



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

Planning Committee South

Members:

Councillor Debbie McCallum (Chairman)
Councillor Tony Fryatt (Vice-Chairman)
Councillor Melissa Allen
Councillor Stuart Bird
Councillor Chris Blundell
Councillor Tony Cooper
Councillor Mike Deacon
Councillor Colin Hedgley
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton on **Tuesday, 24 September 2019 at 2:00 pm**

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 Disclosable Pecuniary or Local Non-Pecuniary Interests 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.

		Pages
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 27 August 2019	1 - 14
5	East Suffolk Enforcement Action - Case Update ES/0144 Report of the Head of Planning and Coastal Management	15 - 30
6	DC/19/2065/FUL - Land at Waldringfield Golf Club, Newbourne Road, Waldringfield, IP12 4PT ES/0145 Report of the Head of Planning and Coastal Management	31 - 51
7	DC/19/0438/FUL - Land Adjacent 20 Emerald Close, Kesgrave ES/0146 Report of the Head of Planning and Coastal Management	52 - 60
8	DC/19/2760/COU - 19 & 21 Thoroughfare, Woodbridge, IP12 1AA ES/0147 Report of the Head of Planning and Coastal Management	61 - 68
9	DC/19/2761/LBC - 19 & 21 Thoroughfare, Woodbridge, IP12 1AA ES/0148 Report of the Head of Planning and Coastal Management	69 - 75

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, on **Tuesday, 27 August 2019 at 2:00 pm**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum

Other Members present:

Councillor David Ritchie

Officers present:

Jamie Behling (Trainee Planner), Rachel Lambert (Area Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Philip Perkin (Development Management Team Leader), Philip Ridley (Head of Planning and Coastal Management), Jane Rodens (Assistant Planning and Enforcement Officer), Katherine Scott (Development Management Team Leader)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Allen and Councillor Yule.

Councillor Smith-Lyte acted as Substitute for Councillor Yule.

2 Declarations of Interest

No declaration of interests were made.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Fryatt declared that he had received several letters regarding item 8 of the agenda.

Councillor Deacon declared that he had been lobbied by individuals objecting to item 8 of the agenda and had responded to say that he had noted their comments.

Councillor Hedgley declared that he had received emails objecting to item 8 of the agenda and had acknowledged receipt of these emails.

Councillor Cooper declared that he had received emails objecting to item 8 of the agenda and had acknowledged receipt of these emails.

Councillor Blundell declared that he had received emails objecting to item 8 of the agenda.

Councillor McCallum declared that she had received emails objecting to item 8 of the agenda and had acknowledged receipt of some of these emails, but not all of them.

4 Minutes

On the proposition of Councillor Cooper, seconded by Councillor Hedgley it was by a majority vote

RESOLVED

That the Minutes of the Meeting held on 23 July 2019 be agreed as a correct record and signed by the Chairman, subject to the following amendments:

a) Agenda Item 5, resolution, opening paragraph to be amended to read:
"**AUTHORITY TO APPROVE** subject to the consideration by the Head of Planning and Coastal Management of any comments by Natural England and SWT on the additional ecological reports, clarification from Historic England on the wording of the condition to secure the landscape improvements identified in the revised Landscape Strategy and subject to the following controlling conditions:"

b) Agenda Item 5, resolution, condition 3 to be amended to read:
"3. Not more than 80 participants shall use the lake at any one time, reduced to 60 participants on Saturdays and 50 participants on Sundays. Reason: In the interests of protecting the amenity of nearby residents"

c) Agenda Item 5, resolution, condition 4 to be amended to read:
"4. The lake shall not be used between 14th November and 10th February the following year, with all equipment removed from the edge of the lake during this time. At all other times of the year the lake shall not be used for activities before 9am and after 5.30pm. Reason: In the interests of residential amenity."

d) Agenda Item 5, resolution, condition 9 to be amended to read:
"9. The following ecological mitigation and enhancement measures, recommended by the Council's ecologist, shall be implemented in full:
– provision and approval of a Construction and Environmental Management Plan (CEMP). This should detail all required ecological mitigation measures (including for protected species and species for which nearby sites are designated). It should also include a Materials Management Plan in relation to spoil transport and disposal/spreading. Works must be undertaken in accordance with the agreed CEMP.
- provision and approval of a Landscape and Ecology Management Plan (LEMP). This should include details of the long term habitat management measures to be implemented both on the lake and spoil disposal/spreading area, and across the wider estate. These measures should seek to maintain and enhance the biodiversity value of the whole estate in the long term. Management of the estate should be in accordance with the agreed plan.
Reason: To protect and enhance the biodiversity and geodiversity value of the site."

e) Agenda Item 5, resolution, conditions to be amended to include:

"18. There shall be no use of any form of loud speakers, megaphones, sirens, or any other equipment providing amplified sound, at the lake." and

"19. The submitted Noise Management Plan shall be implemented and its annual review be submitted to the Council."

5 Appointments to the Local Plan Working Group

The Committee received report **ES/0112** of the Leader of the Council. The report was to consider appointments to the membership of the Local Plan Working Group for the 2019/20 Municipal Year.

The report was introduced by the Democratic Services Officer, who explained that the Council appointed to a number of Working Groups each year as part of its corporate governance framework in support of the democratic process and decision-making arrangements. At the meeting of Full Council held on 24 July 2019, the Council agreed and appointed to a number of working groups, including the Local Plan Working Group.

The Democratic Services Officer stated that at the Full Council meeting on 24 July 2019 it was suggested by the Leader of the Council that the two appointees to the Local Plan Group from the Planning Committee, as outlined in Working Group's terms of reference at Appendix A of the report, that these appointments be delegated to Planning Committee North and Planning Committee South. This approach was duly agreed by Council, with the expectation that each Committee would nominate one Member each to the Local Plan Working Group.

On the proposition of Councillor McCallum, seconded by Councillor Hedgley it was unanimously

RESOLVED

That Councillor Tony Cooper be appointed to the Local Plan Working Group for the remainder of the 2019/20 Municipal Year.

6 Enforcement Performance Report - April to June 2019

The Committee received report **ES/0110** of the Head of Planning and Coastal Management. The report provided information on the performance of the Council's Enforcement Section between April and June 2019.

The report was presented by the Development Management Team Leader, who summarised the performance information contained within the report.

RESOLVED

That the contents of the report be received and noted.

7 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0111** of the Head of Planning and Coastal Management. The report was a summary of all outstanding enforcement cases for the

Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 30 July 2019.

The report was presented by the Development Management Team Leader, who summarised the details of the outstanding enforcement cases contained within the report.

The Chairman invited questions to the Officer.

It was confirmed that this update report would continue to be presented to the Committee and would not be transferred to the Strategic Planning Committee.

RESOLVED

That the contents of the report be received and noted.

At this point in the meeting, the Chairman re-ordered the agenda and advised that item 10 would be heard after item 8 and before item 9.

8 DC/19/1999/FUL - Battery Storage, The Street, Hacheston

The Committee received report **ES/0113** of the Head of Planning and Coastal Management. Planning permission was sought for a revised scheme to an already approved fast response embedded power plant to be sited adjacent to an existing substation in the countryside between Hacheston and Parham.

The application site was no different in size and location to the previously consented scheme DC/17/3742/FUL. The proposed changes related to the structures solely located within the proposed compound.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was outlined and aerial photographs of the site were displayed, along with an Ordnance Survey map showing the proposed change in levels.

Photographs that demonstrated various views in and out of the site were displayed, and the Committee was shown the proposed internal layout of the site.

The Area Planning and Enforcement Officer outlined the extant planning permission for the site.

The key issues were summarised as noise, landscape, and the impact on the nearby listed building.

There being no questions to the Officer, the Chairman invited Mr Goring, who objected to the application, to address the Committee.

Mr Goring said he was not against the principle of the facility but had expected a comprehensive noise survey to have been completed, in accordance with statutory requirements. He highlighted his experience as a noise consultant and the reasons

such a survey was required to see if noise would have a negative impact on residential amenity.

It was the opinion of Mr Goring that the noise survey completed, the results of which were contained on page 13 of the report, was not of the standard required; it provided some information but he did not consider this sufficient and should have been declined by the officers.

Mr Goring said that he was not asking the Committee to refuse the application, but to ensure that a comprehensive noise survey was carried out and protect local residents through conditions on noise.

The Chairman invited questions to Mr Goring.

Mr Goring confirmed that he had raised concerns about the noise survey that was completed for the extant planning permission on the site and noted that the new application included changes in equipment which would make noise more noticeable.

A member of the Committee asked for more information on the comparison between current noise levels at the site and what was there. Mr Goring explained that previous noise reports established the current background noise levels and was concerned that the noise survey had not included accurate noise data for the equipment that was proposed to be installed.

Mr Goring considered that several residential dwellings could be affected by noise from the site, in addition to Parham Old Hall. He stated that a higher fence would possibly mitigate noise pollution but said that accurate source levels were needed to be certain.

The Chairman invited Mr Revill, Chairman of Hacheston Parish Council, to address the Committee.

Mr Revill stated that Hacheston Parish Council objected to the application and had also objected to the previous application, where planning permission had been granted. He advised that a number of local residents had contacted officers and Members with their concerns and hoped that the Committee appreciated the position of those residents.

