



Planning Committee South

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, 27 June 2023 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/p3CzMlBVM?feature=share>.

Members:

Councillor Mark Packard (Chair), Councillor John Fisher (Vice-Chair), Councillor Tom Daly, Councillor Mike Deacon, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mike Ninnmey, Councillor Rosie Smithson.

An Agenda is set out below.

Part One – Open to the Public		Pages
1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the minutes of the meeting held on 25 April 2023.	1 - 10
5	East Suffolk Enforcement Action - Case Update ES/1560 Report of the Head of Planning and Coastal Management.	11 - 28
6	DC/23/0830/OUT - Land Fronting Seven Gardens Road, Burgh ES/1561 Report of the Head of Planning and Coastal Management.	29 - 42
7	DC/23/0234/FUL - The Walled Garden, High Street, Wickham Market, IP13 0QS ES/1562 Report of the Head of Planning and Coastal Management.	43 - 62

Part One – Open to the Public

Pages

8	DC/22/0103/FUL - The Promenade, Sea Road, Felixstowe, IP11 2QN ES/1563 Report of the Head of Planning and Coastal Management.	63 - 75
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Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close

A handwritten signature in black ink, appearing to read 'Bally', with a stylized, flowing script.

Chris Bally, Chief Executive

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

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, 25 April 2023 at 2.00pm.**

Members of the Committee present:

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

Other Members present:

Councillor David Ritchie

Officers present:

Marianna Hall (Principal Planner), Bridget Law (Strategic Lead - Housing Investment), Matt Makin (Democratic Services Officer (Regulatory)), Rachel Smith (Principal Planner), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Alli Stone (Democratic Services Officer (Governance)), Ryan Taylor (Housing Development Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

Clerk's Note

The Chairman briefly adjourned the meeting during her introductions, to allow officers to resolve an issue with the audio-visual equipment in the Deben Conference Room.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Tony Cooper.

2 Declarations of Interest

Councillor Stuart Bird declared an Other Registerable Interest in items 6 and 8 of the agenda, as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.

Councillor Colin Hedgley declared a Non-Registerable Interest in item 7 of the agenda, as the application was located within his Ward.

Councillor Mike Deacon declared an Other Registerable Interest in items 6 and 8 of the agenda, as a member of Felixstowe Town Council.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 28 March 2023 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1532** 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 27 March 2023. At that time there were 18 such cases.

The report was taken as read and there were no questions to the officers.

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

RESOLVED

That the outstanding enforcement matters up to 27 March 2023 be noted.

6 DC/23/0539/VOC - Former Deben High School, Garrison Lane, Felixstowe, IP11 7RF

The Committee received report **ES/1533** of the Head of Planning and Coastal Management, which related to planning application DC/23/0539/VOC.

The application sought to vary Condition 11 of permission DC/21/0541/FUL, granted on 3 June 2021 for the redevelopment of the former Deben High School site on Garrison Lane in Felixstowe. Condition 11 required a scheme for the provision of affordable housing to be submitted and approved and required no less than 42 of the 61 residential units approved to be affordable housing. The proposal was to amend the condition to require the policy compliant amount of 1 in 3 residential units to be affordable, being 20 units, with the additional 22 affordable units provided on a voluntary basis.

As East Suffolk Council was both the applicant and the landowner, the application was to be determined by the Committee in line with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The site's location was outlined, and the Principal Planner highlighted the areas of the site subject to full and outline planning permission.

The Committee received aerial photographs of the site showing it both before and after the demolition of the school buildings on the site. It was noted that an assembly hall had been retained to be incorporated into the development.

The Principal Planner displayed the approved site layout; she explained that the number of affordable dwellings would not change and the proposed variation to condition 11 would enable the Council to seek external grant funding to deliver the affordable housing provision on the site, which would be over what was required by policy.

The Committee was shown photographs of the site demonstrating views looking north along Garrison Lane (prior to demolition), looking south along Garrison Lane (following demolition), looking west from Garrison Lane towards site access (prior to and following demolition), views of the former main school building, and the assembly hall (prior to and following demolition of the surrounding buildings). The Committee was also shown computer-generated images of the proposed development from the Design and Access Statement submitted with application DC/21/0541/FUL.

The Principal Planner summarised that the sole material planning consideration was whether the proposed variation of condition 11 was acceptable. The Committee was advised that the proposal was compliant with policy SCLP5.10 of the Suffolk Coastal Local Plan, regarding the provision of affordable dwellings on a development of this size, and that the development as a whole continued to be in accordance with the development plan. The recommendation to approve the application was outlined to the Committee.

The Chairman invited questions to the officers. It was confirmed that there was a typographical error in the description of the application and that there would be a provision of 61 parking spaces and not 16.

The Chairman invited Ms Law and Mr Taylor, representing the Council's Housing team, to address the Committee. Ms Law advised that she and Mr Taylor were present to answer any questions from the Committee.

The Chairman invited questions to Ms Law and Mr Taylor. In response to a query on the likelihood and securing funding and the implications if it was not, Ms Law advised that dialogue between Homes England and the Council had been positive and the application to vary condition 11 was a result of these conversations. Ms Law noted that any grant funding would be subject to an application process and although funding would leave the Council in a stronger position, it was not essential to the delivery of the proposed affordable housing as the project had been budgeted against not receiving this funding; if the Council was successful in obtaining the funding, then capital receipts earmarked for the development could be invested elsewhere.

The Chairman invited the Committee to debate the application that was before it. Councillor Deacon was delighted with the proposal as it would provide much

needed affordable housing and he welcomed the report. Councillor Bird concurred with Councillor Deacon and said the variation would help secure grant funding to establish an exemplar site, which would provide over and above the required amount of affordable housing.

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

RESOLVED

That the application be **APPROVED** and condition 11 of planning permission DC/21/0541/FUL be varied as follows:

11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy SCLLP5.10 of the Suffolk Coastal Local Plan (2020) to secure the appropriate provision of affordable housing on the site.

Other Conditions:

The final wording of some conditions may be subject to change, as noted in report ES/1533, as there are a number of applications to discharge conditions attached to

DC/21/0541/FUL under consideration at the time of writing this report. Conditions will address the following matters:

1. Time limit for commencement of residential development (with full planning permission).
2. Time limit for the submission of reserved matters (with outline permission) and time limit for commencement.
3. Development to be carried out in accordance with the approved plans and documents.
4. External facing and roofing materials to be agreed.
5. Removal of permitted development rights for extensions and alterations, roof alterations and outbuildings in respect of the residential development.
6. Removal of permitted development rights for walls and fences.
7. Removal of permitted development rights for additional windows above ground floor level.
8. Requirement for windows above ground floor level serving bathrooms to be fitted with obscure glazing.
9. Provision of storage areas for bins.
10. Details of external lighting to be agreed.
11. Scheme for provision of affordable housing to be agreed (as set out above).
12. Construction hours to be limited to 7.30am to 6pm Mondays-Fridays, 8am to 1pm on Saturdays and no construction work to take place on Sundays and Bank Holidays.
13. Details of protective fencing for existing trees to be agreed.
14. Noise assessment to be submitted.
15. Air quality assessment to be submitted.
16. Requirement for a minimum of 5% of car parking spaces for staff/visitor use to be provided with EV charging points.
17. Requirement for all dwellings with off-street parking and a minimum of 10% of spaces in private communal parking areas to be provided with EV charging points.
18. Site investigation in respect of land contamination to be carried out.
19. Remediation method statement (RMS) in respect of land contamination to be submitted.
20. RMS to be completed prior to occupation of the development.
21. Validation report in respect of land contamination to be submitted.
22. Landscaping scheme to be submitted for approval.
23. Management plan for maintenance of communal areas to be submitted for approval.
24. Scheme for provision improvements to pre-school and primary school education to be submitted for approval.
25. Strategy for disposal of surface water to be submitted for approval.
26. Details of implementation, maintenance and management of the strategy for the disposal of surface water to be submitted for approval.
27. Surface water drainage verification report to be submitted for approval.
28. Construction Surface Water Management Plan detailing how surface water and storm water will be managed on the site during construction to be submitted for approval.
29. Eastern-most balconies at first and second floors on apartment block D, on the eastern boundary of the site, to be fitted with an obscured glazed privacy panel on their eastern elevation to a height of 1.7m from balcony floor.

Informative:

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.

7 DC/22/1746/FUL - Ipswich Town FC Training Ground, Playford Road, Rushmere St Andrew, IP4 5RG

The Committee received report **ES/1534** of the Head of Planning and Coastal Management, which related to planning application DC/22/1746/FUL.

The application sought the retention of existing camera towers located around the training pitches at Ipswich Town Football Club's training ground located off Playford Road in Rushmere St Andrew and the siting of additional towers.

As the officer's recommendation of approval was contrary to Rushmere St Andrew Parish Council's recommendation of refusal, the application was considered by the Planning Referral Panel at its meeting of 14 March 2023, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution. The Referral Panel was of the view that the nature of the proposal warranted debate by the Committee.

The Committee received a presentation from the Principal Planner, who was the case officer for the application. The site's location was outlined, and the Principal Planner highlighted that the application site was bisected by Playford Road. The Committee was shown aerial photographs of the site.

The Principal Planner displayed block plans of the northern and southern sections of the site, demonstrating the location of existing and proposed towers. The Committee was advised that there would be a mixture of single aspect and dual aspect view towers in each area of the site and the block plans identified the locations of the different types of towers; the Principal Planner highlighted the proximity of towers in the southern section of the site to residential dwellings bordering the application site.

The Committee was advised that the existing towers on the site did not have planning permission; temporary permission for two towers was granted in 2001 and had since expired.

The Committee was shown a photograph of one of the existing towers along with the existing and proposed elevations for both single and dual aspect view towers. The Committee received photographs showing views of the site's northern and southern sections, demonstrating the locations of both existing and proposed towers and their proximity to residential properties where applicable.

The material planning considerations and key issues were summarised as visual amenity and residential amenity in relation to noise and privacy. The recommendation to approve the application was outlined to the Committee and the Principal Planner.

highlighted proposed condition 4, which related to restricting unauthorised use of the towers; officers considered that if used correctly, the towers would not have a significant impact on the residential amenity of neighbouring residential properties.

The Chairman invited questions to the officers. In response to a question on noise concerns and lighting, the Principal Planner advised that noise complaints had been made in respect of unauthorised use, where people had been on the towers and holding extended conversations and confirmed that there would be no lighting on the towers. The Principal Planner confirmed that she was satisfied that the distance, use and screening of the towers would not result in an unacceptable loss of privacy to neighbouring properties.

The Chairman invited Mr Sharp, the applicant, to address the Committee. Mr Sharp advised that he was present to answer any questions from the Committee and considered that the officer's report had adequately covered the application.

The Chairman invited questions to Mr Sharp. Mr Sharp confirmed that the opacity of the proposed meshing on the towers would block all views, similar to the meshing on the existing towers. Mr Sharp advised that he had regularly liaised with neighbours of the site in the last year and had made some changes to facilities on the site in response to concerns raised.

