the application, however paragraph 38 of the NPPF expects Local Planning Authorities to approach decisions in a positive and creative way and to work proactively with applicants. This includes attempting to secure the necessary information to make informed assessments, such as the later information received on landscape. It is an application which has generated considerable support and objection from third parties and care must always be taken in such circumstance that a volume and diversity of opinion is not confused with determination by referendum. What is important is that an extensive number of representations in objection and support have genuine material considerations raised, all of which are summarised and accounted for in considerations in this report.
- 8.6. In conclusion, this balanced recommendation does seek to approve planning permission.

Specific conditions as a result of this conclusion:

- 8.7. It should be recognised that planning permissions go with the land are not usually specific to an individual or applicant. In this case however, significant consideration has been given to the reasoning for this proposal, specifically the need for an existing rural business to relocate. Weight has been given to the economic benefits of maintaining an existing business, not the establishment of a new business. If that consideration was disappplied, it is possible that any individual could set up this livery and riding school business on the site and that may not be of such influence in this balanced decision. It is therefore considered important that this is a genuine relocation of a business. For that reason it is proposed that the significant change affecting this site and investment in it should only be as a result of this need to relocate. It is therefore reasonable, relevant and necessary to impose a personal condition on this consent. It would not be reasonable for that personal consent to require the applicant to be the owner/operator of this site in perpetuity, circumstances do change and businesses do get sold and change hands. However, it is important that it is this applicant who undertaking this development and establishes this facility and that should endure for at least three years of both livery and riding school operation after the stables have been completely constructed. That would ensure that any investment to make this significant change to the site is for the benefit of this applicant and their specific needs.
- 8.8. As set out earlier in the report, it is important that this development is established as a riding school, considering the public benefits applied to that form of use, particularly over the less publicly beneficial use of the livery. It would not be appropriate for this consent to be issued and for there to then only be a livery on the site. It is therefore considered reasonable, relevant and necessary for the maintenance of a riding school in the use of the site to be maintained. A condition is proposed which requires that livery use of the site shall only take place whilst a riding school use is in operation. Furthermore, the 10 stables proposed for the riding school ponies should be conditioned that they should only be used for the stabling of riding school horses/ponies and they shall not be used for livery purposes.
- 8.9. Finally, given the landscape sensitivity consideration need to be given to associated landscape effects of this use. It is quite normal when granting planning permission for equestrian land uses, to restrict outside storage proposal. This includes external areas of straw and hay storage beyond proposed area, the placement and storage of jumps and other paraphernalia and the placement of towable field shelters (which often do not require planning permission). A condition removing the ability to store and site such things is therefore proposed. In respect of storage, any external storage should be limited to the area within the stable yard and fenced area to the rear of the stables. Jumps should only be placed for periods during the day in all field areas jumps and paraphernalia should be stored away each day except for within the riding arena. A condition is also proposed to agree all landscaping and fencing and other than temporary electric fencing, all other permitted development rights for fencing and enclosures should be removed.

Recommendation

Authority to Approve subject to the conditions below and there being no changes as result of consultation responses received in the two days following the Planning Committee meeting (to be confirmed with the Chair and Vice Chair).

Conditions:

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

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

2. The development shall be carried out in accordance with the drawings and plans (to be listed) received 8 February 2022 and 22 December 2022 and the site location plan received 26 October 2021

3. The permission to undertake this development shall be personal to the applicant as the relocation of an existing business only. Following the completed construction of the stables, the business shall not be sold or operated by another individual for a period of three years. After that period there shall be no restriction on the owner/operator (final wording to be agreed)

Reason: To ensure the material considerations of the relocation of an existing business endure in the delivery and use of this development.

4. In using the site, there shall be no operation of the livery part of the business without the active presence and use of a minimum of five riding school horses/ponies. In the event that there is no riding school element of the site, the livery use shall cease within 6 months of the last use of the site for a riding school of a minimum of five horse/ponies. There shall be no more than 12 livery ponies/horses on the site at any time and the livery stabling shall be limited to that on the approved drawing. All riding school stables on that drawing shall only be used for the stabling of riding school ponies/horses.

Reason: To ensure that the material consideration applied to the benefit of the riding school use remains the leading use of the site and that the benefits of the use are maintained for its importance in justifying this consent.