It was Mr Revill's opinion that the electrical equipment proposed would create noise that was alien to the area. He said that there had already been noise nuisance from an existing transformer on the site which had not been predicted and had resulted in additional cost from the applicant to resolve, having caused problems for one family in particular.

Mr Revill sought assurance that the development proposed would not cause industrial noise pollution and wanted to know what action, if any, would be taken if any planning permission on the site was breached.

It was noted by Mr Revill that local residents were concerned about the noise that would be generated by the site and said that they were dependent on the Committee

to enforce any conditions over the life of the scheme. He concluded by stating his concerns that the site, if built, would damage quality of life in the area.

The Chairman invited questions to Mr Revill.

Mr Revill was unable to say if the new layout would result in more noise than that in the extant planning permission, but noted that there was noise reduction in some areas and increases in others.

A member of the Committee asked Mr Revill if he accepted that the site owner needed to adhere to conditions of planning permission. Mr Revill said that he did and acknowledged that it would be a breach of consent if noise was above levels conditioned. He said he wanted assurances on what action would be taken by the Council if this happened.

At this point, the Chairman invited the Head of Planning and Coastal Management to address issues that had been raised. He read from a statement received from the Head of the Environmental Protection Team on the application, highlighting five key points from the statement:

- It was predicted noise levels and background levels would be low in terms of annoyance
- Environmental Protection did not consider it sensible to impose conditions of -5dB or -10dB
- Compared with noise requirements for restful sleep, the levels in the noise survey conclusion did not represent a significant possibility of causing disturbance
- It was suggested that condition 10 of the recommendation, regarding noise not exceeding background levels, be strengthened to include measurement locations and other conditions to make this more easily verifiable and thus enforceable
- It was suggested that an additional condition be included stating that tonal noise was not to rise at any time

The Head of Planning and Coastal Management noted that it may be prudent for the Committee to resolve to delegate authority to approve the application to him, subject to the issues above being resolved.

The Chairman invited Mr Thomas, the applicant, to address the Committee.

Mr Thomas explained that the revised proposals for the site were proposed to change the detailed engineering of the facility and increase its ability. It was the intention to expand the use of the site and support the deployment of new technology.

The proposed changes to what had already been approved would not be visible from outside the site. Mr Thomas did not consider that these changes would affect local amenity any more than what had been approved on the site. He said that noise concerns had been taken seriously and accepted the stringent noise conditions proposed.

Mr Thomas noted the canopy attenuators proposed to meet low noise requirements at nighttime; he said that this was a substantial design margin and had been included at a significant additional cost, which would also ensure the long-term use of the site.

The site was considered necessary by Mr Thomas, who highlighted the need to install more battery stations in order to move away from coal fired power. He said that the amendments made incremental and sustainable improvements to the site.

The Chairman invited questions to Mr Thomas.

Mr Thomas confirmed that the batteries would take one to one and a half hours to discharge and it was expected this would happen at peak times.

The Chairman invited the Committee to debate the application that was before it.

The Vice-Chairman opened the debate and noted that noise concerns appeared to be the dominant issue and considered that they had been addressed sufficiently.

A member of the Committee sought clarification on the noise concerns, in relation to the extant planning permission on the site. The Head of Planning and Coastal Management advised that if the Committee was of the view that the changes increased the impact of the site on the surrounding area, it was able to come to a different conclusion than the one made on the previous application. He noted that the officer recommendation highlighted marginal changes to what was approved.

Several members of the Committee spoke on the noise concerns that had been highlighted. One member of the Committee noted that the report contained expert information which concluded that noise would not be a significant issue. Another member of the Committee differentiated between the power level of noise and how it was heard and did not see any reasons to refuse the application.

The Chairman highlighted that the applicant was spending considerably to mitigate noise impact and did not have an issue with the application. She suggested that the Committee resolve to delegate authority to approve to the Head of Planning and Coastal Management as suggested.

Two members of the Committee noted their concerns about noise levels but were assured by the advice received from officers in the meeting. It was noted that such installations were required for the future in order to maintain a good power supply.

There being no further debate, the Chairman moved to the recommendation. It was considered by the Committee that it would be prudent to delegate authority to approve the application to the Head of Planning and Coastal Management as suggested.

On the proposition of Councillor Hedgley, seconded by Councillor Blundell it was unanimously

RESOLVED

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management subject to the following conditions (the prior to commencement conditions where agreed on the 31 July 2019):

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

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing WM1004BS, PLANNING PLAN, 01WICK-EDA-EGN-400, 01WIC-NOR-Planning_elevation, Eds 07-0102.25 A, DNOCTBL-140227-r00, Parham, Woodbridge, Power Plant: Environmental noise assessment, Planning Statement received 16th May 2019 and 01WICK-EDA-EGN-300 and 01WICK-EDA-EGN-300 received 17th May 2019. Drawing WICK-NOR-Blocklayout-006 and WICK-NOR-Siteplan-006 received 24th May 2019 and LANDSCAPE AND VISUAL IMPACT TECHNICAL ADDENDUM NOTE received 16th July 2019

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

3. The planning permission hereby granted is for a period of 30 years from the date of the first use of the site for the storage of and/or export of electricity after which the development hereby permitted shall be removed. Written notification of the first use of the site shall be given to the local planning authority no later than 21 days after the event.

Reason: To ensure that the impact of the development exists only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the local planning authority. The DMS shall include details of the removal of all plant and equipment, fencing, hardstanding and buildings from the site and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned, buildings, plant, hardstanding and fencing removed and restoration completed in accordance with the approved DMS and timetable.

Reason: To ensure that the impact of the development exists only for the lifetime of the development and in the interests of the amenity of the area.

5. If the development hereby permitted ceases to import or export electricity to the grid for a continuous period of 6 months, then a scheme of restoration shall be submitted to the local planning authority for its written approval for the removal of the plant and associated equipment, fencing and hardstanding and the restoration of the site to agricultural use. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the local planning authority.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

6. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall be carried out in accordance with the approved CMS. The CMS shall include:

- a) Details of a temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- b) Dust Management and cleaning of vehicle wheels;
- c) Pollution control measures in respect of Water courses and ground water; bunding and storage areas; foul sewerage and construction noise mitigation measures.
- d) Temporary site illumination during the construction period;
- e) Details of HGV movements/deliveries;
- f) Details of surface treatments and the construction of any hard surfaces and tracks;
- g) A Site Construction Environmental Management Plan to include details of measures to be taken during construction period to protect wildlife and habitats including nesting birds;
- h) Details of how any construction compound and associated works will be reinstated, including timetable for completion of post construction restoration works.

Reason: To protect amenities of the area during construction process.

7. Development shall not commence until an ecological management and mitigation scheme (EMMS) for the site is submitted to and approved by the local planning authority. This shall include details of enhancement measures proposed encompassing but not limited to the recommendations contained within the ecological appraisal dated March 2017.

Reason: To preserve and enhance the biodiversity of the site and its surrounds.

8. No development shall commence until precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks and other operations as appropriate) at a scale not less than 1:200 have been submitted to and approved in writing by the local planning authority.

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

9. Development shall not commence until a landscape management plan (LMP) for the site is submitted to and approved by the local planning authority. The LMP shall include all planting proposals and mitigation measures. The planting shall be completed in the first planting season following commencement of the development, unless otherwise agreed in writing by the local planning authority. Any trees or plants which die during the first five years shall be replaced by plants of the same species during the next planting season.

Thereafter the LMP shall be retained and planting maintained for the period the power plant is operational.

Reason: To ensure screening planting is put in place and maintained.

10. Operational noise levels, including tonal noise, shall not exceed background noise levels at any nearby noise sensitive properties. Background noise levels shall be measured from specific measuring points without any operational noise emanating from the site.

Reason: In the interests of the amenity of residents of surrounding property.

11. No development shall take place until details of the acoustic performance of the acoustic fencing has been provided to and approved by the local planning authority. The approved fence shall be installed before the site is operational and shall be retained and maintained for the period the development is operational.

Reason: In the interests of amenity.

12. No work shall commence on the elements of the proposed development listed below, until precise details/detailed drawings of those matters have been submitted to and approved by the Local Planning Authority. Thereafter, these elements shall only be constructed in accordance with the approved details:

- i. proposed finish of acoustic fencing;
- ii. siting and specification of CCTV cameras, including any support posts;
- iii. siting and specification of exterior lighting, including and support posts.

Reason: In the interests of amenity and the character of the SLA.

13. Prior to the commencement of development, details shall be provided to the local planning authority of a UK based nominated representative for the development to act as a point of contact for local residents, together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with local residents and the local planning authority and dealing with any noise complaints made during construction, operation and decommissioning of the development.

Reason: In the interests of local amenity.

14. No diesel generators shall be installed at the site.

Reason: In the interests of amenity and for the avoidance of doubt as to what has been considered and approved.

15. An additional condition regarding the monitoring of noise levels shall be included.

Following the conclusion of this item, the Head of Planning and Coastal Management left the meeting.

10 DC/19/1863/FUL - 1 Church Road, Felixstowe

The Committee received report **ES/0115** of the Head of Planning and Coastal Management. The proposal sought to construct a single storey side and rear extension

and had come before the Committee via the referral process to allow the concerns regarding the impact on the neighbouring residential property to be debated.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer.