Mr Sharp explained that the cameras would be portable and mounted on tripods, at a 45-degree angle looking towards the pitches. Mr Sharp confirmed that all coaching was done at ground level and no megaphones were used on site; there would only be a maximum of two operators/analysts on a tower.

The Chairman invited the Committee to debate the application that was before it. Councillor Hedgley was not concerned about unauthorised use of the towers but acknowledged the concerns of objectors about being filmed. Councillor Hedgley was disappointed that no objector or representative from Rushmere St Andrew Parish Council had attended the meeting to make representations; he was not concerned with the towers in the northern section of the site and said the southern area had been a concern but was assured by Mr Sharp's comments that neighbours had been consulted and that appropriate and sufficient mitigation had been put in place.

Councillor Bird expressed some concerns about the aesthetics of the towers, describing them as unattractive, but considered they would appear less intrusive with the proposed meshing and accepted the officer's assurances that the towers would be of sufficient distance from residential dwellings, noting that there were other large structures already on the site, including the existing towers. Councillor Bird said that he was, overall, content with the application and would support it.

Councillor Blundell spoke of his experiences of the application site and considered it to be a well-run facility.

Councillor Newton expressed concerns with the proposed conditions, considering them not to be enforceable; he questioned who would enforce the proposed conditions. The Planning Manager (Development Management, Major Sites and Infrastructure), at the invitation of the Chairman, advised that the proposed conditions

were considered by officers to be enforceable and stated that it would be the applicant's responsibility to ensure they are complied with, and that any breaches could be reported to the Council who would act accordingly, including taking planning enforcement action where appropriate. Councillor Hedgley was of the view that residents would definitely report any alleged breaches if they considered they had occurred.

There being no further debate, the Chairman sought a proposer and seconder for the recommendation to approve the application as set out in the report. On the proposition of Councillor Hedgley, seconded by Councillor Blundell, 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 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 be completed in all respects strictly in accordance with drawing no 4015-1 01 received 28 April 2022 and 4015-1 03 B received 24 January 2023, 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 use and maintenance of the camera towers hereby permitted shall only be in strict accordance with the Method Statement prepared by Hoopers (received 13 October 2022) and shall only be used when training is taking place on the pitch(es) directly adjacent to the tower(s) being used. No one shall use the towers when the adjacent pitch is not being used for training. Within six months of the towers being no longer required by the club for training purposes, they shall be removed from the site.

Reason: To restrict the use of the towers to professional use for limited periods in the interests of residential amenity.

Informative:

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.

8 DC/23/0460/RG3 - Public Toilet Block adjacent Town Hall, Undercliff Road West, Old Felixstowe, Walton, IP11 2AG

The Committee received report **ES/1535** of the Head of Planning and Coastal Management, which related to planning application DC/23/0460/RG3.

The application sought extensions and alterations to the public toilet block facility at Undercliff Road West, Felixstowe to improve the facilities, including the provision of an accessible toilet, an operative rest area and improved access.

As East Suffolk Council was both the applicant and the landowner, the application was required to be determined by the Committee in line with the Scheme of Delegation set out in the East Suffolk Council Constitution.

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 aerial photographs.

The Principal Planner displayed photographs of the site demonstrating views towards the public toilet block from Undercliff Road West and the adjacent gardens. The Committee was shown the existing and proposed block plans and elevations.

The material planning considerations and key issues were summarised as design quality, residential amenity, listed buildings, and the conservation area. The recommendation to approve the application was outlined to the Committee.

There being no questions to the officers or public speaking on the application, the Chairman invited the Committee to debate the application that was before it. Several members of the Committee commented positively on the proposed alterations to the toilet block, noting they were long overdue and would complement the area. Members were broadly in support of the application.

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

RESOLVED

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

1. The development hereby permitted shall be begun 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 Drawing numbers 22.170-13, 22.170-14, 22.170-23 and Design and Access Statement received on the 03.02.2023, 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

Informative:

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

The meeting concluded at 2.52pm.

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Chairman



Planning Committee South

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

27 June 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 25 May 2023. At present there are 18 such cases.

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

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

The cases are organised into categories based upon current status:

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

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *7 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. *1 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. *3 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 25 May 2023 be noted.

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

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 16/05/2023 - Boat removed, case closed.	
<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/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.3

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.4

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

<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/07/2023

A.5

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North
Date of Report of Breach	22.04.2022
<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

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/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
<u>Nature of Breach:</u> Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
<u>Summary timeline of actions on case</u> 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	
<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.2

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
<u>Nature of Breach:</u> Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<u>Summary timeline of actions on case</u> 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	

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

B.3

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.4

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
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B.5

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.	
Summary timeline of actions on case	
03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance	
14/11/2022- Pre-start letter from Planning Inspectorate	
14/12/2022- Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
Current Status/Position	
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/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
Nature of Breach: Artificial hedge, support structure and fencing which is over 2m in height	
Summary timeline of actions on case	
28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance	
09/01/2023- Pre-start letter from Planning Inspectorate	
Current Status/Position	
Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

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

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

There are currently no cases at this stage.

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

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023 27/03/2023 - Defendant did not attend, warrant issued, awaiting decision from court.	
<u>Current Status/Position</u> Awaiting Court outcome	
Date by which Compliance expected (or prosecution date)	Dependant on Court outcome

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

E.1

LPA Enforcement Case Reference	ENF/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 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 – Case adjourned for legal reasons, awaiting new court date 03/02/2023 – High Court date for an Injunction hearing 18 th & 19 th May 2023 22/02/2023 – Hearing on appeal for refused certificate of lawful development set for 12 th July 2023. 18/05/2023 – Injunction sought from High Court in relation to non-compliance with EN, Injunction granted – 90 days to undertake the works.	
<u>Current Status/Position</u> Appeal date set in relation to Certificate of Lawful Use (proposed) refusal.	

Injunction granted to remove works.	
Date by which Compliance expected (or prosecution date)	Before 18 th August 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>

F.2

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
<p><u>Nature of Breach:</u></p> <p>Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><u>Summary timeline of actions on case</u></p> <p>16/11/2017 – Authorisation given to serve Enforcement Notice.</p> <p>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.</p>	

<p>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.</p> <p>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</p> <p>16/06/2020 – Submission of Appeal Statement</p> <p>11/08/2020 - Appeal dismissed with some amendments.</p> <p>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.</p> <p>25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p>2022 - Application for an Injunction has been made to the High Court.</p> <p>06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p>08/03/2023 – Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p>30/03/2023 - appeal submitted to High Court against Injunction – awaiting decision from Court.</p>	
<p><u>Current Status/Position</u></p> <p>In compliance period of High Court Injunction and awaiting appeal decision</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Awaiting decision from Court.</p>

F.3

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	
<p><u>Summary timeline of actions on case</u></p> <p>07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022</p> <p>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.</p> <p>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 24th February 2023 to comply with notice.</p> <p>10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action.</p>	
<p><u>Current Status/Position</u></p>	

In compliance period	
Date by which Compliance expected (or prosecution date)	Depending on legal action

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

G.1

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

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

Planning Committee South 27 June 2023

Application no DC/23/0830/OUT

Location

Land Fronting
Seven Gardens Road
Burgh
Suffolk

Expiry date

Application type Outline Application

Applicant Park Properties (Anglia) Ltd

Parish Burgh

Proposal Outline Application (All Matters Reserved) - Construction of three bungalows and garages

Case Officer Grant Heal
01394 444779
grant.heal@eastsuffolk.gov.uk

1. Summary

- 1.1 Outline Planning Permission (With All Matters Reserved) is sought for the construction of three market dwellings with garages on land fronting Seven Gardens Road, Burgh.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and the relevant policies of the adopted development plan.
- 1.3 Notwithstanding, the referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Case Officer is contrary to comments received following a Burgh Parish meeting.
- 1.4 The application was therefore presented to the referral panel on Tuesday 6 June 2023 where the North and South Chairs and Vice-Chairs determined that the concerns raised by parishioners warrants further discussion at planning committee.

2. Site Description

- 2.1 The site is a rectangular parcel of arable land comprising part of a larger field located on the western side of Seven Gardens Road within the Parish of Burgh; a hamlet located northeast of Grundisburgh.
- 2.2 A terrace of existing residential properties abut the site's southern boundary, while two larger detached dwellings are evident to the east on the opposite side of Seven Gardens Road, including 'The Round House' which is Grade II listed.
- 2.3 The site's northern and western boundaries are open to the wider field and countryside beyond.
- 2.4 There is no relevant planning history.

3. Proposal

- 3.1 This application seeks Outline Planning Permission (With All Matters Reserved) for the construction of three market dwellings with garages on land fronting Seven Gardens Road, Burgh.
- 3.2 In the event this current outline proposal is approved, all design detail, including access, would be provided via the submission of subsequent reserved matters application(s). However, an illustrative site layout and street scene has been included within this outline submission depicting three traditionally styled bungalows with frontage onto Seven Gardens Road. The plans also suggest that each dwelling would benefit from generous rear curtilage areas and three offroad parking spaces, including that within a single bay detached garage.

4. Consultees

Third Party Representations

- 4.1 Thirty-five third-party representations of objection have been received which raise concerns in relation to the principle of development and the potential for impacts on highway safety from increased traffic. The adequacy of local infrastructure to support the proposal and the visual impacts of the development on the wider countryside are also cited.

Parish/Town Council

Consultee	Date consulted	Date reply received
Burgh Parish Meeting	7 March 2023	24 March 2023
Summary of comments: <i>'Comments submitted by Mr Alistair Turk on behalf of Burgh Parish Council meeting held 15 March 2023, as follows:</i>		

Response from Burgh Parish Meeting on 15 March 2023, these comments are being made, not by myself but are a reflection of the views of approximately 45 residents (25%) of the population who attended the meeting.

Burgh is defined as countryside in the current Suffolk Coastal Local Plan. Policy SCLP5.4 allows in principle for limited additional housing in clusters in the countryside, residents would urge East Suffolk Council to take into consideration the impact on the environment, on existing residents and the limited services in the village in the short and longer term. The loss of prime agricultural farmland to housing at this location will have a negative impact on the countryside. The field edge at this location contains Bee Orchids. There needs to be an environmental impact assessment/ecology survey carried out on the site before planning permission is granted.

Residents at the parish meeting perceive this to be too great an increase in dwellings in a small hamlet at any one time and will generate additional traffic on single track lanes without footways and are only 2.9m wide at this location.

The Parish Meeting are disappointed there is no traffic access and impact assessment provided with this application and believe this must be undertaken before the application is determined. Furthermore, if the development of this site were to proceed it is essential that a construction logistics management plan is agreed and put in place to control and mitigate the considerable additional site traffic. It is essential that no construction traffic comes through the village and all construction vehicles are parked within the site confines at all times.