5. External storage of feed, hay, straw, jumps and associated equestrian paraphernalia shall be limited only to the areas in the stable yard and the fenced area to the rear of the stables. There shall be no storage of jumps or other paraphernalia within the paddock area other than in daytime hours and no such items shall be left in the paddock areas overnight. No towable or temporary field shelters or structures are permitted to be placed anywhere within the site unless planning permission has been obtained. There shall be no temporary siting of any mobile home or portakabins on the site during the construction period.

Reason: to protect and control the character and appearance of the landscape.

6. Removal of permitted development rights for permanent fences walls and enclosures.
7. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing labelled Highways Plan on the planning portal dated 21.12.2021.

Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. *This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

8. Before the access is first used visibility splays shall be provided as shown on Drawing labelled Highways Plan on the planning portal dated 21.12.2021. with an X dimension of 2.4 metres and a Y dimension of 120 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.

9. Construction Management Plan Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials and storage structures
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase.

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. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

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 commencement, a "lighting design strategy for biodiversity" for the site shall be 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.

12. Details of the proposed foul drainage treatment plant to be installed shall be agreed in writing and installed in accordance with plans prior to the use of the restroom facilities first commencing. Reason. To ensure that suitable foul drainage is installed noting that connection to the public sewer is not proposed, in the interests of the local environment.
13. Prior to the commencement of development, details of surface water/roof water drainage shall be submitted and agreed along with details of water efficiency measures to enable rain water to be used on the site.

Reason: To ensure surface water is appropriately managed and water efficiency measures are implemented in the interests of sustainable development.

14. Stable waste and manure shall be stored within the indicated trailer on the approved drawing and shall be removed from the site whenever full. There shall be no stable waste or manure storage anywhere else on the site. There shall be no burning of stable waste, straw or manure anywhere on the site at any time.
15. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

16. The landscaping scheme shall be completed within the first planting season following the commencement of the stable building, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which are diseased, die or are removed during the first 5 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

17. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use first commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and the appearance of the locality.

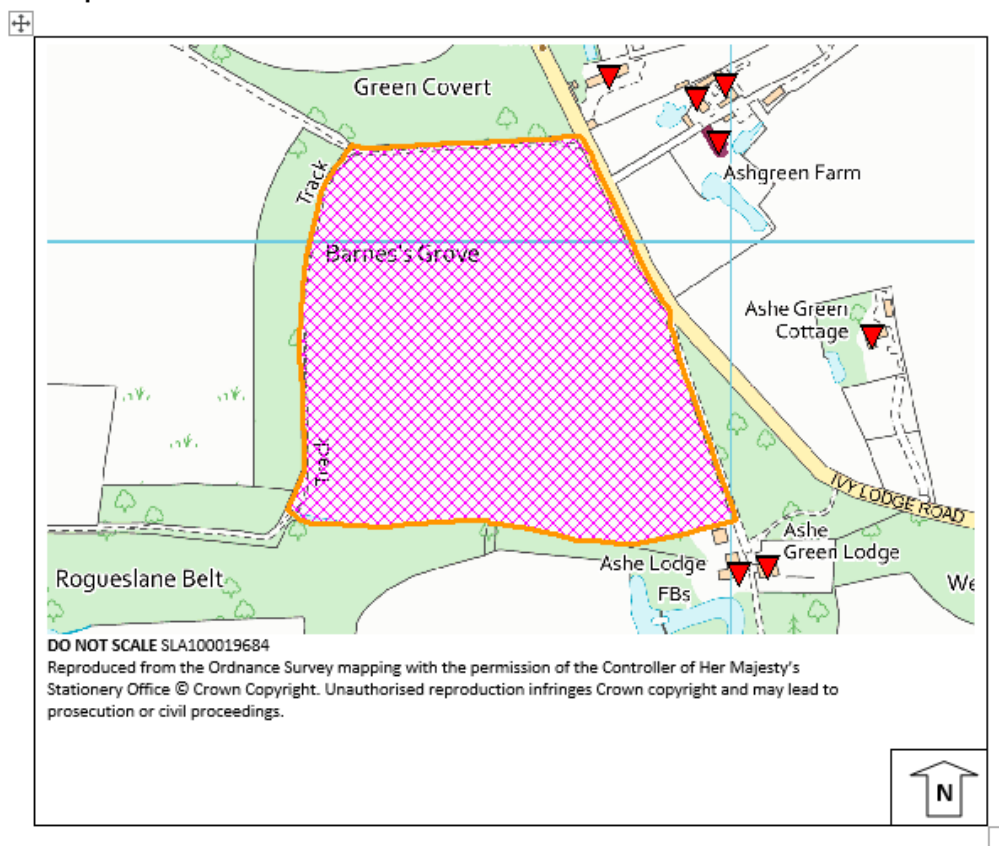
Informatives:

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. As the development involves the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended). The water must not be used before it has been assessed by the Local Authority.
3. In order to operate these premises a licence may be required under Animal Welfare Licensing legislation. An application form may be obtained from the Environmental Protection Team. The issue of the licence will be subject to inspection and a fee being paid. For further details please contact the Environmental Protection Team e-mail at environment@eastsoffolk.gov.uk





Background information

See application reference DC/21/4896/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 24 January 2023

Application no DC/22/3493/FUL

Location

54 Looe Road
Felixstowe
Suffolk
IP11 9QB

Expiry date 30 October 2022

Application type Full Application

Applicant Mr and Mrs Watts

Parish Felixstowe

Proposal Proposed two storey part side/part rear extension, single storey rear extension and alterations

Case Officer Rebekah Chishaya
01394 444253
rebekah.chishaya@eastsuffolk.gov.uk

1. Summary

- 1.1 Planning permission is sought for the construction of a two-storey side and rear extension and a single-storey rear extension to 54 Looe Road, Felixstowe.
- 1.2 The application has come before Members following consideration by the referral panel on 20 December 2022. The application was presented to the referral panel as the Town Council recommends refusal which is contrary to the officer's recommendation of approval. The panel decided that the application should be referred to Planning Committee South for determination.
- 1.3 The Highways Authority initially submitted a holding objection pending additional information regarding cycle storage; this has now been provided and the Highways Authority now raises no objections to the proposals.
- 1.4 The proposals are considered to comply with the development plan policies and guidance listed in this report and the application is recommended for approval subject to conditions.

2. Site Description

- 2.1 54 Looe Road is a two-storey semi-detached property situated within the settlement boundary of Felixstowe. The property is positioned relatively close to the highway, with a generous rear garden. There is currently an attached single garage on the eastern side of the dwelling. The property sits within a primarily residential area and is surrounded by residential dwellings. The property is neither listed nor is it located within a conservation/designated area.

3. Proposal

- 3.1 Planning permission is sought for the erection of a two-storey side/rear extension and a single-storey rear extension. The two-storey element would extend above and to the rear of the garage and then continue round to extend above the existing kitchen at the back of the property. The garage would be converted to a utility room with a storage area to the front. The rear extension would be single storey and have a flat roof with a lantern rooflight. The materials proposed would match those on the host property.

4. Consultees

Third Party Representations

- 4.1 No third-party comments received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 September 2022	29 September 2022
Summary of comments: Committee recommended REFUSAL. Whilst we are content with all other aspects of the proposals, we feel that, because of the intense demand of on-street parking in Looe Road, with both an increase in the number of bedrooms to this property and loss of the garage - resulting in the property only having one off-street parking space - is unacceptable, in accordance with County Council parking guidance which would require three spaces.		

Non-statutory consultees

Consultee	Date consulted	Date reply received
SCC Rights Of Way	13 September 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	19 October 2022	27 October 2022
<p>Summary of comments:</p> <p>Holding objection. According to Suffolk Guidance for Parking (2019), a 4-bedroom dwelling should have a minimum of three car parking spaces. There is no off-road vehicle parking proposed for this development. For a car-free development to be considered acceptable, it would need to include the following:</p> <ul style="list-style-type: none"> - Exceptional standards of sustainable travel e.g. cycle spaces/storage (secure, lit and covered) is incorporated; - Good provision of public transport links and; - Local services available within a reasonable walking distance. <p>Due to the location of this proposal, it is considered to be in an urban area with approximately a 16-minute walk from Felixstowe Rail Station and approximately a 5-minute walk from the nearest bus stops (adjacent and opposite Church Road). Therefore, a reduction of vehicle parking spaces may be considered as long as there are exceptional standards of sustainable travel included as part of this proposal. As per Suffolk Guidance for Parking (2019), a minimum of two cycle spaces are required for a Class C3 dwelling.</p> <p>Clarification is required on the existing and proposed vehicular and cycle parking offer. This should be illustrated within the revised scalable plan.</p>		