The site's location was outlined along with the proposed site layout. The Committee was shown drawings of the proposed elevations and floor plans.

Photographs of the site were displayed, showing various views in and out of the site.

The key issues were summarised as the principle of development, permitted development rights (pdrs), aesthetics, and residential amenity.

The recommendation to approve, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the Officer.

A member of the Committee, who was also a member of Felixstowe Town Council, said that it was his understanding that the Town Council had submitted a recommendation, but that this was not included within the report. The Area Planning and Enforcement Officer clarified that this recommendation was contained within the update sheet.

In response to a question regarding the width of the passageway, the Development Management Team Leader noted that this area of the development could be completed under pdrs and officers therefore could not object to the proposed width of the passageway.

The Chairman invited Ms White, the applicant, to address the Committee.

Ms White explained that she was addressing the Committee as her agent was on holiday. She noted that she was unfamiliar with the Local Plan policies and was therefore confused by the response from Felixstowe Town Council.

It was noted that the application before the Committee was the third drawing submitted; the scheme had originally proposed a double-storey extension in order to provide additional bedrooms for all family members.

Ms White considered the bay windows originally proposed had been in keeping with other houses in the area and considered there was a lot of diversity in the house designs in Church Road.

Two other houses in the road had double-storey extensions and Ms White had been disappointed about having to reduce the size of her proposals. She explained that the extension would be within the large rear garden of the property and provide additional space for her family, negating the need to move house again.

Ms White highlighted the considerable work to restore the house that had already been completed.

The Chairman invited questions to Ms White.

When asked if she would consider the widening of the proposed passageway, Ms White noted that access was being provided where it had not been before.

The Chairman invited the Committee to debate the application that was before it.

A member of the Committee, who was also Ward Member for Western Felixstowe, concurred with the recommendations made by Felixstowe Town Council on the initial and revised applications. He considered that the proposal was too large for the site and referred to policies DM21 and DM23 of the Local Plan, stating that it was overdevelopment in relation to neighbouring properties.

It was confirmed in debate that the vast majority of the development would be allowed under permitted development rights.

It was acknowledged by members of the Committee that the development would be cramped, but he considered it suitable.

There being no further debate, the Chairman moved to the recommendation.

On the proposition of Councillor McCallum, seconded by Councillor Fryatt it was by a majority vote

RESOLVED

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

1. The development hereby permitted shall begin no later than 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 drawings:

- Site plan – received on 25 June 2019; and
- Block plan, floor plans and elevations (drawing number: TMW/02/19 – Rev D) - received on 04 July 2019.

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

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

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

9 DC/19/2048/FUL - 28 Haughley Drive, Rushmere St Andrew

The Committee received report **ES/0114** of the Head of Planning and Coastal Management. Planning permission was sought for the extension to the curtilage of a residential dwelling through the purchase of a piece of open space currently owned by East Suffolk Council.

The item was before the Committee due to the land being owned by the Council and thus triggering the need of the application to be decided by Members.

The Committee received a presentation on the application from the Trainee Planner.

The site's location was outlined and it was denoted what land was owned by the Council and where the public footpath was. The proposed relocation of the boundary fence and replacement planting was highlighted.

The Committee was shown photographs of the site in its current state. It was noted that similar planting had been completed to what was proposed, and the proposed planting would cover the new fence.

The key issues were summarised as the impact on public amenity and public safety. This had been raised by Rushmere St Andrew Parish Council, but officers considered that the development would be an improvement that what was on the site currently.

The recommendation to approve, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that the footpath would remain as it was and that new planting would result in a tidier hedge bordering it. The Trainee Planner stated that safety concerns had been raised by Rushmere St Andrew Parish Council as it was concerned the path would be further encroached upon.

There being no speaking on the application, the Chairman invited the Committee to debate the proposal that was before it.

It was reiterated that the new planting would not encroach on to the footpath. The scheme had been reviewed positively by the Council's Arboricultural and Landscape Manager.

A member of the Committee considered that the current hedge was not being maintained and that the proposals would improve access and amenity.

There being no further debate, the Chairman moved to the recommendation.

On the proposition of Councillor Deacon, seconded by Councillor Blundell it was unanimously

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 from the date of this permission.

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with: Block Plan, Site Location Plan and supporting photographs; received 06 June 2019; for which permission is hereby granted and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. The western site boundary (adjacent the hereby approved new fence) shall be planted as a *Griselinia littoralis* not later than the first planting season following the commencement of the development; and any plants which die during the first three years shall be replaced in the next planting season.

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

4. Within 3 months of the fence being erection, the timber sections of the hereby approved fence shall be stained in a dark colour, and be retained in that colour thereafter.

Reason: In the interest of visual amenity.

The meeting concluded at 3:21 pm

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Chairman



PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

24 September 2019

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 22 August 2019. At present there are 16 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column 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.

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 22 August 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. 	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	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	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received 	20/09/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become 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. • Trial date set for 21/04/2017 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 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 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>conducted to check on whether the 2010.</p> <ul style="list-style-type: none"> • 06/07/2018 – Legal advice being 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. • 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). • 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. • 13/12/2018 – Site visit undertaken 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <ul style="list-style-type: none"> • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 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. • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 	30/09/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>months for compliance</p> <ul style="list-style-type: none"> • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</p> <ul style="list-style-type: none"> 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> EN served on 21/12/2016 Notice becomes effective on 25/01/2017 Start date has been received. Public Inquiry to be held on 08/11/2017 	20/09/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). Site visit to be conducted once compliance period has finished. 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. Site visit due on 07/01/2019. 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. 26/02/2019 – Update to be given at Committee. Awaiting update from Legal. 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					the Injunction by 03/09/2019	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. 	31/07/2019
ENF/2017/0387	14/08/2018	South	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> • 14/08/2018 – S215 Notice served • 3 months for compliance from 13/09/2018 • 12/11/18 - Site in the process of being cleared. • 24/12/2018 - Site has been predominantly cleared. • 26/02/2019 – Property has recently been sold, final works 	31/07/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>expected to be done imminently.</p> <ul style="list-style-type: none"> Property sold at auction, further time given to clear site. 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	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.	<ul style="list-style-type: none"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. 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. Notice sever by recorded delivery 05/09/2018. Appeal has been submitted. Awaiting Start date. Start letter received from the Planning Inspectorate. 	30/10/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					Statement due by 30/07/19.	
ENF/2018/0057 /	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> Enforcement Notices served on 10/12/2018 Notice effective on 24/01/2019 3 months given for compliance Appeal submitted awaiting Start Date. Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	30/10/2019
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> Breach of Condition Notice served Application received to Discharge Conditions Application pending decision 	31/07/2019
ENF/2018/0319 /COND	19/12/2018	North	Windy Acres Mutfordwood Lane Mutford	Change of use of 'Day Room' to permanent residential accommodation.	<ul style="list-style-type: none"> Retrospective planning application submitted 26/10/2018 Planning application refused 29/11/2018 Enforcement Notice served to rectify breach relating to the change of use of 'day 	30/07/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>room to residential dwelling' on 19/12/2018.</p> <ul style="list-style-type: none"> • Site visit to be conducted to check for compliance with the Enforcement Notice. • Site visited 31/07/2019, notice has been complied with. 	
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> • Listed Building Enforcement Notice served on 17/05/2019. • Notice takes effect on 20/06/2019. Three months for compliance • Appeal has been submitted, awaiting a start date. 	30/11/2019
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	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	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. 	30/11/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				and deposited on the surface.	Awaiting Start date.	
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> Breach of Condition Notice served 01/08/2019. 	01/02/2020
ENF/2019/027 2/DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> Enforcement Notice served 16/08/2019. 	17/12/2019

PLANNING COMMITTEE SOUTH – 24 SEPTEMBER 2019

APPLICATION DC/19/2065/FUL

EXPIRY DATE 10 September 2019

APPLICATION TYPE Small Scale Major Development

APPLICANT Mr Matt Bartram (Heritage Developments Ltd)

ADDRESS Land at Waldringfield Golf Club, Newbourne Road, Waldringfield, IP12 4PT

PROPOSAL Re-development of golf course practice area for holiday / tourist accommodation, including swimming pool building, landscaping and access; and retention of the existing Golf Club House and its associated car park.

CASE OFFICER Natalie Webb
01394 444275
natalie.webb@eastsoffolk.gov.uk



1. EXECUTIVE SUMMARY

- 1.1. Planning permission is sought for the re-development of the golf course practice area for up to 58 holiday chalets, the erection of a new swimming pool building, landscaping and access. The existing clubhouse and its associated car park are to be retained.
- 1.2. Whilst the proposal seeks the regeneration of the site and the opportunities for tourism are noted, Officers consider that the principle of development does not accord with Local Plan Policies for Tourism or Development in Rural areas (SP8 & SP7). Additionally the site proposed major development within an Area of Outstanding Natural Beauty (highest status of protection) and within close proximity to the Deben Estuary Special Protection Area and would be contrary to Paragraph 172 and 176 of the National Planning Policy Framework which seeks to resist development within these areas, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 1.3. A number of objections were received from the public, in addition to holding objections from the Highways Authority and Local Lead Flood Authority. There is also insufficient information in respect of noise and ecology to fully assess the proposal, however due to the in-principle objections further information was not sought in this instance.
- 1.4. Sport England comments are 'supportive' of the proposal, primarily in respect of the addition of the swimming pool; however, their concluding comment is that they raise 'no objection' to the proposal. Whilst the additional facilities are considered a benefit, they are outweighed by the harm to the adjacent designated sites. As such the application is recommended for refusal.