In conclusion, this proposal, will result in a loss of good farming land and a loss of countryside. It will have a negative impact on local services, residents and road safety during and after construction. No CIL money will come to the village’.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	7 March 2023	28 March 2023
Summary of comments: No objection - conditions recommended in relation to access and parking arrangements, surface water drainage, bin storage and presentation, EV charging and construction management.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	7 March 2023	23 March 2023
Summary of comments: Internal consultation - no objection. Full comments included within the considerations section of the report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	7 March 2023	No response
Summary of comments: Internal consultation - no response.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 March 2023	15 March 2023
Summary of comments: Internal consultation - conditions recommended in relation to construction management and unexpected land contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	N/A	17 May 2023
Summary of comments: Internal consultation - no objection.		

Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	16 March 2023	6 April 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Affects Setting of Listed Building Date posted: 31 March 2023 Expiry date: 25 April 2023
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5. Planning policy

National Planning Policy Framework 2021

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

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

SCLP5.3 - Housing Development in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.4 - Housing in Clusters in the Countryside (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)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP11.2 - Residential Amenity (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)

SCLP10.2 - Visitor Management of European Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document (East Suffolk Council, Adopted November 2022)

6. Planning Considerations

Principle:

- 6.1 The proposal site lies outside a defined 'Settlement Boundary' (SCLP3.3) and therefore falls within 'The Countryside'; as defined by the 'Settlement Hierarchy' (SCLP3.2) of the adopted Local Plan.
- 6.2 Development outside settlement boundaries is generally limited to that which necessitates a countryside location, or otherwise accords with the relevant provisions of the NPPF and/or relevant housing policies of the adopted development plan.

- 6.3 Policy SCLP5.3 (Housing Development in the Countryside) limits new residential development outside of defined settlement boundaries unless, with relevance to this application, such development would accord with the provisions of SCLP5.4 (Housing in Clusters in the Countryside).
- 6.4 While specific 'clusters' are not identified within the Local Plan, the policy preamble makes clear that clusters can vary in size and includes those smaller settlements in the countryside which do not have the range or number of facilities to be classed as a major centre, town or large/small village. It is also important to distinguish that 'clusters' are without defined settlement boundaries and therefore development within settlement boundaries cannot be considered to form part of a 'cluster'.
- 6.5 The policy wording of SCLP5.4 is as follows:

'Proposals for new dwellings within 'clusters' in the countryside will be supported where:

a) The proposal is for up to three dwellings within a cluster of five or more dwellings;

Or

The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;

And

b) The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;

c) The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site;

and

d) It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape.

Where more than three dwellings are proposed under criterion b) above, applicants must be able to demonstrate that meaningful and effective community engagement has taken place in the development of the scheme and that the mix of dwellings proposed would meet locally identified needs.

Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas and the Area of Outstanding Natural Beauty. Consideration will also need to be given to the features of Landscape Character Areas in accordance with Policy SCLP10.4.

The cumulative impact of proposals will be a consideration in relation to the criteria above.

A 'cluster' in the context of this policy:

**Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and*

**Contains 5 or more dwellings'.*

- 6.6 In assessing the proposal against the requirements of SCLP5.4, it is necessary first to consider whether the adjacent development complies with the definition of a 'cluster'. In this case, there is development to the south and east of the site, on the opposite side of the highway. The development is generally linear in form, following the line of the highway

and there are more than five dwellings. The adjacent development is therefore considered to constitute a 'cluster' for the purposes of SCLP5.4.

- 6.7 The other criteria in the policy must then be considered. In relation to part a), the proposed development is for three dwellings and there are at least five dwellings in the existing cluster. Part b) requires the development to be "located adjacent to existing development on two sides". The supporting text to this policy and the recently adopted Supplementary Planning Guidance, as referred to in the submitted planning statement, sets out that development on the opposite side of a highway can be considered as part of a close group and/or be 'adjacent' development. Given that the site borders dwellings immediately to the south and there are two residential dwellings on the opposite side of the highway, part b) of the policy is complied with.
- 6.8 Part c) requires that the proposed development should not represent an extension of the built-up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site. In this case, the site boundary would extend as far west as the rear gardens of the neighbouring dwellings to the south and no further north than the gardens of the properties opposite. Part c) is therefore complied with.
- 6.9 Part d) requires that development should not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape. In this case, the development site is situated on the corner of a larger agricultural field. The development would extend into this field and result in the creation of an arbitrary new field boundary. On this matter, the following was received in consultation with the Council's Principal Arboriculture and Landscape Officer:

'I have reviewed this application for Outline consent to build 3 bungalows and garages on land fronting Seven Gardens Road, Burgh and I can advise you as follows in respect of landscape related matters. The site lies to the north of an existing row of domestic properties and opposite other similar dwellings. The Suffolk Coastal Settlement Sensitivity Assessment (2018) records that the sensitivity of this locality lies in its visibility where the topography is open and elevated, and lightly settled. This is very much the case with this site, although whilst it is lightly settled, the site is immediately adjacent to and also opposite existing dwellings.

The prominence of isolated buildings on the skyline is noted, but so too is the predominant settlement pattern of 'one plot deep' 20th century semis and brick bungalows set in deep well vegetated plots. The study advises that the elevated parts of the village are sensitive because of visibility over long distances, but in this instance I would qualify that by suggesting that sensitivity is modified because of the close association with existing dwellings. On that basis and with suitable provision of appropriate boundary treatments including hedgerow planting particularly to address views of the site from the north, I do not consider that this proposed development has the potential to cause notably adverse impacts on existing local landscape character or visual amenity, other than for the occupants of the dwellings on the opposite side of the road whose view westwards will be partially obscured to varying degrees. Overall I do not consider that there are any meaningful grounds for objection on landscape related grounds'.

- 6.10 With the above in-mind, it is considered that the principle of developing the site for three dwellings, as herein proposed, could be found acceptable subject to appropriate design

choices, including a suitable landscaping scheme received via subsequent reserved matters applications.

Visual amenity and heritage:

- 6.11 While it is appreciated that the submitted site layout and street scene have been provided for illustrative purposes, with all matters of design and access reserved for later detailed application submissions, the drawings nevertheless demonstrate that scope exists within the site for it to be developed in a way that would accord with the relevant design and transport related policies.
- 6.12 While the proposed plot sizes would appear large when compared with the prevailing pattern of development within Burgh, this approach is considered reasonable given that the width of the resulting plot size would be similar to that on the opposite side of Seven Gardens Road, while the depths of the plots would be similar to those existing dwellings further south.
- 6.13 The single storey height and traditional forms of the bungalows depicted within the submitted illustrative plans would also be appropriate given the similar heights and appearance of dwellings sited adjacent.
- 6.14 Consultation with the Council's Design and Conservation Team has also confirmed the adequacy of the submitted Heritage Impact Assessment with respect to the potential impacts of the proposal on nearby heritage assets. It was also confirmed that 'in principle, the construction of three dwellings on the site proposed would not cause harm to the setting of the Round House'.
- 6.15 The proposal's siting would otherwise appear as a logical infill development that would have a limited impact on the prevailing residential street scene and, in this respect the site would not appear overdeveloped.
- 6.16 With the above in-mind, it is judged that the proposal site's development in-line with that included for illustrative purposes within this application could be found to accord with the relevant provisions of the NPPF, as well as policies SCLP5.4, SCLP10.4 (Landscape character), SCLP11.1 (Design quality) and SCLP11.4 (Listed Buildings) of the adopted Local Plan, and the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Compliance would however be subject to appropriate design choices, including a suitable landscaping scheme, received via subsequent reserved matters applications.

Highway safety and parking:

- 6.17 This application is for Outline Planning Permission with all matters reserved including access and parking arrangements. However, there are no objections from the County Council as Local Highway Authority and sufficient space could be accommodated within each plot to provide adequate vehicle and cycle parking in accordance with the 'Suffolk Guidance for Parking' (May 2019).
- 6.18 Seven Gardens Road already serves a number of properties and the resulting increase in traffic from the development of the site is unlikely to result in any severe impact on

highway safety when judged against the relevant provisions of the NPPF, as well as policies SCLP7.1 (Sustainable Transport) and SCLP7.2 (Parking Proposal and Standards) of the adopted Local Plan.

Residential amenity:

- 6.19 This application is for Outline Planning Permission with all matters reserved and therefore the detailed design of the dwellings and their precise relationship with existing neighbouring dwellings would be a matter for consideration at that stage.
- 6.20 However, based on the illustrative information provided in support of this application, it is considered that the site could be developed with three dwellings of an appropriate siting, scale and height ensuring that no meaningful detriment to existing neighbouring amenity would result through loss of light or a poor physical relationship with existing dwellings. The position of fenestration could also be configured so as to avoid any unacceptable loss of privacy to the existing neighbours or between the proposed dwellings. Accordingly, the proposal is considered deliverable without undermining the relevant provisions of the NPPF or SCLP11.2 (Residential amenity) of the adopted Local Plan.

Ecology

- 6.21 The application site is currently arable farmland and there is roadside hedgerow, so there is limited onsite ecological habitat that could potentially be affected by the proposed development.
- 6.22 However, the site is situated within the 13km protection zone of European Designated Sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.23 The strategy, which aligns with policies SCLP10.1 (Biodiversity and geodiversity) and SCLP10.2 (Visitor Management of European Sites) seeks to support Article 6(3) of the Habitats Directive and requires certain developments, including new dwellings that could have a direct or indirect adverse effect on the integrity of internationally and nationally designated areas, to mitigate and, where appropriate, compensate in order to reduce net impacts of the development to a level below that which would outweigh the benefits of development.
- 6.24 As such, East Suffolk Council has undertaken a Habitats Regulation Assessment and are obliged to seek a proportionate financial contribution in relation to the proposed new dwellings, which would be sited within Zone A of the adopted charging schedule.
- 6.25 With the above in mind, it is confirmed that a payment of £321.22 per additional dwelling has been received, along with the appropriate payment forms.

Community Infrastructure Levy (CIL)

- 6.26 As the scheme is for three dwellings it would be Community Infrastructure Levy (CIL) liable. The amount payable would be dependent upon the floorspace permitted at the Reserved Matters Stage and the charging rates that exist when the liability notice is subsequently

issued. As Burgh does not have a Neighbourhood Plan, the Parish Meeting would receive 15% of the CIL to be spent in accordance with the CIL Regulations.

7. Conclusion

- 7.1 As per the above assessment, this application accords with the NPPF and the relevant policies of the adopted development plan. It should therefore be approved subject to appropriate conditions including those relating to the requirements for the submission of the Reserved Matters stage application, contaminated land, highway safety matters and construction management.

8. Recommendation

- 8.1 Approval subject to the conditions detailed below.

Conditions:

1. This is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010). Before work on the development is begun, approval of the details of access, appearance, landscaping, layout and scale [herein called the "reserved matters"] shall be obtained from the Local Planning Authority by application(s) submitted not later than the expiration of three years beginning with the date of this outline permission.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) and in accordance with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the approval of the final reserved matter.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

3. This Outline Planning Permission relates to the land outlined red (only) on drawing no. '0597-PL001' (Site location plan) received by application on 2 March 2023.

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

4. The layout proposed through the Reserved Matters application should be broadly in accordance with the indicative layout submitted as part of this Outline Consent, including positioning the three dwellings so that they face towards Seven Gardens Road, and utilising the full frontage width of the application site to accommodate the three dwellings and their curtilages (and any access arrangements to serve those dwellings).

