



## Committee Report

**Planning Committee South – 28 March 2023**

**Application no** DC/22/2871/FUL

**Location**

Stone Cottage  
Lower Street  
Great Bealings  
Woodbridge  
Suffolk  
IP13 6NH

**Expiry date** 11 September 2022

**Application type** Full Application

**Applicant** Mr R Hall

**Parish** Great Bealings

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

**Case Officer** Eleanor Attwood  
[eleanor.attwood@eastsoffolk.gov.uk](mailto:eleanor.attwood@eastsoffolk.gov.uk)

### 1. Summary

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

### 2. Site Description

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

2.2 The site comprises a two-storey end terrace dwelling which is set back from the highway. The dwelling is separated from the highway by a long front garden and parking area. The site does not appear to have a rear garden amenity area. Properties in this area are not connected to mains foul drainage and it appears all are served by modern domestic sewage treatment plants or septic tanks.

2.3 The site is not located on article 2(3) land, but it is within the Great Bealings Neighbourhood Plan area.

### **3. Proposal**

3.1 A sewage treatment plant has been installed to the front of the dwelling, underneath the parking area. This was installed to replace a septic tank which had become unserviceable. The treatment plant serves Stone Cottage only and is almost completely below ground except for green box blower unit above ground.

3.2 Where domestic sewage treatment plants are sited in rear or side gardens the usually do not require planning permission as a permitted development. In this case the plant is positioned at the front between the principal elevation of the house and the road.

### **4. Consultees**

#### **Third Party Representations**

4.1 One representation of objection received which raises the following concerns:

- Accuracy of plans and documents
- Contamination
- Impact on amenity (noise and disturbance)

One neutral representation received which raises the following concerns:

- Accuracy of plans and noise assessment

#### **Parish/Town Council**

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

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

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

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

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

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

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

### Statutory consultees

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

## Non statutory consultees

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	8 August 2022
<p>Summary of comments:</p> <p>"I am contacting you ref the above application.</p> <p>1. I am concerned that yet again a retrospective application has occurred in my ward, Carlford and Fynn Valley.</p> <p>2. I am also concerned that yet again the completed works are not as per the drawings, in this case positioning.</p> <p>3. I also note a factual error in as much as the Design and Access statement states that there is no Neighbourhood Plan for Great Bealings (4.3). There is, it was one of the first "made" NPs.</p> <p>4. Since being notified of this application via the usual Public Access system, I have spoken to the neighbour at the Old Post Office and listened to her concerns. I have advised her to lodge her objections, which I must say, prima facie have merit ie noise and vibration.</p> <p>Should you be minded to approve this application I would like it to be brought in front of the referral panel."</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	4 August 2022	No response
<p>Summary of comments:</p> <p>Responded to re-consultation request.</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	16 August 2022	No response
<p>Summary of comments:</p> <p>No response received.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 August 2022	23 August 2022
<p>Summary of comments:</p> <p>No comment.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	N/A	25 August 2022
<p>Summary of comments:</p> <p>Comments included in report.</p>		

## Re-consultation consultees

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

## Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 11 August 2022

Expiry date: 2 September 2022

## 5. Planning Policy

National Planning Policy Framework 2021

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

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

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

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

## 6. Planning Considerations

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

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

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

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

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

#### Design and Visual Amenity

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

#### Residential Amenity

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

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

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

#### Parking

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



## Building Regulations

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

## Other Matters

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

## **7. Conclusion**

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

## **8. Recommendation**

Approve

### **Conditions:**

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

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

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

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

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

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

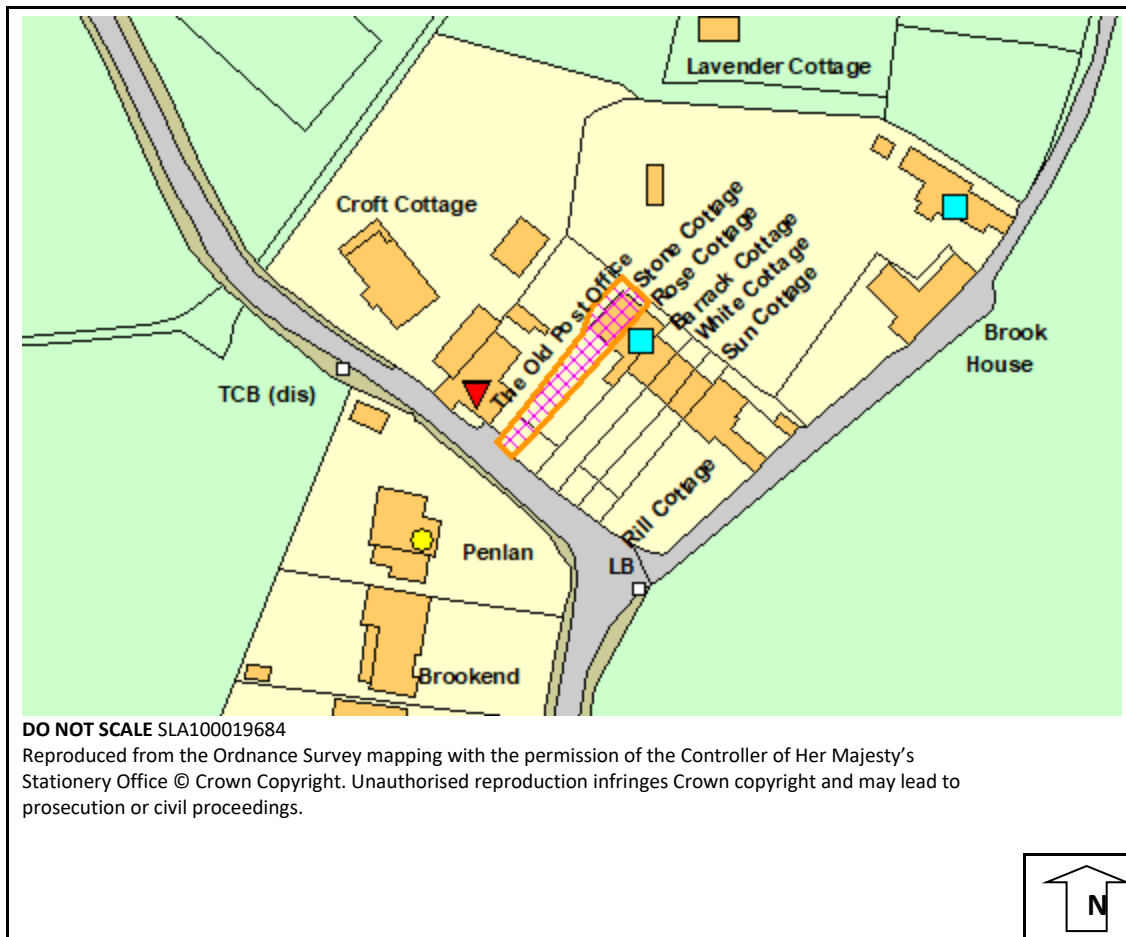
### **Informatives:**

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

### **Background information**

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

## Map



## Key



Notified, no comments received



Objection



Representation



Support