2. SITE DESCRIPTION

- 2.1. The application site comprises of approximately 5.16 hectares of land located to the east of Newbourne Road, to the west of Waldringfield. The site lies within an Area of Outstanding Natural Beauty. The site is predominately triangular in shape. The southern part of the site comprises the car parking areas and access roads serving the existing Golf Club and the Clubhouse. The proposed holiday accommodation will be situated in the north and western portions of the site.
- 2.2. A small number of residential properties are located to the south of the adjoining Chapel Works commercial/industrial site, and to the west of the existing golf club, on both sides of Newbourne Road. Together these are referred to as the hamlet of Waldringfield Heath.
- 2.3. The site, whilst located outside the physical settlement limits as defined by Local Plan Policy SP19, is located within an area of mixed character, of industrial, business and tourism facilities; however the site is still considered to be within the countryside (Local Plan Policy SP29) for the purposes of planning.
- 2.4. The Brett Aggregates and Gravel supplier is situated on land to the west (between the site and Adastral Park). Seven Acres Business Park is located to the north of the site, separated by an agricultural field. The Brightwell Lakes development is located adjacent to the west of site, but remains separated from the golf course by landscaping and Newbourne Road.

- 2.5. There are existing holiday parks within the vicinity of the site, known as Low Farm Cottages and Campsite, which is to the east of the existing golf course and the Moon and Sixpence Holiday Park to the north-west.
- 2.6. There is an extensive planning history for the site, with most applications relating to the clubhouse or layout of the golf course. A small area of the application site, overlaps land subject to a recently permitted scheme to redevelop the Golf Course (application reference: DC/17/0494/FUL). This area of the site is intended to only consist of landscape and associated habitat improvements to tie the Golf Course redevelopment and holiday accommodation together.
- 2.7. An Environmental Impact Assessment (EIA) Screening Opinion was requested at the end of 2018 where Officers considered the site to require an EIA. A copy of the Assessment has been submitted with this application.
- 2.8. The development includes the provision of 58 single-storey, contemporary holiday chalets, providing a mix of one and two bedroom accommodation in addition to a small indoor swimming pool, additional landscaping, the retention of the existing Golf Clubhouse and associated car park. Access for the holiday units will be from the existing Golf Club access from Newbourne Road.
- 2.9. An application for 25 no. dwellings on the Chapel Works site, adjacent to the golf course was submitted alongside this application (reference: DC/19/2064/FUL) but was withdrawn on the 27th August 2019 following Officers feedback that the proposal would not be supported.

3. PROPOSAL

- 3.1. The application seeks to redevelop the golf course practice area for up to 58 holiday/tourist units. The accommodation is relatively contemporary in design and is located to the north of the existing clubhouse (which is to be retained). Each of the units has their own parking provision of one space per unit.
- 3.2. Access to the units would be from an extension of carriageway off the existing access/parking area.
- 3.3. The proposed single-storey swimming pool building is to be located to the south of the existing clubhouse, to the east of the car park and has the potential to be accessible by tourists, club members and local residents.
- 3.4. The tree and scrub boundary to the north are to be retained, with additional native hedging proposed adjacent to Chapel Works site. The northern boundary of the site is to be enhanced with native hedging and scrub and there is an area of lowland heath proposed to the eastern border with the golf course which is intended to provide biodiversity benefit. Ornamental planting is proposed within the car parking area.

4. CONSULTATIONS/COMMENTS

Parish/Town Council (Multiple Parish Responses)

4.1. Waldringfield Parish Council:

“Recommends Refusal. In summary, it is clear that this application does not comply with the NPPF as referred to above, nor does it comply with the following SCDC/ESC policies and therefore should not be permitted:

- SP15 (Landscape and Townscape) which seeks to resist proposals which comprise poor design and layout or seriously detract from the character of their surroundings and quality of the Area of Outstanding Natural Beauty.

- It does not satisfy the requirements of SP19, SP29, DM3, and DM4 in relation to development within the countryside.

- It does not satisfy the requirements of SP27 as it outside and quite separate from the physical limits of the local service centre (Waldringfield).

- It does not satisfy the requirements of DM18 section (c) as the proposed chalets are of poor design and are within exposed parts of the AONB.”

4.2. Martlesham Parish Council

“Martlesham Parish Council objects to this planning application on the following grounds:

The site is outside the physical limits of Waldringfield and therefore in the ‘countryside’. The development does not meet the requirements of Local Plan policy SP29 – the Countryside.

The proposed development would be in an Area of Outstanding Natural Beauty (AONB). This development cannot be assessed in isolation from the approved Adastral Park housing allocation of 2,000 dwellings and it is vital that cumulative effects are taken into account.

The eastern boundary of the Brightwell Lakes site has been drawn specifically to maintain a clear and significant separation between that development and the AONB in an effort to minimise its negative impact on the AONB. This scale of development within the AONB will erode that separation. The perimeter dog walking route will take people within 800m of the estuary.

The development would bring additional cars to the area with regular vehicular movements on and off site in order to access shopping & leisure facilities elsewhere. It would have a detrimental impact on the local highway network.

There is a lack of connectivity to the surrounding areas and therefore the application is contrary to paragraphs 32 and 35 of the NPPF.

The holiday chalets will be particularly attractive to walkers and dog walkers. The Deben SPA (Ramsar) site is within 1km which will be a strong draw for holiday makers. The provision of on-site dog walking facilities and improved areas of landscaping would be welcomed but the fact remains that the development will inevitably bring increased visitor

numbers to local sites of interest and an increase in disturbance to birds and wildlife. Due to the lack of connectivity holiday makers are also very likely to use the car to get to destinations in Waldringfield or neighbouring villages for walking.

It would contribute to coalescence, reducing the open spaces between the new development at Adastral Park and Waldringfield.

This planning application does not contribute towards the achievement of sustainable development as outlined in Section 2 of the NPPF nor does it accord with the Suffolk Coastal Local Plan & emerging Local Plan taken as a whole. There is no identifiable need for such a development in this location. There may be some economic benefit to be gained, but the development would not fulfil a social role reflecting the community's needs, or an environmental role – it would be to the detriment of the natural environment.”

Statutory Consultees

- 4.3. Suffolk County Council (SCC) Highways In summary, SCC as Local Highway Authority (LHA) is recommending a holding refusal until the issues outlined within their response are resolved and/or additional information supplied. SCC as LHA considers the location of the proposal remote from local amenities and considers that it does not benefit from sustainable links. As proposed, residents would be almost solely reliant on private motor vehicle travel which is not acceptable for a development of this scale.
- 4.4. SCC Flood and Water Team SCC Flood and Water Team as Local Lead Flood Authority (LLFA) raise a holding objection due to insufficient information in respect of: Submission of proposed ground levels; Multiple lodges look to be located in existing low points, including in the OS mapped pond; Assessment of proposed exceedance routes, including any potential impacts on the proposed new properties; Details regarding the OS mapped pond that is identified within the site boundary; Maintenance plan, including identifying an asset owner; An assessment of the clay layer found in some sections of the site. Whilst this is unlikely to affect the crate soakaways as the depth of these could be increased, it could affect the functionality of the permeable paving structures, and; Details of proposed surface water drainage for the proposed swimming pool building. Furthermore additional infiltration testing across the site will be required before construction can begin, given the cover of site investigation, the LLFA are happy with the consistency of sandy soils across the site and would therefore be willing to condition this aspect to be discharged prior to commencement of development.
- 4.5. SCC Archaeology The site has high archaeological potential, conditions requested for Written Scheme of Investigation pre-commencement and Post Investigation Assessment pre-occupation.
- 4.6. East Suffolk Council (ESC) Head of Environmental Health: Insufficient information in respect of Noise; A development such as this has the potential to cause nuisance particularly where facilities and events are laid on for residents. Areas that may need to be considered in terms of nuisance potential are the pool (and associated plant), amplified music on the site and whether any heating plant such as air source heat pumps will be used for the holiday units, the aforementioned items are not exhaustive and all potential sources of noise should be considered and their impact assessed to ensure no aspect of the sites use may cause nuisance to nearby sensitive residential properties in an area of

likely low background noise levels. A specific assessment of potential noise impact may also be useful for the planning department in assessing impact on local amenity. Conditions were also requested for the discovery of unexpected contamination.

Non Statutory Consultees

- 4.7. Area of Outstanding Natural Beauty (AONB) Unit: The AONB team objects to the above application. It is acknowledged that the proposal includes opportunities to enhance this part of the AONB i.e. through new landscaping, footpath creation and the restoration of heathland. These are potential positive outcomes in landscape terms, however they alone do not outweigh potential harm to the AONB. Overall, the AONB Officer considers that the proposal would have a detrimental impact on the Natural Beauty on the western edge of the Suffolk Coast & Heaths AONB including reduced tranquillity, particularly when considered cumulatively with the Chapel Works proposal. Finally the proposal conflicts with a number of adopted Core Strategy & Development Management policies and AONB Management Plan objectives.
- 4.8. Sport England : From the submitted information it appears as though the proposals are part of a wider scheme to re-invest in the club, and to make it more attractive to the local demographic, and it appears that the club are fully involved, and supportive of, this project for the above reasons. Sport England are therefore supportive of this scheme as although it results in the loss of part of the golf club site, it is part of a wider scheme to re-invest in the club and make it more attractive to local users. In this respect, the overall intention is to enhance this facility, in line with Sport England Planning Policy Objective 2, which seeks to enhance the quality, accessibility and management of existing facilities.