Reason: To ensure the development remains compliant with the Local Plan 'Cluster' Policy SCLP5.4, and to ensure an appropriate layout that would be in character with the locality, in the interests of visual amenity.

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.

6. Proposed access arrangements submitted as part of subsequent reserved matters applications shall include the means by which the discharge of surface water from the development shall be prevented from entering 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.

7. Proposed layout arrangements submitted as part of subsequent reserved matters applications shall include details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins. 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.

8. Proposed layout arrangements submitted as part of subsequent reserved matters applications shall include details of the areas and infrastructure to be provided for the

loading, unloading, manoeuvring and parking of vehicles including secure/covered/lit cycle parking and electric vehicle charging points. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking where on-street parking and manoeuvring would be detrimental to highway safety, and to promote sustainable transport choices.

9. Proposed access arrangements submitted as part of subsequent reserved matters applications shall include clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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.

10. Proposed material submitted as part of subsequent reserved matters application(s) shall include a Construction Management Plan which shall provide sufficient detail on 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) a programme of site and all associated works, such as those relating to 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 on the highway from vehicles leaving the site during construction;
 - l) haul routes for construction traffic on the highway network;
 - m) monitoring and review mechanisms; and
 - n) details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid hazards caused by construction activities and to minimise adverse impacts on the public highway and neighbouring properties during the construction phase.

11. Proposed material submitted as part of subsequent reserved matters application(s) shall include a photographic condition survey of the highway fronting and near to the site.

Reason: In the interest of highway safety, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public.

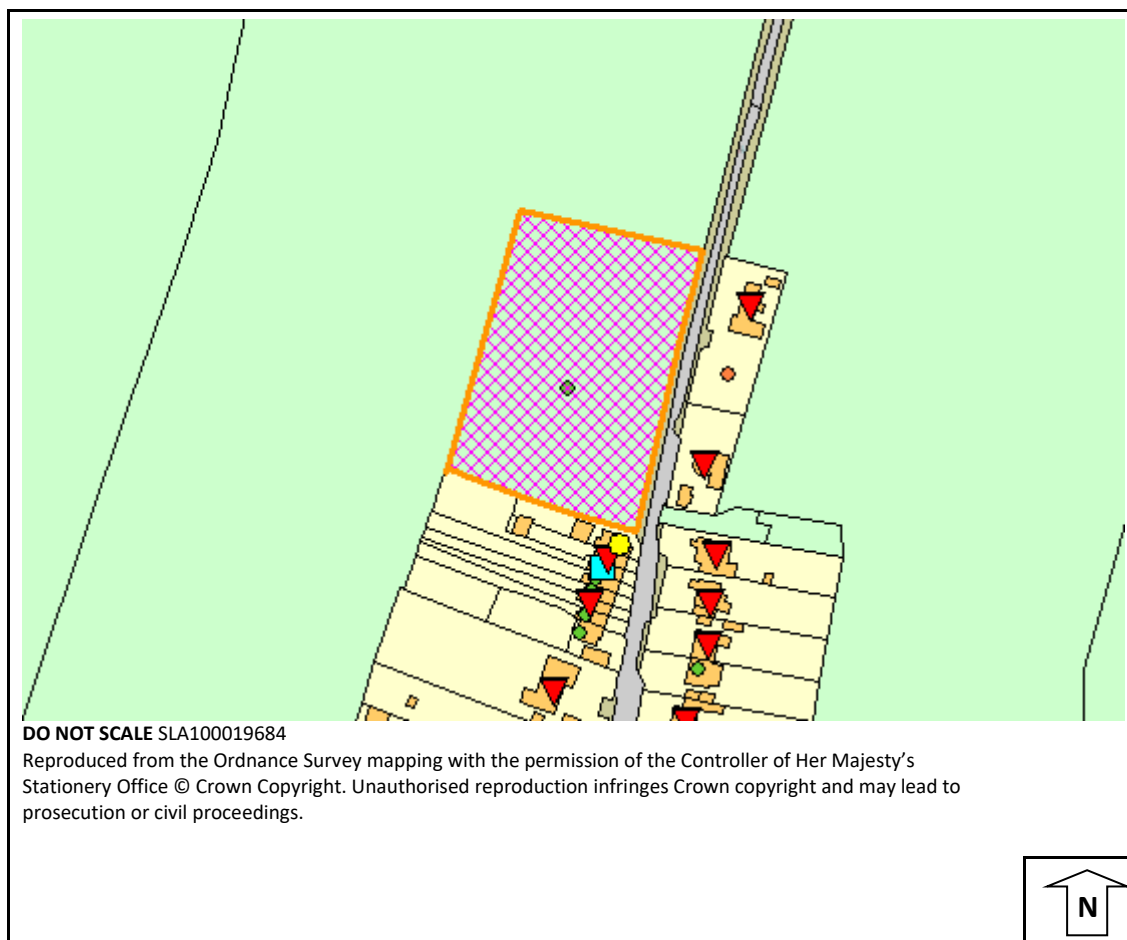
Informatives:

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

Background information

See application reference DC/23/0830/OUT on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South 27 June 2023

Application no DC/23/0234/FUL

Location

The Walled Garden
High Street
Wickham Market
Suffolk
IP13 0QS

Expiry date 15 March 2023

Application type Full Application

Applicant Mr Moss

Parish Wickham Market

Proposal Demolition of Outbuilding and Erection of Dwelling

Case Officer Grant Heal
01394 444779
grant.heal@eastsuffolk.gov.uk

1. Summary

- 1.1. Full planning permission is sought for the replacement of an existing outbuilding with a single-storey market dwelling at The Walled Garden, High Street, Wickham Market.
- 1.2. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF, The Planning (Listed Buildings & Conservation Areas) Act 1990 and the relevant policies of the adopted development plan.
- 1.3. Reviewed against the Council's adopted scheme of delegation, the applicant is not an elected member, member of staff or close relative. There are no objections from statutory consultees, however, the application must proceed to planning committee because East Suffolk Council control the access between the proposed parking area and publicly adopted highway at High Street.

2. Site Description

- 2.1 The site is bound by a brick and flint wall which encloses a dilapidated brick-built storage building along with a number of other ancillary structures. The site is otherwise laid to grass and benefits from an existing vehicular entrance off High Street which provides access via a shared driveway between nos. 38 (aka Marlow) and 42; both Grade II listed buildings.
- 2.2 The site is situated within the Wickham Market Conservation Area and within the setting of a continuous arc of listed buildings evident to the north and east with frontages onto Dallinghoo Road and High Street.
- 2.3 To the north of the site lies a public car park controlled by East Suffolk Council, which has a vehicular access from High Street between nos.46 and 48-50; also both Grade II listed. No. 46 already benefits from a gated rear vehicular entrance accessible via the Council's car park.
- 2.4 Wickham Market village hall is situated to the west of the site, separated by several trees and other vegetation. The rear gardens of properties fronting High Street abut the site's southern and eastern boundaries, including Thatcher's Barn (adjacent) which was previously granted planning permission for conversion to a dwelling in 2003 under reference C/02/1855.
- 2.5 A site visit was undertaken on 1 March attended by the applicant, agent, heritage consultant, conservation officer and case officer.

3. Proposal

- 3.1 This application seeks full planning permission for the replacement of an existing outbuilding with a single-storey market dwelling at The Walled Garden, High Street, Wickham Market.
- 3.2 The proposed three-bedroom dwelling would be formed around a central brick and flint spine wall culminating in parapeted ridge that would visually separate a modern flat-roofed timber-clad element from a more traditionally detailed mono-pitched element finished in brick and flint to reflect the retained historic boundary wall. The flat roofed element would support an array of photovoltaics that would be visually enclosed by a further parapet capping.
- 3.3 Access to the site would be via the Council's car park using the existing gated rear vehicular entrance currently serving no.46. Two off-road parking spaces would be provided along with various landscaping treatments. The site's existing access between nos. 38 (aka Marlow) and 42 would be retained for pedestrian access only.

4. Consultees

Third Party Representations

- 4.1 Two neutral comments and three third-party representations of support have been received which note general support for the proposal's sensitive design ethos and sympathetic response to the site's Conservation Area location.

Parish/Town Council

Consultee	Date consulted	Date reply received
Wickham Market Parish Council	27 January 2023	No response
Summary of comments: No response.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	27 January 2023	2 February 2023
Summary of comments: Conditions recommended regarding manoeuvring and parking, cycle storage, EV charging, construction management, and bin storage and presentation.		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	27 January 2023	7 February 2023
Summary of comments: Advisory comments provided regarding access to buildings for fire appliances and firefighters under the building regulations, and regarding consideration of benefits of provision of an automatic fire sprinkler system. No additional water supply for firefighting purposes is required in respect of this planning application.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	27 January 2023	2 February 2023
Summary of comments: Internal consultation - further information requested.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	27 January 2023	31 January 2023
Summary of comments: Internal consultation – land contamination conditions recommended.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	27 January 2023	27 February 2023
Summary of comments: Internal consultation - condition recommended.		

Consultee	Date consulted	Date reply received
East Suffolk Estates Asset Management	8 March 2023	No response
Summary of comments: Confirmed willingness to explore the grant or transfer of access rights over Council controlled land.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	N/A	25 April 2023
Summary of comments: Internal consultation - condition recommended to secure a Tree Protection Plan and Arboricultural Method Statement.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	16 February 2023	2 March 2023
Summary of comments: Internal consultation – recommend approval subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	8 March 2023	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	8 March 2023	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	8 March 2023	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Highways Department	8 March 2023	14 March 2023
Summary of comments: We are satisfied with the revised drawing(s), which does not have a detrimental impact upon the highway when compared to the previous proposal. We are happy for the revised drawing(s) to be referenced in the previously recommended highway related planning conditions.		

Consultee	Date consulted	Date reply received
Wickham Market Parish Council	8 March 2023	No response
Summary of comments: No response.		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area Affects Setting of Listed Building	2 February 2023	23 February 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area; Affects Setting of Listed Building Date posted: 31 March 2023 Expiry date: 25 April 2023
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5. Planning policy

National Planning Policy Framework 2021

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

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

SCLP4.12 - District and Local Centres and Local Shops (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.7 - Infill and Garden Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SCLP9.2 - Sustainable Construction (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)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.6 - Non-Designated Heritage Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP11.2 - Residential Amenity (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)

6. Planning Considerations

Planning history:

- 6.1 DC/22/3613/FUL | Demolition of Outbuilding and Erection of Dwelling | The Yard Rear Of 40 To 42 High Street Wickham Market - Withdrawn 21 November 2022.
- 6.2 C/07/1260 | Erection of front and rear boundary walls and gates | Crafters Antiques 46 High Street Wickham Market - Permitted 4 October 2007.
- 6.3 DC/22/1403/FUL | (ADJACENT SITE) Conversion of barn to single dwelling | Thatcher's Barn High Street Woodbridge Wickham Market – Undetermined.
- 6.4 C/02/1855 | (ADJACENT SITE) Conversion of barn to form private dwelling | Thatcher's Barn rear Of 40 - 42 High Street High Street Wickham Market - Permitted 27 February 2003.
- 6.5 C/88/1359 | (ADJACENT SITE) Use of land for the erection of one dwelling | Thatcher's Barn Rear Of 40 To 42 High Street High Street Wickham Market - Refused 11 October 1988 for the following reason:
'The Council are directed by the County Surveyor on behalf of the Local Highway Authority to refuse permission on the grounds that the access to the suite adjoins a Class II Road with sub-standard visibility. Dangers would be created by the material increase in the use of the existing access'.