Reconsultation consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	15 December 2022	19 December 2022
<p>Summary of comments:</p> <p>Following the submission of additional information, the following condition would be recommended on any approval given for this proposal: provision of secure cycle storage in accordance with drawing no. 22/07/0071 Rev. B.</p>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 14 September 2022

Expiry date: 5 October 2022

5. Planning policy

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)

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

National Planning Policy Framework 2021

6. Planning Considerations

Design Quality

- 6.1 The two-storey extension would be visually recessive to the original dwelling as it would be set back from the existing front elevation and would also be subservient in height, with a hipped roof in keeping with the existing roof form. The extension would be set away from the boundary with No. 52 to the east, as it would not protrude further than the existing garage, and would not therefore result in a terracing effect, allowing some separation between the properties. The extension would have a similar visual aesthetic to the original dwelling house, and as such is in keeping with the character and appearance of the host property.
- 6.2 The single storey element of the proposal would be situated to the rear of the dwelling and therefore would have no impact on the visual amenity of the street scene or surrounding area. The proposed rear extension would not appear disproportionate in scale given the generous size of the curtilage to the rear, and would be in keeping with the characteristics of the dwelling house.
- 6.3 The proposals are considered to be acceptable additions to the dwelling in terms of design quality.

Residential Amenity

- 6.4 The two-storey extension would have no windows inserted at first floor level on the east elevation facing No. 52, with first floor windows instead proposed on the front and rear elevations overlooking Looe Road and the property's own rear garden respectively. As the property already has first floor windows facing the rear garden, the extension would not introduce any additional overlooking when compared to the current situation.
- 6.5 The single-storey addition would extend approx. 6 metres from the existing rear elevation and have a height of approx. 3 metres (excluding the roof lantern). Whilst this is quite a deep extension, there is an existing close-boarded fence along the boundary with No. 56 (approximately 1.8m high) which will partially screen the extension from this neighbour. The

extension is also of a similar scale to what could otherwise be constructed as permitted development subject to the prior notification procedure for larger householder extensions (up to 6 metres in depth for a semi-detached property and up to 4 metres in height).

- 6.6 The proposals are considered acceptable in terms of residential amenity.

Parking Standards

- 6.7 The Town Council has raised concerns regarding the loss of the garage for car parking and the increase from 3 bedrooms to 4 as a result of the proposals, due to the existing high demand of on-street parking in Looe Road and noting that the Suffolk Guidance for Parking requires 3 off-street parking spaces for a 4-bedroom dwelling. The Highways Authority also initially submitted a holding objection, requiring further information regarding cycle parking.
- 6.8 An amended plan has been submitted showing that the front section of the garage to be converted will provide storage for two cycles, and the Highways Authority has advised that this is sufficient to remove their holding objection.
- 6.9 Although the Suffolk Guidance for Parking requires 3 parking spaces for a 4-bedroom dwelling, the Guidance highlights that a range of factors will be taken into account and for main urban areas a reduction to the parking guidance may be considered. The Highways Authority note in their initial consultation response that due to the location of this proposal, it is considered to be in an urban area with approximately a 16 minute walk from Felixstowe Rail Station and approximately a 5 minute walk from the nearest bus stops (adjacent and opposite Church Road). The Highways Authority has requested that a minimum of two cycle spaces are provided. There is provision for this within the proposed two-storey extension as noted previously in this report.
- 6.10 In addition to the above, officers note that the existing garage could be converted to habitable accommodation without the need for planning permission. The garage is also below the size set out within the Suffolk Guidance for Parking to be counted as a parking space (6 metres by 3 metres), measuring approximately 4.47 metres by 2.43 metres. The applicant's agent has advised that the garage is not used for parking and that on-street parking is currently utilised by the residents of the property.
- 6.11 Taking into account all of these factors, the increase in the property's size from a 3-bedroom to a 4-bedroom dwelling and the loss of the garage are not considered to result in a danger to highway safety such that a refusal of planning permission could be substantiated on these grounds.