The proposal will also deliver a 12.5m x 6m swimming pool as part of the new facility proposals, thus delivering an additional facility that will enable people to participate in sport and physical activity. In light of the above Sport England do not wish to object to this proposal.

- 4.9. Cadent Gas : Searches based on the proposal have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. Further information of any equipment to be sent to Cadent in the event that the application is supported.
- 4.10. Suffolk Fire and Rescue : Informative notes provided.
- 4.11. Third Party Representations : 20 letters of objection have been received (although some of these are multiple representations from the same property) raising the following material planning considerations:
- Cumulative Impact with Adastral Park (now known as Brightwell Lakes);
 - Over-development;
 - Scale of Development;
 - Principle of Use;
 - Setting of precedent;
 - Traffic or Highways;
 - Light Pollution;
 - Noise Pollution;
 - Inappropriate in AONB;

- Impact on Ecology/Biodiversity;
- Impact on SSSI;
- Development over holes 8 & 9 not practice area;
- Clubhouse is closed/ceased use;
- Loss of privacy to existing residential properties.

The above are summaries of the responses received. Full comments can be viewed on the Council's website.

5. PUBLICITY

5.1. The application has been subject of the following advertisement in the press:

Publication	Category	Date Published	Expiry Date
East Anglian Daily Times	Major Application May affect Archaeological Site Environmental Impact Assessment Contrary to Development Plan	20.06.2019	18.07.19
East Anglian Daily Times	Major Application May affect Archaeological Site	06.06.2019	27.06.19

6. SITE NOTICE

6.1. The following site notice(s) have been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice	Major Application May affect Archaeological Site Environmental Impact Assessment Contrary to Development Plan	18.06.2019	09.07.19
General Site Notice	Major Application May affect Archaeological Site	04.06.2019	25.06.19

7. PLANNING POLICY

- 7.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 7.2. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 7.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 7.4. The Development Plan for the District consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013),
 - Suffolk Coastal Local Plan 2019 (Examination anticipated Summer 2019)
 - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017)
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 7.5. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 – Sustainable Development
SP1A – Presumption in Favour of Sustainable Development
SP7 – Economic Development in Rural Areas
SP8 – Tourism
SP11 – Accessibility
SP12 – Expansion and Intensification of Employment Sites
SP14 - Biodiversity and Geodiversity
SP15 – Landscape and Townscape
SP17 – Touring Caravan, Camper Vans, Camping Sites
SP19 – Settlement Policy
SP29 - Countryside
DM19 – Parking Standards
DM21 – Design (Aesthetics)
DM22 – Design (Function)
DM23 – Residential Amenity
DM24 – Sustainable Construction
DM26 – Lighting
DM27 – Biodiversity and Geodiversity
DM28 – Flood Risk
- 7.6. The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document are:
- SSP2 – Physical Limits Boundaries
- 7.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination is taking place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .

- 7.8. At this stage in the plan making process, the policies that received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable:

Policy SCLP4.11: Retail and Commercial Leisure in Martlesham

Policy SCLP6.1: Tourism

Policy SCLP12.6: Land at Sea Road, Felixstowe

Policy SCLP12.7: Port of Felixstowe

Policy SCLP12.12: Felixstowe Ferry Golf Club to Cobbolds Point

Policy SCLP12.13: Cobbolds Point to Spa Pavilion

Policy SCLP12.14: Spa Pavilion to Manor End

Policy SCLP12.15: Manor End to Landguard

Policy SCLP12.17: Tourism Accommodation in Felixstowe

Policy SCLP12.39: Land at Siverlace Green (former airfield) Parham

Policy SCLP12.40: Former airfield Parham

Policy SCLP12.42: Riverside Industrial Estate, Border Cot Lane, Wickham Market

Policy SCLP12.43: Land at East of Aldeburgh Road, Aldringham

Policy SCLP12.45: Land to the South East of Levington Lane, Bucklesham

Policy SCLP12.53: Land South of Ambleside, Main Road, Kelsale cum Carlton

Policy SCLP12.57: Land at Bridge Road, Levington

Policy SCLP12.59: Land adjacent to Swiss Farm, Otley

Policy SCLP12.72: Land at Street Farm, Witnesham

Appendix E – Key Elements of the Marketing Guidance

Appendix F – Criteria for identification of Non Designated Heritage Assets

Appendix G – Viability Requirements

Appendix H – Landscape Character Area Maps

Most of the above policies are existing site allocation policies from either the Site Allocations DPD or the Felixstowe Peninsula AAP, which do not directly impact the proposal. Modifications to the Local Plan following the Examination are awaited.

8. PLANNING CONSIDERATIONS

Principle of Development

- 8.1. Local Plan Policy SP1a confirms that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 8.2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. In this instance, the applicant sought pre-application advice where they were advised that the Principle of Development would not accord with

the Development Plan. In this instance, no amount of discussion would overcome the principle of development being unacceptable.

- 8.3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - Specific policies in that Framework indicate that development should be restricted.
- 8.4. The Council has recently published the Housing Land Supply Statement (August 2019) which confirms that a five-year supply of housing land can be demonstrated, as follows:
- The statement confirms that the Suffolk Coastal Local Plan area of East Suffolk has a housing land supply of 7.03 years.
 - The statement confirms that the Waveney Local Plan area of East Suffolk has a housing land supply of 6.58 years.
- 8.5. Therefore, the application should be assessed in accordance with the adopted Core Strategy and Local Plan Policies and the National Planning Policy Framework (NPPF).
- 8.6. Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 8.7. The proposed development would have some merit in providing a positive boost to local economy through increased tourism; however this is not outweighed by the harm caused to the SPA or AONB, in addition to impacts on ecology, local residents and the highways network. Local residents have suggested that the clubhouse has not been operational for sometime, therefore has limited contribution to local economy.
- 8.8. There is alternative tourist accommodation within close proximity to the site, including the Moon and Sixpence holiday park, as such it is considered that the need for tourism in this

area has been met and the current proposal is somewhat excessive, particularly as there are no units on site currently; there is additional concern that these units would remain unoccupied, as there is no evidence for their necessity.

- 8.9. As confirmed by the AONB Officer, the proposal would be considered to have a detrimental impact on the environment and the AONB landscape, where the recreational opportunities which are to be improved/provided are of no compensation for the harm. It is therefore considered that the application be contrary to Paragraph 172 of the NPPF.
- 8.10. Paragraph 176 of the NPPF further states that Special Protection Areas should be given the same protection as habitats sites. When determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.11. A small area of low-level heathland is proposed to the east of the site abutting the golf course. The existing site is open and whilst there are no formal habitat areas, the site provides natural habitat which will be lost through development. The proposed heathland would not overcome the harm to biodiversity and ecology of the existing undeveloped form of the site, however there is potential that the mitigation would encourage and enhance biodiversity and ecology if delivered well.
- 8.12. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site, as confirmed by Paragraph 177 of the NPPF.
- 8.13. Whilst it is acknowledged that major development has been given outline consent on land adjacent to the site (Brightwell Lakes) this site was allocated within the Core Strategy for the development of up to 2,000 dwellings and is not within the AONB.
- 8.14. Central to the Core Strategy for the future of the former Suffolk Coastal district area, is the achievement of sustainable development. This proposal is contrary to sections B, D, E, G, I of Local Plan Policy SP1 as the development would inter-alia not be well related to services, transport and infrastructure by nature of being located within the Countryside; nor would it ensure the provision of the appropriate infrastructure in order to support existing and proposed communities; it involves the development of greenfield; the proposal would effectively increase the overall need to travel to and from the site daily and; would not create a sustainable community in a rural location.
- 8.15. Whilst Local Plan Policies DM7 (Economic Development in Rural Areas) and DM8 (Tourism) are broadly supportive of new tourism opportunities, Policy DM8 sets out the areas where development would be acceptable, the site is not within any of these areas and falls to the east of the A12, which is contrary to DM8(e) which states that development in the form of conversions, improvements/minor extensions to existing facilities and small scale new development in unexposed areas of the Suffolk Coast and Heaths AONB will be acceptable within sustainable locations where a landscape assessment shows these could be accommodated with no adverse impact. The use of the site as existing does not include holiday lets, as such this is not an expansion to an existing use, but the creation of a new use

on the site, which is at odds with Paragraph 172 of the NPPF and the aspirations of Policies SP7, SP8 and DM12.