Principle:

- 6.6 The site lies within the defined 'Settlement Boundary' (SCLP3.3) of Wickham Market which is classified as a 'Large Village' within the 'Settlement Hierarchy' (SCLP3.2) of the adopted Local Plan.
- 6.7 Policy SCLP3.3 states that residential development within defined settlement boundaries will be acceptable in principle, subject to consideration of other relevant policies of the development plan.
- 6.8 Although part of the proposed vehicular access and parking area lie within Wickham Market's District Centre, as designated by Policy SCLP4.12 (District and Local Centres and Local Shops), this proposal is unlikely to result in any fundamental changes in the way the centre functions or detrimentally affect any of the existing services currently provided therein.
- 6.9 The proposed reuse of the application site to accommodate one dwelling is considered to reflect the requirements of sustainable development given the site's position near a

number of services and facilities, including public parking areas and alternative modes of transport, within walking distance.

Visual amenity and heritage:

- 6.10 Underpinned by Chapter 12 (achieving well-designed places) of the National Planning Policy Framework (NPPF), policies SCLP5.7 (Infill and Garden Development), SCLP11.1 (Design Quality) and SCLP10.4 (Landscape Character) of the Suffolk Coastal Local Plan collectively seek to ensure that all proposals achieve a standard of design that will both protect and enhance its surroundings.
- 6.11 Fundamentally, applicants are expected to demonstrate that their design will protect and enhance the special qualities and features of the site, its location and the wider area. Policy SCLP11.1 b) requires proposals to 'demonstrate a clear understanding of the character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness through robust evidence, informed sources and site-specific context and analysis'.
- 6.12 In assessing the scheme, the Council's Design and Conservation Team have provided the following comments:

Heritage Statement:

The application is supported with a Heritage Statement which considers the significance and setting of heritage assets affected and includes an impact assessment of the proposed development which satisfies the requirements of Paragraph 194 of the NPPF.

Impacts and effects arising:

The meeting held on site included an inspection of the existing walls and structures both within and forming the boundary of the site, consideration of key views into and out of the site in relation to the various surrounding heritage assets and discussion of the proposed development. Although neither the boundary walls, nor the site itself and the structures within it, are identified in the Wickham Market Conservation Area Appraisal of 2016 as making a positive contribution to the character of the area, it was noted that this does not necessarily mean that they are not of interest.

It is sometimes the case that the heritage significance of existing buildings and structures is only fully appreciated when proposals for development are being considered, as is the situation here.

The brick and flint boundary walls enclosing the site mainly date from the early 19th century, with the 'spine wall' running east-west across four-fifths of the site being of a similar date and the various lean-to structures around the perimeter wall and abutting the 'spine wall' being later additions. These walls and structures are of some local architectural and historic significance.

The boundary walls are predominantly of flint with brick piers and quoining, some of which are seen from within the Conservation Area. Constructed of locally distinctive materials and

being largely unaltered, they are considered to make a positive contribution to the character of the area and are of local architectural interest.

Similarly, the range of structures within the site are simple in form, using traditional materials and the 'spine wall' lies on the historic boundary between the north and south portions of the site. The walls and other structures form a small group which illustrate the historic development, sub-division and former use of the site and are therefore considered to be of some local historic interest.

The walls and structures are therefore considered to satisfy sufficient criteria to be identified as non-designated heritage assets.

In terms of their relative significance, I agree that the boundary walls have the highest degree of significance as noted in the Heritage Statement, with the later lean-to structures being of lower significance. However, although the 'spine wall' has been altered with new courses of brickwork to accommodate the lean-to structures and some areas have been rendered where it then formed an internal wall, it is of similar early 19th century date to the boundary walls, and I consider it to have a medium degree of significance rather than the lowest level as now noted in the later response from the heritage consultant.

The Heritage Statement notes that design concept has developed around the importance of the 'spine wall' and the design has been influenced by the historic configuration and layout of the site. I questioned this approach in my initial comments, noting in particular that the existing 'spine wall' is intended to be demolished, and rebuilt further to the north, using the existing salvaged materials, in order to create a larger south facing garden within the site.

I also noted that the proposed building now occupies a larger area of the site than the previous (withdrawn) scheme. This was simply a statement rather than a criticism, noting that, as evidenced from map regression, former buildings on the site did in fact occupy a larger footprint than that remaining today.

I also raised some concerns at the quality of design in response to the illustrations of the proposed building submitted with the application, i.e. the elevations, particularly to the north, which seemed to indicate heavily detailed modern doors and contrasting quoining to openings and walls. However, additional 3D visualisations of the proposed building have now been submitted illustrating both the north and south areas.

An assessment can only be made in response to the information submitted and had these drawings formed part of the original application, a different conclusion would have been reached in relation to the design proposals as the elevations do not adequately convey the intended quality and appearance of the scheme.

I also noted that the images referred to in the Planning Statement showing views of the proposed development from High Street and from the public car park to the north had not been submitted and it was therefore difficult to fully assess the impact on the character and appearance of the Conservation Area and the setting of surrounding listed buildings. These drawings also form part of the additional information which has now been submitted.

It has also been confirmed that the parapet to the flat area of roof will be of sufficient height to screen the proposed PV panels from views at ground level.

In terms of the impact of the proposals, the scheme retains the existing brick and flint boundary walls identified as having the highest degree of significance and retains and reuses those existing lean-to structures attached to the inner face of the perimeter wall.

Even though the existing materials are to be reused in the construction of a repositioned wall, the demolition of the existing 'spine wall' and attached structure will have a harmful impact which I consider to be less than substantial, although this will be at the low level.

On the basis of the 3D visualisations which have now been submitted, I would be happy to support the design which now illustrate a high quality scheme of appropriate scale based on sustainable and energy efficient principles.

In views from the car park looking south, the form of the proposed building will be similar to the existing structure with only part of the roof being visible above the boundary wall and from High Street there will be a glimpse of the building which will also be similar to that existing. I do not therefore consider that there will be any harmful impact on the setting of surrounding listed buildings or the character and appearance of the Conservation Area.

There will be a number of positive heritage benefits arising from the proposals including the repair and retention of the existing boundary wall; the repair and reuse of existing attached structures and enhancement of the appearance and positive use of the site.

Application of statutory and NPPF tests:

In my judgement, based on the additional information and drawings now submitted, the character and appearance of the Conservation Area and the setting of surrounding listed buildings will be preserved, in accordance with the statutory requirements of the Planning (Listed Buildings & Conservation Areas) Act 1990.

The removal of some historic fabric and structures will result in a low level of less than substantial harm requiring the application to be determined in accordance with Paragraph 203 of the NPPF, whereby the positive heritage benefits identified above also need to be taken into account.

Conclusion:

There is a fine balance between the harm identified and the positive benefits of the proposals, but my conclusion is that the application can be supported and I would therefore recommend approval subject to the conditions suggested below'.

- 6.13 Further, it is noted that the proposed works would increase the footprint of development beyond that of the existing arrangement. However, the existing building's removal would ensure that the site has sufficient capacity to absorb the dwelling without resulting in its overdevelopment.

- 6.14 Use of the existing gated rear vehicular entrance associated with No. 46 in order to provide offroad parking for the dwelling (accessible via the Council's car park entrance) is also unlikely to negatively undermine the prevailing pattern of development, particularly given the presence of existing built forms both within the site and to the rear of properties fronting High Street.
- 6.15 The dwelling's position within the site would also appear appropriate and the submitted scheme provides an attractive blend of traditional forms and features that respond sympathetically to the legacy of the site and its historic surroundings, thereby providing an overall enhancement to the quality of the Wickham Market Conservation Area.
- 6.16 The ridge height of the new dwelling would also be similar to that of the existing spine wall, thus ensuring that development within the site will retain a similar presence to that experienced currently from the wider public realm.
- 6.17 The proposed palette of natural facing materials, including the flint and brick treatment applied to the north-facing elevation, further demonstrates a considered appreciation of local context which will enable a deeper integration of the development within its surroundings.
- 6.18 Whilst the dwelling's position would be set back from High Street, thereby representing somewhat of a departure from the historic pattern of dwellings within the area, it would have a visible frontage off a publicly accessible vehicular entrance, similar in nature to the cul-de-sac of dwellings evident at Birch Close or at no.20 Dallinghoo Road.
- 6.19 Overall it is found that, on balance, the benefits arising from the site's reuse for residential purposes - including ensuring its long-term contribution to the Wickham Market Conservation Area – outweigh any low level harm arising when considered within the context of paragraph 202 of the NPPF.
- 6.20 The inclusion of sustainable design principles and renewable energy technologies also assist in raising the standard of design more generally within the area, in congruence with policy SCLP9.2 (Sustainable construction).
- 6.21 In-line with the above assessment, the application is thus found to accord with the provisions set out within SCLP5.7, SCLP10.4, SCLP11.1, SCLP11.3 (Historic Environment), SCLP11.4 (Listed Buildings), SCLP11.5 (Conservation Areas) and SCLP11.6 (Non-Designated Heritage Assets) of the adopted development plan.

Parking and highway safety:

- 6.22 Considered within the context of the NPPF (para.111), the proposed use of the existing rear vehicular entrance of no.46 via the Council's car park is unlikely to severely undermine existing levels of highway safety.
- 6.23 The site straddles the Wickham Market District Centre which provides a number of services, facilities and alternative modes of travel within walking distance. No.46, which appears to comprise a mix of office, retail and residential uses, would otherwise continue to benefit from public parking opportunities available within the immediate vicinity - as advocated by SCLP7.1 (Sustainable Transport).

- 6.24 The Council's Asset Management Team have also confirmed willingness to explore the grant or transfer of access rights currently afforded to no.46 to the applicant towards ensuring that the proposed access and parking arrangement could be fully implemented.
- 6.25 Given that the existing shared vehicular access would be used to gain entrance into the site, the submission of a Construction Management Plan via condition is considered necessary in order to establish an acceptable arrangement for the development's safe construction and management of the local environment - including the council's car park, its users and local biodiversity - throughout the entire construction phase.
- 6.26 The County Council Highway Authority have raised no objections and the proposed level of parking/manoeuvring provision is therefore considered adequate to serve the proposed three-bedroom property when judged against SCLP7.2 (Parking proposals and standards) of the adopted Local Plan.