7. Conclusion

- 7.1 The proposed extensions would be in keeping with the character and appearance of the property and would not harm the visual amenity of the wider area, the amenities of neighbouring properties or highway safety. The proposals are therefore considered to comply with the local plan policies and guidance listed above, and the relevant provisions of the NPPF.

8. Recommendation

8.1 Approval subject to the conditions below.

Conditions:

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance with the following approved plans and documents for which permission is hereby granted:

- Application Form received on 5 September 2022.
- Drawing no. 22/07/0070 received on 5 September 2022.
- Drawing no. 22/07/0071 Revision B received on 6 December 2022.

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 two-storey extension shall not be brought into use until the area within the site shown on drawing no. 22/07/0071 Revision B for the purposes of secure cycle storage has been provided and thereafter the area shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.

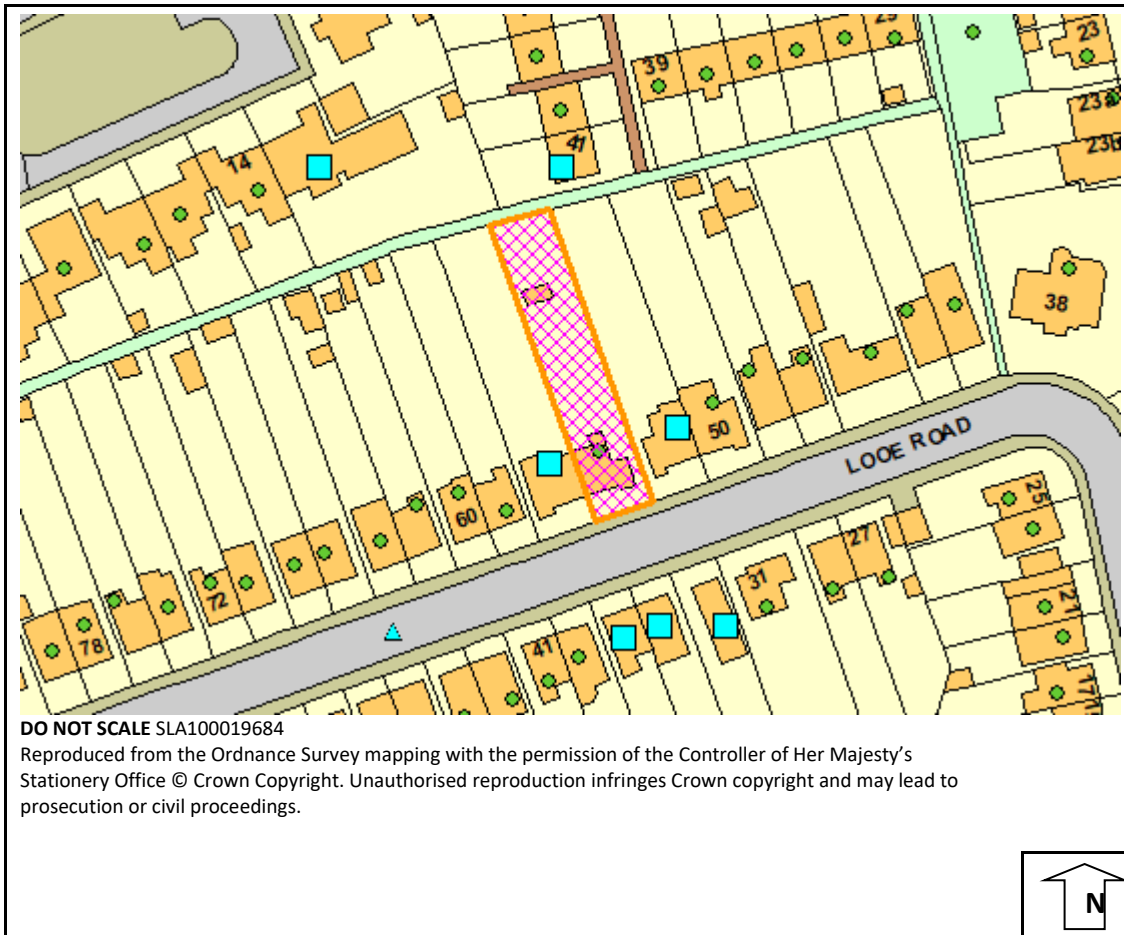
Informatives:

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Background information

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Map



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