- 8.16. Emerging Local Plan Policy SCLP6.3: Tourism Development within the AONB and Heritage Coast has very limited weight at this stage, as this policy is still subject to examination. This Policy confirms that tourism development in the AONB, or its setting and Heritage Coast will be supported where it:
- a) Enhances the long term sustainability of the area;
 - b) Is of an appropriate scale for its surroundings (10 pitches/units or fewer in relation to proposals for tourist accommodation);
 - c) Is well related to existing settlements and / or supporting facilities;
 - d) Avoids, prevents or mitigates for adverse impacts on the natural environment;
 - e) Supports the conservation and enhancement of the natural beauty and special qualities of the AONB and its setting;
 - f) Is of the highest design standards and where appropriate reuses existing buildings;
 - g) Promotes innovative, contemporary design in appropriate locations;
 - h) Minimises light pollution from artificial light sources and ensures the retention of dark skies;
 - i) Avoids locations sensitive to the exposed nature of the AONB and Heritage Coast; and
 - j) Demonstrates sustainable aspects of the development during construction and throughout the life of the development. Renewable energy provision is strongly encouraged.
- 8.17. The proposal is contrary to the aspirations of the emerging policy as the development is not of an appropriate scale for its surroundings; the proposal is seeking 58 units, where the emerging policy suggests all development should be of an appropriate scale, usually 10 units or less. The site is not well related to existing settlements or facilities, due to its countryside location and is situated on the gateway to the AONB.
- 8.18. Therefore, the principle of development is considered to be contrary to NPPF paragraph 172, 176, 177, Local Plan Policies, SP1, SP1a, SP7, SP8, DM12 and emerging policy SCLP6.3.

Design, Landscape, AONB, Ecology and RAMS

- 8.19. There are no in-principle objections to the design of the holiday units, however details of material finish would be a key consideration given the sensitive location of the site and to accord with Local Plan Policy DM21; had the principle of development been acceptable.
- 8.20. Whilst there would be limited views of the proposal from the streetscene (with additional landscaping) there would be glimpses through the site from the highway and public rights of way. Local Plan Policy SP15 seeks to protect and enhance the various landscape character areas within the district either through opportunities linked to development or through other strategies.
- 8.21. The site contains some features, especially existing tree cover, that are typical of the local prevailing landscape character although this is tempered by the current use of the site as a golf course. Overall, the site is considered to have a Medium/High susceptibility to specifically accommodate the proposed development.

- 8.22. The proposal requires existing key features, in this case existing mature trees, to be retained so that they can continue to contribute to prevailing landscape character. The existing tree survey has been surveyed and root protection areas identified. Provided that these areas can be properly protected during development, this conclusion of susceptibility would seem to be correct. Against this needs to be considered the magnitude of change that is likely to arise from the proposed development. The proposal would have a Moderate Adverse effect on landscape character, which would moderate to Slight Adverse once the proposed mitigation planting has established and is beginning to mature. Full details for the mitigation planting would be required and secured by condition.
- 8.23. A Landscape and Visual Impact Assessment (LVIA) has also been carried out for key viewpoints in the surrounding landscape and the sensitivity of the various visual receptors has also been considered. In this respect, walkers and then cyclists and horse riders are considered to have the highest degree of sensitivity to change in the prevailing view. In many cases, despite the highly sensitivity of the view, the anticipated effects are considered to be slight to negligible because of the distance to the site and/or existing boundary vegetation. Where effects are considered slight and adverse, it is considered that the proposed mitigation planting will moderate these effects over time to negligible.
- 8.24. Whilst East Suffolk's Landscape and Arboricultural Officer has not raised an objection subject to conditions on mitigation planting and material finish, the Area of Outstanding Natural Beauty Officer has raised an objection to the proposal.
- 8.25. It is acknowledged that the proposal includes opportunities to enhance this part of the AONB through new landscaping, footpath creation and the restoration of heathland; these are potential positive outcomes in landscape terms, however they alone do not outweigh potential harm to the AONB.
- 8.26. The AONB Officer considers that the proposal would have a detrimental impact on the Natural Beauty on the western edge of the Suffolk Coast & Heaths AONB including reduced tranquillity, particularly when considered cumulatively with the Chapel Works proposal (which has since been withdrawn).
- 8.27. In addition to harm to the AONB, the development falls within the 13km protection zone of European Designated Sites. As set out in the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Local Plan policy DM27 seeks to support the Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development.
- 8.28. Part of the measures proposed to mitigate the impact of increased recreational disturbance on nearby European designated sites involves the provision of Suitable Alternative Natural Greenspaces (SANGs) in the form of two walking routes on the golf course. Whilst this would help with the mitigation of such impacts, no specific details are provided on what form these routes would take or how attractive they would be to users. The proposed paths, by the nature of their location, are in close proximity to active parts of the golf course which may decrease their attractiveness to walkers and dog walkers. From the submitted details it is not

clear that appropriate onsite SANGs are available in order to ensure that measures necessary to mitigate the impact on European designated sites can be delivered.

- 8.29. Equally, whilst the Golf Course could provide a dog walking route it could also enable the creation of a new off-road route leading towards the Deben Estuary Special Protection Area (SPA), so increasing the possibility of dog walking in the estuary rather than mitigating it. At present they would need to walk on the road (where there is no footway link). The new route could therefore only be effective if it also included measures to prevent (dog) walkers getting off the golf course at the eastern end. No boundary mitigation has been proposed which prevents informal paths out of the golf course forming, despite this concern being raised previously.
- 8.30. The Environmental Statement (ES) submitted with the application assesses the impacts of both this development and the proposed residential development (DC/19/2064/FUL) on the adjacent Chapel Works area. A combined assessment of the impacts of the two schemes is presented which makes consideration of the impacts of the individual schemes more difficult, particularly as the mitigation measures are combined (Section 7.6).
- 8.31. The ecology section of the ES identifies a number of receptors which could be impacted by the proposed development, including a number of protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).
- 8.32. In particular, unmitigated, the development will result in the loss of habitat for reptiles, foraging bats and nesting birds. However, the proposed landscaping scheme should largely provide replacement habitat for these groups provided that it can be implemented in accordance with the plans provided. A Construction Ecological Mitigation Plan (CEMP), Landscape and Ecology Management Plan (LEMP), a method statement for creation of the proposed heathland area and a Lighting Strategy would be required by condition to secure ecological enhancement and mitigation.
- 8.33. Any external lighting (excluding street lighting) would also be conditioned to prevent unnecessary intrusion into the countryside and the effect on residential amenity and ecology (in accordance with Local Plan Policy DM26).
- 8.34. Aside from details sought in the above conditions, the applicant has failed to submit relevant information in relation to potential disturbance caused by additional visitors to the European Designated Sites, or that there would be no harm or adverse impact, as such no screening assessment has been undertaken which is contrary to Regulation 42 of the 2011 Regulations which as a result the proposals are considered contrary to Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document Policy DM27, Spatial Strategy SP14 and Section 15 of the NPPF Protected and/or UK Priority Species.

Highway Safety

- 8.35. SCC as Local Highways Authority recommends a holding refusal until walking distances to key attractor facilities and services, along with a description of their measured walking routes including details of any mitigation proposed to address safety and usability issues, are provided. Such information is required to allow assessment of the proposed development in relation this application's compliance with NPPF 108:

“In assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

- 8.36. Within the proposal, there does not appear to be an analysis of a proposed walking route to Waldringfield village, nor any proposed mitigation measures to address safety and/or accessibility/usability issues.
- 8.37. There are currently no segregated footways on the Ipswich Road carriageway route into Waldringfield village. There are two off-road bridleways (No29; and No24) connection which leads from the Ipswich Road/Newbourne Road cross-roads to School Lane in Waldringfield, but it has not been established by the applicant whether this currently has a surface suitable for, or can be modified to a surface suitable for, all-year-round/all-weather use.
- 8.38. From a planning perspective, the upgrade of the surface with a bound material would be intrusive and wholly inappropriate within the open countryside and is not considered to be a justified alternative in lieu of a sustainable footway link adjacent to the highway.
- 8.39. SCC highways recommend a further holding refusal until it can be established whether, after proportionate mitigation measures have been applied, a suitably safe pedestrian route to Waldringfield village could be provided. Furthermore Local Plan Policy SP11 states in order to make the best use of capacity within the local and strategic road and rail networks serving the district, to support the District’s strategic economic role both within the sub-region and nationally, to maintain quality of life and to contribute to reducing the impact of CO2 on climate change, the District Council will work with neighbouring authorities, the highway authority, public transport providers, developers and others to maximise opportunities for local journeys to be made by means other than the private motor car.
- 8.40. In relation to public transport this will include improving both the quantity and quality of the service on offer. In relation to foot and cycle provision this will mean securing safe and easy access to local facilities where walking or cycling offers a realistic alternative for most people.
- 8.41. The widths in Manual for Streets are for straight sections of roads. On bends, and at junctions, greater widths are required to accommodate the swept path of vehicles. SCC as LHA considers that some degree of widening of the Newbourne Road approach to the access junction should be considered in order to mitigate the potential hazard presented by the combination of the existing sub-standard road width alongside the increased traffic levels associated with the proposed development. SCC as LHA recommends a holding refusal until this highway safety issue is successfully addressed.
- 8.42. The proposed provision of 58 no. car parking spaces for the 58 no. chalets appears to fall short of the demand that will arise from the development. For a three-bedroom holiday chalet, that can accommodate three couples and their luggage, possibly meeting up from three different original destinations, it appears unlikely that one parking space would be

adequate unless each chalet's occupants arrived in a single car that accommodated six adults and their luggage. Whilst some of these vehicles may be able to park in the clubhouse car park, the likelihood is that these would be too far from the accommodation, which would result in cars parking on the access route around the site. Additionally if additional vehicles were to use the clubhouse car park, it puts pressure on vehicles using the clubhouse/swimming pool/golf course to park on the access or highway, should no parking be available on site.