Residential amenity:

- 6.27 Given the development's single-storey height, its orientation and proximity in relation to other neighbouring dwellings, the proposal does not hold the potential to undermine existing levels of neighbouring amenity unduly, when judged against the provisions of the NPPF and SCLP11.2 (Residential amenity) of the adopted development plan.
- 6.28 It is also noted that, in the event that the conversion of Thatcher's Barn to form a new dwelling (see DC/22/1403/FUL) is approved, both schemes could be implemented without creating unacceptable consequences for prospective occupants' amenity at either property. This is because the proposed conversion scheme for Thatcher's Barn's west-facing elevation does not present any scope for overlooking.

Trees and Biodiversity:

- 6.29 Following a site visit undertaken by the Council's Arboricultural and Landscape Officer, it was confirmed that the proposal is likely to be achievable without undermining nearby specimens, subject to an appropriately worded condition requiring the submission of a tree protection plan and arboricultural method statement for works within root protection areas. The officer's comments are as follows:

'The site is bound by a tall brick wall and the likely depth of foundations will have limited root growth into the site from those trees positioned adjacent to the boundary. They are generally of mixed quality but none of which are of high amenity value. Those which are noteworthy in terms of the Conservation Area are the two specimens to the north west which may be significantly impacted by the creation of new parking spaces, and drainage routes shown on the proposed block plan. The block plan does show that the drainage routes are to be finalised and I would recommend that a condition is applied to ensure an arboricultural consultant is involved with the final design, and if the indicative routes are not compatible with the retention of the trees using specialist construction methods, then these are rerouted as necessary'.

- 6.30 The Council's Ecology Team have also provided the following comments in relation to the scheme's potential to impact on protected species and habitat potential within the site:

'The proposed development appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats and species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))'.

- 6.31 It is considered reasonable and necessary to include a planning condition requiring the applicant to submit an Ecological Enhancement Strategy to address how ecological enhancements will be achieved on site as part of the development.
- 6.32 Provided the above recommended conditions are included within any consent that may be granted for the site's reuse for residential purposes, the relevant sections of the NPPF and SCLP10.1 (Biodiversity and geodiversity) of the adopted Local Plan will be satisfied.
- 6.33 In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's adopted Community Infrastructure Levy (CIL), the site is situated within the 13km protection zone of European Designated Sites, as set out in the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.34 As such, Policy SCLP10.1 (Biodiversity and geodiversity) and SCLP10.2 (Visitor Management of European Sites) of the adopted Local Plan seeks to support Article 6(3) of the Habitats Directive concerning development, including the creation of new dwelling's, which have the potential to cause direct or indirect recreational pressures on internationally and nationally designated areas.
- 6.35 East Suffolk Council therefore have the right to seek payments to facilitate the prevention, mitigation and, where appropriate, compensation, to reduce net impacts to a level below which such impacts no longer present the potential to outweigh the benefits of development. A proportionate financial contribution is therefore required in relation to the proposed new dwelling, which would be sited within Zone A of the adopted charging schedule.
- 6.36 As such, the applicant has provided a contribution of £321.22 and submitted the appropriate forms in-line with the Council's habitat mitigation strategy. The application is therefore considered compliant with policies SCLP10.1 and SCLP10.2 of the adopted Local Plan.

7. Conclusion

- 7.1 In-line with the above assessment, the proposal is found compliant with the NPPF, The Planning (Listed Buildings & Conservation Areas) Act 1990 and all relevant policies of the adopted development plan.

8. Recommendation

- 8.1 Approve subject to the conditions below.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawings:
 - 22-021-PL-01D (Proposed layout and elevations);
 - 22-021-PL-02E (Existing and proposed site plans, location plan).

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) Full specification of all external materials.
 - (ii) A methodology statement confirming how existing historic fabric will be salvaged following demolition of the existing wall/ attached structures and reused in the construction of the approved development.
 - (iii) Large scale details of all windows, glazed panels and external doors, including materials and finishes.
 - (iv) Large scale details of parapet, eaves, verges, external flue, rainwater pipes and rainwater goods, including materials and finishes.
 - (v) A layout for the approved PV panels, including relationship with surrounding parapet.
 - (vi) Full specification of gates to north boundary wall and east entrance to site.
 - (vii) A photographic record of existing wall and existing structures prior to demolition.

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

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

4. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved by the Local Planning Authority:
 - a) A desk study and site reconnaissance, including:
 - a detailed appraisal of the history of the site;
 - an inspection and assessment of current site conditions;
 - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
 - a conceptual site model indicating sources, pathways and receptors; and
 - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
 - b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

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

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

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

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

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

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

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

6. Prior to any occupation or use of the approved development the RMS approved under condition 5 must be completed in its entirety. The Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

7. A validation report must be submitted to and approved by the Local Planning Authority prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

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

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

8. In the event that contamination which has not already been identified to the Local Planning Authority is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed by 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 BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved by the Local Planning Authority.

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

9. The use shall not commence until the area(s) within the site shown on Drawing No. 22-021-PL-02E 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.

10. The use shall not commence until the area(s) within the site shown on Drawing No. 22-021-PL-02E for the purposes of secure cycle storage has been provided and thereafter the area(s) 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.

11. Before the development is occupied the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be made available for use and shall be retained thereafter and used 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.

12. Prior to commencement an Ecological Enhancement Strategy demonstrating how ecological enhancements will be achieved on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved measures will be delivered prior to first use and retained in accordance with the approved strategy.

Reason: To ensure that the development delivers ecological enhancements.

13. Prior to the commencement of development, a detailed Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), produced in accordance with BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority.

The TPP shall show the extent of root protection areas, details of ground protection measures and fencing to be erected around retained trees, including the type and position of these.

The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed.

The AMS shall include details of all construction measures within the root protection areas of those trees on and adjacent to the application site which are to be retained, including the position, depth, and method of construction/installation/excavation of any hard landscaping, service routes and drainage systems.

The TPP and AMS shall include a schedule of monitoring and a programme of arboricultural supervision by a suitably qualified arboriculturalist.

Thereafter, the development shall be carried out strictly in accordance with the approved TPP and AMS unless otherwise agreed by the Local Planning Authority.

Reason: Required to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Local Plan Policy SCLP10.4.

14. 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.

15. The approved hard and soft landscaping and planting works shall be implemented not later than the first planting season following occupation of the development (or within such extended period as the Local planning Authority may allow) and shall thereafter be retained and maintained for a period of 5 years.

Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

16. The existing site entrance off High Street shall be used for pedestrian access only as shown on approved drawing no.22-021-PL-02E and at no time shall this access be used by vehicles for purposes associated with the hereby approved development.

Reason: In the interest of highway safety and the protection of the local environment.

17. No development shall commence until a detailed Construction Management Plan has been submitted to and approved by the Local Planning Authority. This statement shall be agreed in consultation with the County Council Highway Authority and shall include the following:
- Site operating hours, including hours of construction/activity and deliveries to and from the site;
 - Measures to ensure public safety and site security informed by a detailed risk assessment of the entire construction phase;
 - A detailed methodology and programme for all construction works;
 - Measures to limit noise and vibration;
 - Measures to manage air, dust, stormwater and site drainage/sediment;
 - Measures to manage site waste;
 - Measures to manage, store and re-use materials;
 - Measures to manage traffic, including all access routes to and from the site;
 - The means and frequency of engagement with adjacent owners throughout the entire construction phase;
 - The location of parking areas for construction and commercial vehicles.

Thereafter the approved Construction Management Plan shall be adhered to throughout the entire construction phase of the development, unless otherwise agreed by the Local Planning Authority.

Reason: To reduce the potential impacts of construction, including additional vehicular movements in the area during the construction phase of the development.

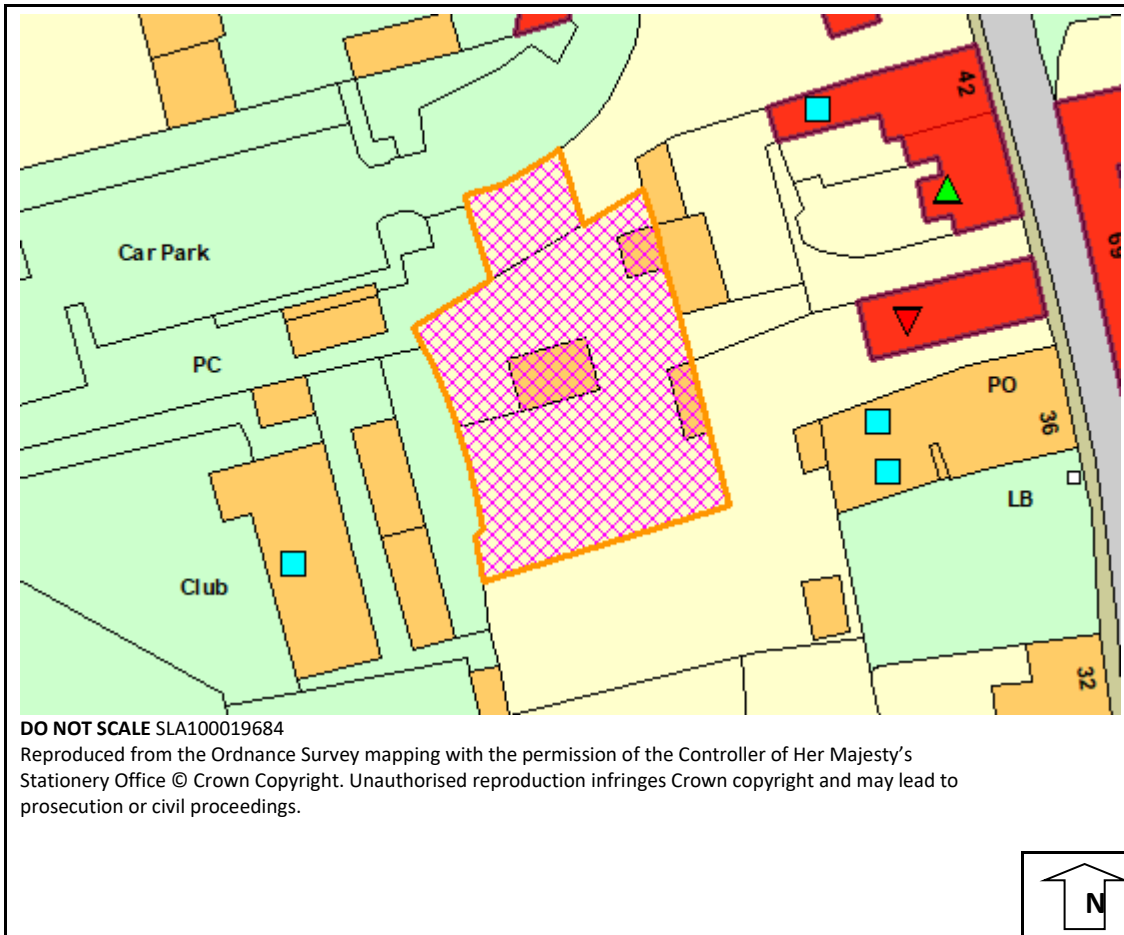
Informatives:

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





Background information

See application reference DC/23/0234/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South 27 June 2023

Application no DC/22/0103/FUL

Location

The Promenade
Sea Road
Felixstowe
Suffolk
IP11 2QN

Expiry date 4 April 2022

Application type Full Application

Applicant Paul Hedges

Parish Felixstowe

Proposal Siting of a temporary observation wheel for a maximum of six months

Case Officer Rachel Smith
07887 452719
rachel.smith@eastssuffolk.gov.uk

1. Summary

- 1.1 The application seeks permission to use the land to site an observation wheel attraction for a temporary period of six months.
- 1.2 The application is being presented to Planning Committee for determination solely because the Council is the landowner. The Town Council do not object to the proposal and there is no objection from any Statutory Consultees. The application would not normally have triggered the Referral Panel process.
- 1.3 The application is recommended for approval. The proposal is considered to add to the offer of tourism facilities in the resort and the temporary nature of the application will enable the operator and landowner to assess the suitability and success of the attraction with agreement that the sea front garden area to be returned to its current state on expiration of the planning permission and/or license. There would therefore be no long-term impact as a result of the proposal.