- 8.43. Without the proposed development having provision of adequate parking facilities, SCC as LHA could not be assured that unsafe or obstructive parking would not arise on the surrounding highway network. Therefore, SCC as LHA recommends a holding refusal until provision of a more suitable number of parking spaces is demonstrated. Without adequate parking provision, the proposal would not accord with Local Plan Policy DM19 which requires new development to provide parking in accordance with the adopted parking guidance.

Flood and Water

- 8.44. A holding objection has been received from SCC as the Lead Local Flood Authority (LLFA) on the basis of insufficient information having reviewed the following documents submitted with the application; RossiLong, Flood Risk Assessment/Surface Water Drainage Strategy, 171475, dated 15/10/2018 and A F Howland Associates, Ground Investigation Report, MSH/18.107, dated 15/10/2018.
- 8.45. The points below detail the actions required in order to overcome the LLFA's current objection:
- Submission of proposed ground levels;
 - Multiple lodges look to be located in existing low points, including in the OS mapped pond;
 - Assessment of proposed exceedance routes, including any potential impacts on the proposed new properties;
 - Details regarding the OS mapped pond that is identified within the site boundary;
 - Maintenance plan, including identifying an asset owner;
 - An assessment of the clay layer found in some sections of the site. Whilst this is unlikely to affect the crate soakaways as the depth of these could be increased, it could affect the functionality of the permeable paving structures;
 - Details of proposed surface water drainage for the proposed swimming pool building;
 - Additional infiltration testing across the site – this will be required before construction can begin. Given the cover of site investigation, the LLFA is happy with the consistency of sandy soils across the site and therefore be willing to condition this aspect to be discharged prior to commencement.
- 8.46. However, paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

- 8.47. Whilst a sustainable drainage system could potentially be provided, this has not been confirmed by any means of evidence, therefore due to insufficient information, the scheme cannot be considered acceptable in accordance with policy DM22 (Design: Function), as there is no evidence that a sustainable drainage system can be provided, which would prevent surface water flooding (DM28).

Other Matters

- 8.48. In respect of residential amenity, Policy DM23 seeks to ensure all new development would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.
- 8.49. The proposal does not cause any loss of outlook, loss of light, or increased overlooking/loss of privacy that would consider the proposal to be contrary to the aspirations of DM23, subject to additional landscaping along the boundary with Newbourne Road. Although there is a potential for noise pollution to affect neighbouring properties.
- 8.50. The applicant has made little attempt to consider the potential for noise impact from the use of the site beyond a short passage in the Environmental Statement, providing little justification; *".... potential noise associated with holiday makers will be confined to the site and the immediate area."*
- 8.51. A development such as this has the potential to cause nuisance particularly where facilities and events are laid on for residents. Areas that may need to be considered in terms of nuisance potential are the pool (and associated plant), amplified music on the site and whether any heating plant such as air source heat pumps will be used for the holiday units, the aforementioned items are not exhaustive and all potential sources of noise should be considered and their impact assessed to ensure no aspect of the sites use may cause nuisance to nearby sensitive residential properties in an area of likely low background noise levels.
- 8.52. A specific assessment of potential noise impact may also be useful for the planning department in assessing impact on local amenity. Ultimately it may be considered the site has a low potential impact for noise, but this needs to be shown to have been considered and adequately justified which currently is not the case.
- 8.53. The site also has archaeological potential where full investigation would be required by condition.

Conclusion

- 8.54. Sport England comments are 'supportive' of the proposal, primarily in respect of the addition of the swimming pool; however their concluding comment is that they raise 'no objection' to the proposal. Whilst the additional facilities are considered a benefit, they are outweighed by the harm to the adjacent designated sites.

- 8.55. In principle, the proposal outlined above is contrary to Policies SP1, SP1a, SP7, SP8, SP14, DM12, DM23, DM26, DM27 and emerging policy SCLP6.3 and paragraph 172, 176 and 177 of the NPPF in addition to insufficient information for consideration in respect of noise, flood and water and highways safety, therefore is recommended for refusal.

9. RECOMMENDATION

REFUSE planning permission for the reasons outlined below:

1) Principle in AONB

The application site is a greenfield site to the east of the A12, within an unsustainable location detached from a sustainable settlement. It is an exposed part of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). Planning Permission is sought for up to 58 holiday/tourist units and associated facilities including a swimming pool and parking facilities.

Planning Policies seek to direct such developments to sustainable locations where they would not be detrimental to the landscape. Local Policy only permits tourism accommodation development in the form of conversions, improvements/minor extensions to existing facilities and small scale new development in unexposed areas of the Suffolk Coast and Heaths AONB, stating that they will only be acceptable within sustainable locations where a landscape assessment shows these could be accommodated with no adverse impact.

Similarly, the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

This proposal is for a new large-scale tourism development, not an expansion of an existing use. It is also located in an unsustainable location, poorly connected to sustainable settlements by public transport and paved paths. It is also a major development in the AONB, resulting in detrimental harm to the landscape of the AONB. The development is not in the public interest, as the recreational opportunities are no compensation for the harm. Therefore, there is no justification for an exceptional circumstance under paragraph 172 of the NPPF.

The proposal is therefore contrary to paragraph 172 of the NPPF, and Policies SP1, SP1A, SP7, SP8, SP15 and DM18 of the East Suffolk Council – Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document.

2) Ecology & Protected Sites

The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites

through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, on site mitigation measures and a per-dwelling financial contribution is required to fund the Suffolk RAMS.

No specific details are provided on what form the onsite walking routes would take or how attractive they would be to users. The proposed paths, by the nature of their location, would be in close proximity to active parts of the golf course which may decrease their attractiveness to walkers and dog walkers. From the submitted details it is not clear that appropriate onsite Suitable Alternative Natural Greenspace (SANGs) are available in order to ensure that measures necessary to mitigate the impact on European designated sites can be delivered. The proposed pathways could also enable the creation of a new off-road walking route leading towards the Deben Estuary Special Protection Area (SPA).

No planning obligation has been submitted with the application to deliver this financial contribution and, therefore, the Local Planning Authority cannot conclude 'no likely significant effects' from the development proposal on the designated site(s).

The applicant has failed to submit relevant information in relation to potential disturbance caused by additional visitors to the European Designated Sites, or that there would be no harm or adverse impact, as such no screening assessment has been undertaken which is contrary to Regulation 42 of the 2011 Regulations.

The proposal is therefore contrary to Section 15 of the NPPF and Local Policies SP14 and DM27 of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013), which seek to protect designated sites in accordance with The Conservation of Habitats and Species Regulations (2017).

3) Sustainable Drainage

This is a Major Development, and therefore in accordance with Paragraph 165 of the NPPF, the development should incorporate sustainable drainage systems, unless there is clear evidence that would be inappropriate.

This application includes insufficient information in relation to surface water drainage issues, including ground levels, positioning of lodges within existing low points and the pond on the OS map, assessment of exceedance routes including any potential impacts on the proposed new properties, details of the OS mapped ponds, maintenance plan including an asset owner, assessment of the clay layer found in some sections of the site and impacts upon permeability, details of surface water drainage for the proposed swimming pool building, and additional infiltration across the site.

Whilst a sustainable drainage system could potentially be provided, this has not been confirmed by any means of evidence, therefore due to insufficient information, the scheme cannot be considered acceptable. As there is no evidence that a sustainable drainage system can be provided, which would prevent surface water flooding, the scheme is contrary to paragraph 165 of the NPPF, and East Suffolk Council – Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document Policies DM22 (Design: Function) and DM28 (Flood Risk).

4) Highway Safety, Access and Parking Provision

The roads providing access to the site and the nearest settlements containing services and facilities have no footways/pavements. It is acknowledged that there are two off-road bridleways (No29 and No24), but it has not been established by the applicant whether these currently have a surface suitable for or can be modified for all-year-around/all-weather access. The applicant has also failed to provide details of walking distances to key attractor facilities and services, along with a description of their measured walking routes including details of any mitigation proposed to address safety and usability. Therefore, it has not been demonstrated that a suitably safe pedestrian and/or cycle route to Waldringfield Village could be provided.

The Local Highway Authority has also identified a requirement for road widening of the Newbourne Road Approach, in order to mitigate the potential hazard presented by the combination of the existing sub-standard road width alongside the increased traffic levels associated with the proposed development.

Only one parking space per chalet is proposed, which would be inadequate to meet the likely demand for onsite parking arising from the proposed development, creating additional pressure for parking in the clubhouse/swimming pool/golf club carpark, on the access and/or on the highway. Therefore, it could not be assured that unsafe or obstructive parking would not arise on the surrounding highway network.

Therefore, it has not been demonstrated that the development would enable safe and useable access and parking provision for future users/occupants of the development. Therefore the proposal is contrary to Section 9 of the NPPF, which requires that developments provide appropriate opportunities to promote sustainable transport modes, safe and suitable access to the site to be achieved for all users, and that any significant impacts upon the transport network or highway safety can be cost effectively mitigated to an acceptable degree.