2. Site Description

- 2.1 The application site currently forms part of the grassed area immediately behind the promenade and adjacent to Sea Road. While these garden areas have not been maintained to a high standard in recent years, they provide an attractive and useable space away from the sea front and away from the vehicle dominated Sea Road.
- 2.2 The site is located opposite the commercial offer of the south sea front resort facilities where the amusement arcades and refreshment outlets dominate. Immediately to the south of the site is one of the seaside shelters with the land immediately to the north of the site being similar in character and appearance to the application site, currently providing paths through the grassed areas, parallel with the promenade to the east and Sea Road to the West.
- 2.3 The site lies within Flood Zone 2 and is sea ward of the existing flood defences.

3. Proposal

- 3.1 The application seeks to use the land to site an observation wheel for tourist/leisure use. The proposed wheel would be sited on a raised metal base off the ground and be supported by four columns on loading pads. The wheel would be a maximum height of 34.5 metres and be 32.6 metres long and 13.7 metres wide. It would take up the entire width of the existing garden area behind the promenade. It would have 24 'pods' for passengers to ride in, each with a maximum capacity of six persons.
- 3.2 The proposal would involve the partial removal of areas of the wall and hedge along the back of the promenade to enable access to, and around the wheel. Two three metre sections of this wall/hedge would be removed. It would also involve the removal of part of the raised grassed area in the centre of the site.
- 3.3 The application is made to site the observation wheel for a maximum period of six months following the grant of permission, in line with a license being agreed between the applicant and the Council's estates department. This will enable the Council as landowner,

the local planning authority and the applicant to assess the success and impact of the development prior to potentially applying for the attraction to return, however, this application should be determined on its own merits without consideration or speculation of what subsequent applications may follow.

- 3.4 The application originally included a refreshment kiosk however this has been removed from the application.

4. Consultees

Third Party Representations

- 4.1 A total of 15 letters of representation have been received. Three of these object to the application while 12 support the proposal. The comments received are summarised below:

Objections

- Site is too small for the size of the wheel
- Wheel would be overbearing and visually very dominant given height and colour
- It would be overused - 12 hours a day, 7 days a week with lights and noise
- Would increase anti-social behaviour
- Loss of public land
- Would set a precedent for other similar uses/attractions along the grassed area
- Other examples given aren't comparable in terms of hours of operation and location
- Would result in the loss of a quieter walking and picnic area
- There are already enough food kiosks
- Parking is already a problem with a lack of spaces and on-street parking blocking residents driveways
- Would result in noise and light pollution
- No benefit for residents
- Overlooking

Support

- Good addition to the town as a whole
- Provide a new, interesting attraction
- Would bring in more visitors and therefore more money
- Would support other businesses in the town
- Would increase visitor footfall
- It would provide a seafront focal feature
- Great attraction for a day out
- Bring in investment and provide diversity

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	11 February 2022	24 February 2022
Summary of comments: While we welcome this addition to Felixstowe's tourist offer, we could only recommend APPROVAL		

subject to the following matters being satisfactorily addressed:

- a. The proposed removal of the wave wall at the rear of the promenade, would render the site, and hence adjoining grass areas to the north and south vulnerable to shingle and salt water incursion from wave action during the period of operation of the wheel, from mid-February until mid-October. High tides and storms can occur at any time, and are certainly not limited to the depth of winter. Therefore it will be essential that a suitable structure of similar height is in place at all times along the wheel frontage, other than at any access point to the wheel. In that area, wave boards should be available for insertion on receipt of storm or flood warnings.
- b. We note that the application site currently has raised grass areas and retaining walls, which will need to be removed in order to site the wheel and its supports. There is no recognition of these in the drawings supplied. We would request that appropriate properly designed transitions to the unchanged adjacent areas form part of this application, and that the central path would be suitably reinstated during the winter period.
- c. Sunday and Bank Holiday operating hours should finish at 9pm, as already proposed for Monday ' Friday.

Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 May 2022	24 June 2022
Summary of comments: No objection subject to consideration of Flood Risk. Note to applicant: These works may require a Flood Risk Activity Permit.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	11 February 2022	14 February 2022
Summary of comments: No objection however recommend a condition requiring a noise assessment and limited construction hours.		

Consultee	Date consulted	Date reply received
Felixstowe Society	11 February 2022	7 March 2022
Summary of comments: Proposal is in a far better location than the previous application.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 28 February 2022

Expiry date: 21 March 2022

5. 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)

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

SCLP6.2 - Tourism Destinations (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP8.2 – Open Space (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.3 - Coastal Change Management Area (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.14 - Spa Pavilion to Manor End (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning Considerations

Principle

- 6.1 The Strategy for Felixstowe (as set out in Local Plan policy SCLP12.2) is to retain its role as a thriving coastal resort and major centre with a comprehensive range of services and facilities which supports the community of Felixstowe and the neighbouring settlements on the Peninsula. The strategy seeks to ensure that, among other things:
- Services and facilities support the needs of local residents, visitors and those in surrounding communities;
 - The resort continues to flourish and opportunities for regeneration and additional tourist attractions are brought forward;
 - Open spaces are preserved, enhanced or otherwise re-provided to ensure that all residents have easy access to informal recreational green space.
- 6.2 SCLP6.1 and SCLP6.2 relate to Tourism and Tourism Destinations respectively. These policies generally seek to support tourism development, recognising the importance of this industry to the economy, whilst also ensuring such development does not detract from the qualities of the natural environment that attract visitors to the area. SCLP6.2 sets out that the Council will support proposals for tourism development that contribute to the broad appeal, accessibility and year-round nature of destinations across the plan area. It goes on to add that tourism proposals should be of the highest standard of design and seek to protect and enhance the special character and interest of the destinations and the distinctiveness of the area, with particular regard to sensitive landscapes and heritage assets.
- 6.3 SCLP12.14 refers to the area of Felixstowe Sea Front from the Spa Pavilion to Manor End, within which this site is located. This policy sets out that the Council will support and promote high intensity tourist uses in this area, with a high proportion of these to be located along the Sea Road frontage. It seeks to welcome proposals that actively encourage new resort experiences.
- 6.4 The siting of the proposed wheel central to other existing commercial offers along the southern part of the sea front is therefore in accordance with the wider strategy for Felixstowe and is supported, in principle, in this location as part of the wider tourism offer.

Design and Visual Impact

- 6.5 The height of the proposed wheel would result in a significant visual impact, not just in the locality but also in many wider views from within the wider area. The design of the wheel

is unobjectionable insofar as it is clear what it is and while it would be a new and prominent addition to Felixstowe, the concept of a seaside observation wheel is not uncommon in other coastal resorts. The proposed wheel would be situated in front of a number of existing commercial units including amusement arcades and refreshment outlets. While these are traditional of many similar seaside resorts, the design of these facilities in closest proximity to the application site are more functional than innovative or interesting in their design.

- 6.6 The boundary of the Felixstowe South Conservation Area is located approximately 250 metres to the north of the site. While the wheel would be visible in views to and from the Conservation Area, it would not detract from its significance or importance due to its physical separation, and that the special interest of the Conservation Area is based around the Victorian and Edwardian built form that the wheel is clearly not trying to compete with or replicate in its design or appearance.
- 6.7 The nearest Listed Building is Martello Tower located over 500 metres to the south of the site in Martello Park. While the proposed wheel would be visible from the tower, the distance between the structures and intervening land uses means that the proposed development would not adversely affect the setting of the Listed Building. The proposal would therefore not result in any harm to the heritage asset.
- 6.8 The proposal also involves minor works to the existing layout of the garden area. This includes regrading some of the raised grass bed areas (to enable a flat surface for the base of the wheel) and the removal of two sections of wall and hedge at the rear of the prom to enable access and egress for visitors. This would result in a change of appearance of an otherwise uniform appearance of the garden areas in the vicinity of the site. It is understood that the terms of the license granted by the Council as landowner require full reinstatement on its cessation. A condition is therefore suggested for inclusion requiring the appearance of the site to be returned to its current appearance on expiration of the planning permission. This would ensure that the continuity of the gardens areas remains when the wheel is not in situ.
- 6.9 The Town Council has raised a concern regarding the removal of the prom wall and hedgerow in relation to its current function protecting the grass areas from shingle and saltwater incursion from wave action. Further plans have been submitted indicating smaller sections of the wall to be removed (only allowing for access and egress) compared to that previously indicated. The condition requiring re-instatement works on expiration of the planning permission would ensure this feature is not lost in the longer term.
- 6.10 Some lighting is proposed on the wheel and wider site, however, a condition is proposed to limit this to low level security lighting only outside of the operating times of the wheel to ensure that any light spillage is minimised and not excessive. It is however noted that the wheel is situated in an area where there are other illuminated signs and businesses operating, as well as street lights along Sea Road and the prom, either side of the proposed wheel, such that additional low level lighting would not be out of keeping with the wider area.
- 6.11 Concern has been raised that the development would result in the loss of public open space. The site is owned by the Council and provides an open area that members of the public can access for informal recreation. This space is linked to the areas of similar

appearance and function to the north and south of the site, and also to the east, along the prom. Policy SCLP8.2 of the Local Plan relates to Open Space and states that "The Council supports the provision of open space and recreational facilities and their continued management across the plan area. Primarily to encourage active lifestyles and to increase participation in formal and informal recreation for all sectors of the community, and also to support the biodiversity, promote effective water management and to enhance the public realm." It goes on to state that "There will be a presumption against any development that involves the loss of open space or community sport and recreation facilities. Proposals for development that results in the loss of open spaces will only be permitted in exceptional circumstances where:

a) The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;"

- 6.12 The siting of the wheel will result in a small loss of open space and require slightly different movement patterns for pedestrians while the wheel is operational. This, however, is within an area with good levels of public open space along the sea front gardens, promenade and more recent development at Martello Park. The quantitative loss of space is therefore only a small proportion of the open space available in the vicinity, and the open space would not be completely lost insofar as the new attraction would be open for the public's use/benefit and it would be temporary in nature. There is also the added benefit to the wider economy of this additional investment/attraction to the resort. The proposal is therefore considered to be in accordance with SCLP8.2.

Residential Amenity

- 6.13 The nearest residential property to the proposed wheel is approximately 90 metres to the north, on St. Edmunds Road, and there are intervening commercial premises between the site and the nearest residential properties in all directions. The Council's Environmental Protection Team have recommended a noise survey be carried out prior to the installation of the wheel however these comments were made prior to the application being amended to only cover a 'trial' time period of six months. It is therefore considered that re-wording this condition to require a noise survey to be undertaken with the wheel in situ and operational would give better results and that these could be used to inform any potential future application, if applicable. It is not however considered that the wheel would cause significant noise and disturbance beyond that currently audible from the nearby highway and other commercial premises. The application states that the operation of the wheel is silent and electric powered. The operator would still be required to deal with any statutory noise complaints arising in the shorter term.

Highways/Parking

- 6.14 Concern has been raised regarding the difficulties with high demand for parking in the area. The application site does not include any parking areas. It is recognised that in peak periods there is high demand for parking in this area and that inconsiderate parking can cause local residents problems in accessing their private driveways. Having said this, there are public car parks nearby, on-street parking is available, and Felixstowe is served by public transport. While it is anticipated that the attraction would bring in some visitors to the town, many of these trips are likely to be linked with visits to other attractions in the town. While it cannot be quantified, it is not considered that the development would

cause significant impacts on the local highway network such that permission should be refused on this basis.

Hours of operation

- 6.15 The application form states that the wheel is proposed to be open from 10am until 9pm Monday to Friday, 10am until 10pm Saturdays and 10am until 10.30pm Sundays and Bank Holidays. The Town Council have indicated that they would support the proposal on the basis that Sunday and Bank Holiday operating hours should finish at 9pm, in line with Monday to Friday hours and this seems reasonable so not to attract further visitors later into the evening in what are usually expected to be times when local residents may be able to expect quieter periods.

Flood Risk

- 6.16 The application site lies within the Environment Agency's Flood Zone 2 and is seaward side of the existing sea defences. The Environment Agency does not object to the proposal however requires the local planning authority to consider the flood risk. The Environment Agency has also indicated that they would require a Flood Risk Activity Permit. It has been indicated to the applicant informally that this would be forthcoming following the grant of planning permission; this would need to be in place prior to operation of the site but this lies outside of the planning remit.
- 6.17 In relation to flood risk, the site lies within Flood Zone 3b as identified in the Strategic Flood Risk Assessment and given its location seaward of the defences and its proximity to the sea, is at risk from tidal flooding events. The proposed development is considered to be at low risk of flooding from pluvial, groundwater and sewer sources. A Flood Risk Sequential Test is not required in this case given the application proposes the change of use of land, not operational development. The proposed wheel would be situated on a low metal platform and not require any ground works. In the event of a flood, there would be very limited water displaced (limited to the volume of the sheets of metal decking).
- 6.18 Uses of land for outdoor sports and recreation are considered to be 'water compatible' as set out in Annex 3: Flood risk vulnerability classification of the National Planning Practice Guidance. A 'water compatible' use is considered to be potentially suitable within Flood Zone 2, and 3b as set out in Table 2 of the Planning Practice Guidance: Flood Zone Vulnerability and Flood Risk 'incompatibility'. The exception test is therefore not required. A note to the table indicates that within Flood Zone 3b, essential infrastructure that has passed the exception test and water-compatible uses, should be designed and constructed to:
- remain operational and safe for users in times of flood;
 - result in no net loss of floodplain storage;
 - not impede water flows and not increase flood risk elsewhere.
- Although the site would not remain operational in times of flood warning (similar to as would be expected with other outdoor recreational uses), the development would not result in any loss of floodplain storage or impact on water flows or flood risk elsewhere. The proposal is therefore considered to be in accordance with Table 2 within the National Planning Practice Guidance document.

- 6.19 The Flood Risk Assessment sets out that in the 1 in 200 year (plus climate change) flood event, the site could experience flood water depth of up to approximately 0.5 metres. However, as the proposed development is considered to be water compatible under the NPPF and does not propose any floor space, mitigation measures such as raising finished floor levels are not required/possible. Furthermore, as the site is at risk of tidal flooding and is considered to be water compatible, it is not expected to cause displacement of flood water. The site is located within a Flood Warning Service area. It is recommended that a condition is imposed requiring the site owner/ management to subscribe to this service. Upon receipt of a Flood Warning or extreme weather warning, the site should be closed and evacuated, and remain so until the Flood Warning is lifted.
- 6.20 Although the site is not within a Coastal Change Management Area (CCMA), Policy SCLP9.3 requires the submission of a Coastal Erosion Vulnerability Assessment (CEVA) where development is within 30 metres landward of areas where the intent of management is to Hold the Line. However, as the site is located on the seaward side of the defences, the proposed development is located within the indicative 100 year erosion zone and the proposed development could be lost to the sea within 100 years. Given the temporary nature of the development (currently proposed to be for one season), the risk to the site from coastal erosion/potential impact of coastal erosion is low. The structure is also capable of being taken down and moved away from the site such that it would only be the land at risk of erosion, no different to the current situation.

License

- 6.21 Although a separate consideration to the planning application, as landowner, the Council must grant a lease or license for the operator to use the site. The current position in relation to this is that Heads of Terms have been agreed. The license would require re-instatement of the land back to its original condition at the end of the license period.

7. Conclusion

- 7.1 The proposed observation wheel would be a large and prominent addition to the sea front however its siting is not considered to be harmful to the character or appearance of the wider area. It would provide an additional attraction to the tourism offer at the resort helping to support the wider economy. The impact on open space would be minimal and following the expiry of the planning permission, the area would be returned to its current condition.

8. Recommendation

- 8.1 Approve, subject to controlling conditions as set out below.

Conditions:

1. The development hereby permitted shall cease within six months of the date of this permission. Within one month of the expiry of this permission, the site shall have been returned to its current form and appearance with the raised grass beds, central walkway and prom boundary wall reinstated in accordance with drawing 5896/02.

Reason: For the avoidance of doubt as to what has been considered and approved - a temporary permission is considered necessary to properly assess the impacts of the development when operational.

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. 01, 02, 04a, 04b rev. B, 04c rev. B, 05 rev. A, 06 rev. C and Landscape Statement, Flood Risk Assessment, Planning Statement rev. A, Technical Document, Risk Assessment and Method Statement all received 2 June 2023 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. If the observation wheel hereby permitted is not operational for a period in excess of 24 hours, the gaps created within the promenade facing boundary wall for access and egress shall be infilled as indicated on drawing 04c rev. B.

Reason: To minimise the impact of sand and/or shingle entering the grassed areas and to ensure some visual continuity of the existing promenade wall when the wheel is not operational and prior to its reinstatement.

4. Prior to operation of the observation wheel hereby permitted, the site owner/manager shall subscribe to the Flood Warning Service area. Upon receipt of a Flood Warning or extreme weather warning, the site should be closed and evacuated, and remain so until the Flood Warning is lifted.

Reason: In the interest of minimising risk to users and staff of the site.

5. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be carried out while the wheel is operational (to include while powered by the back-up generator) and submitted to the local planning authority prior to the expiry of this planning permission. This should include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

Reason: In order that an accurate noise assessment of the attraction can be considered in the interest of amenity and protection of the local environment.

6. All noisy construction and deconstruction activities (i.e. those audible beyond the site boundary) shall be restricted to the following hours:

Monday - Friday: 7.30-18.00

Saturday : 8 - 13.00

Sundays/Bank Holidays: No noisy working.

The observation wheel shall only operate during the following times:

Monday - Friday 10.00 - 21.00

Saturday 10.00 - 22.00

Sundays and Bank Holidays 10.00 - 21.00

Construction and de-construction of the wheel and wheel operation shall be carried out entirely in accordance with the Method Statement, Technical Documentation and Risk Assessment submitted with the application.

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

7. There shall be no floodlighting on the site at any time. When the wheel is not operational, there shall be no external lighting except for low level security lighting that shall not be positioned above one metre above the proposed platform.

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

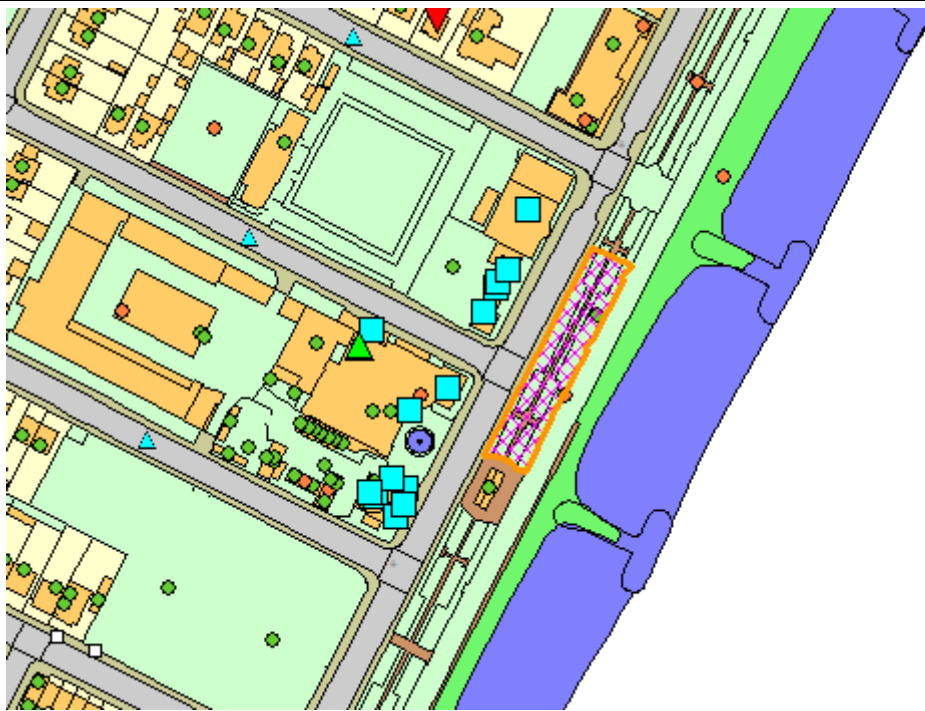
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant's attention is drawn to the comments from the Environment Agency regarding the need for a Flood Risk Activity Permit.
3. The applicant is advised that this planning permission does not 'trump' any lease or license granted by the Council as landowner (or vice versa) and that all necessary permissions must be in place and complied with in full for the operation to be lawful.
4. The applicant's attention is drawn to the comments received from the Council's Environmental Protection Team with regards to the noise survey. Given the temporary nature of this permission, it is considered appropriate to ensure a noise assessment is carried out while the site is operational to obtain accurate readings of the wheel in situ. This does not alleviate the applicant of their responsibility in relation to noise nuisance and the Council will investigate any complaints of statutory noise nuisance.

Background information

See application reference DC/22/0103/FUL on [Public Access](#)

Map



DO NOT SCALE SLA100019684

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Key



Notified, no comments received



Objection



Representation



Support