It is also contrary to Policies SP11, DM19, and DM22 of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013), which seeks to maximise opportunities for local journeys to be made by means other than the private motor car, and require that proposals need to make provision for their functional requirements, including adequate provision for public transport, cars, cycling, parking areas, accessways, footways etc.

5) Residential Amenity

The site is an area where there is likely to be low background noise levels, and therefore any increase in activity and associated noise, as significant potential to result in nuisance.

Due to the scale and nature of development, including proposed facilities, such as the pool and associated plant, any heating plant for the holiday units and activities associated with the holiday let use, such as music, there would be a number of potential sources of noise, which could result in noise and nuisance to nearby sensitive receptors (the residential properties).

The application did not include a specific assessment of potential noise impact upon local amenity.

Therefore, it has not been demonstrated that there would be no harm to residential amenity and so the application is contrary to policy DM23 (Residential Amenity) of the East Suffolk Council – Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document.

BACKGROUND INFORMATION:

See application reference(s): DC/17/0494/FUL, DC/18/0180/FUL, DC/18/3823/SCO and DC/19/02064/FUL at www.eastsuffolk.gov.uk/public-access

PLANNING COMMITTEE SOUTH – 24 SEPTEMBER 2019
APPLICATION NO. DC/19/0438/FUL

ES/0146

EXPIRY DATE: 26 March 2019
APPLICATION TYPE: Full Application

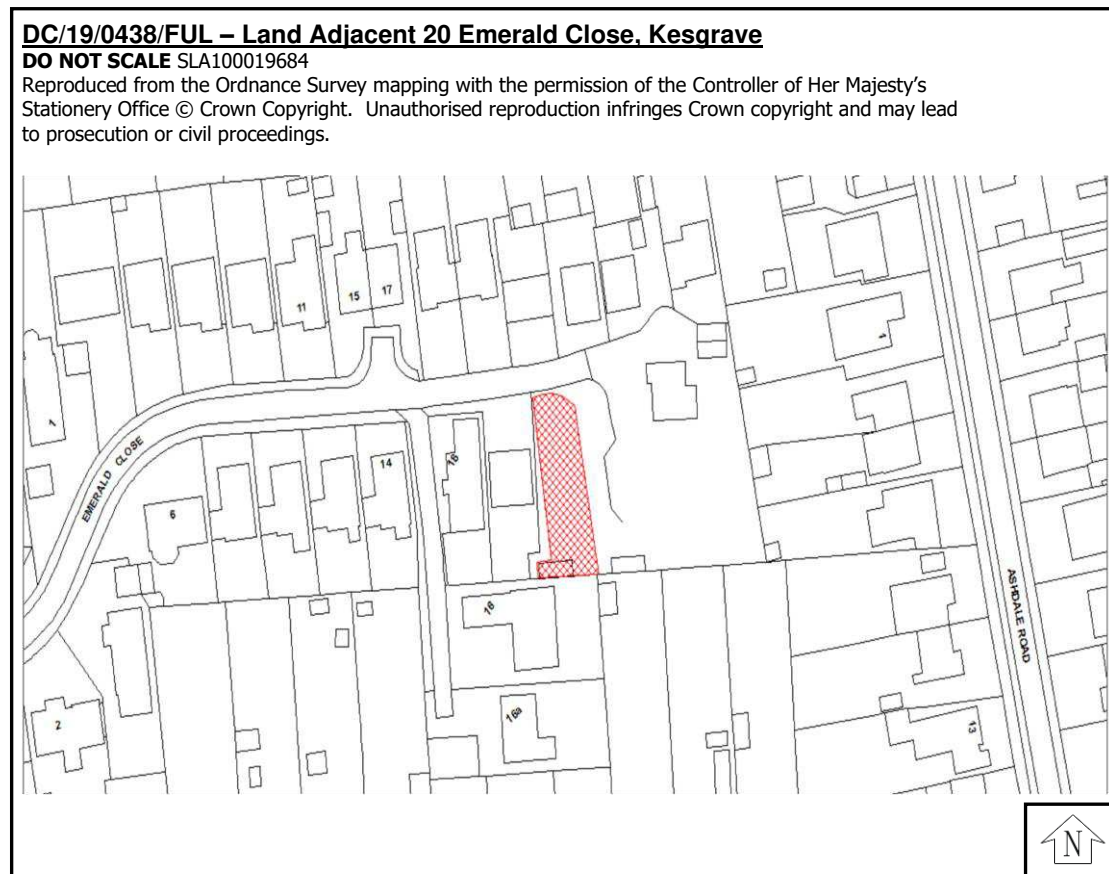
APPLICANT: Mr Nicholas Ray

LOCATION: Land Adjacent 20 Emerald Close, Kesgrave, Suffolk

PARISH: Kesgrave

PROPOSAL: Erection of a dwelling.

CASE OFFICER: Joe Blackmore
Email: Joe.Blackmore@eastsuffolk.gov.uk
Phone: 01394 444 733



1 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for the erection of a dwelling and garage on land adjacent 20 Emerald Close, Kesgrave.
- 1.2 Officers consider that the proposed dwelling would be a second phase of the existing residential development at Emerald Close, and that this would bring the total number of dwellings at the development from nine to ten. On developments of ten or more homes, affordable housing should be provided at a 1 in 3 provision; in exceptional circumstances, a commuted sum to fund the provision of affordable housing at a different site in the same area can be acceptable. In this instance, no on-site affordable homes would be provided and a planning obligation to deliver an appropriate commuted sum has not been provided or agreed with the Council. The proposal is thus contrary to the strategic objectives of policies SP2 and DM3 to deliver the housing type and tenure of accommodation required to meet the needs of the District. It is also contrary to the NPPF requirement that major housing developments deliver affordable homes.
- 1.3 The application is before members having been referred to the Planning Committee by the Referral Panel to enable the issue of phased development and affordable housing requirement to be fully considered. It was triggered before the Referral Panel, as the 'minded to' decision of officers is one of refusal, contrary to the recommendation of the Town Council.

2 SITE DESCRIPTION

- 2.1 The application site is located in the town of Kesgrave and comprises approximately 0.1 hectares of land to the east side of No. 20 Emerald Close (former registered address of 191 Main Road).
- 2.2 The southern and eastern boundaries of the application site adjoin the residential development under construction on land at Emerald Close ("The Emerald Close development"), approved under planning application ref. DC/16/2770/FUL, which permitted the construction of nine open market dwellings. The application site is accessed via the new access road serving the Emerald Close development. The existing dwelling at No.20 Emerald Close has been renovated and refurbished. The Emerald Close development appears largely complete with the dwellings sold and occupied. The construction process is still ongoing though as the road surfacing has yet to be completed.

3 PROPOSAL AND PLANNING HISTORY

- 3.1 This application seeks full planning permission for a new dwelling and garage on the application site. The proposed dwelling would be one-and-a-half storeys in scale, covering a rectangular ground footprint of some 94.4 square metres comprising three-bedroom accommodation. The dwelling would have a simple dual pitch roof covered in red clay pantiles to match the existing Emerald Close development. The external walls would be constructed of mixed brindle brickwork, again to match the existing development. A detached double garage is proposed in the rear garden, with two parking spaces in front accessed from the drive shared with plots 7, 8 & 9 of the Emerald Close development.

- 3.2 A previous planning application was submitted to the Council (ref. DC/18/0974/FUL) by the landowner, Mr N Kearney, seeking planning permission to demolish the existing dwelling at 191 Main Road (now No.20 Emerald Close) to allow the erection of one replacement dwelling; and also the erection of a new dwelling on the adjacent plot (the current application site). This application was refused for the following reason:

“The proposed site is in the same ownership as the existing development on land at Emerald Close and, because of the access road arrangement and the way the properties are oriented around it, the proposed development of the site - in combination with the existing development - would form one planning unit. It would clearly read as a single development and the proposal is therefore a second phase of the existing development on land at Emerald Close. This second phase would take the total number of dwellings across the development from nine to eleven. In this regard, the proposal fails to satisfy the requirements of policies SP3 and DM2 through its inadequate affordable housing provision and there are no exceptional circumstances, in this instance, that would justify a financial contribution instead.

The development proposal is therefore contrary to policies SP3 (New Homes) and DM2 (Affordable Housing on Residential Sites) of the Suffolk Coastal District Local Plan (Development Plan Document) July 2013.”

- 3.3 The current application before members has been submitted by a different applicant; however, Certificate B on the application form has been completed indicating that the land is still in the same ownership as the previous refused application. The second element of change with the current application is that the existing site at 20 Emerald Close has been excluded from the proposal, and this application is for a single dwelling only on the undeveloped plot.

4 CONSULTATIONS/COMMENTS

- 4.1 Kesgrave Town Council: “Approve – However the committee are very concerned that this application should be reviewed as a ‘second phase’ application NOT a single development. Therefore, further scrutiny as to the total number and type of properties built and proposed for this site.”
- 4.2 SCC Highways: No objections.
- 4.3 Head of Environmental Health: No objections (standard condition recommended).
- 4.4 Third Party Representations: No comments received.

5 PUBLICITY

- 5.1 The application has not been advertised in the press as there is no statutory requirement to do so, in this particular case.

Category	Publication date	Expiry	Publication
N/A	N/A	N/A	N/A

6 SITE NOTICES

6.1 The following site notice has been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice	New Dwelling	04.02.2019	25.02.2019

7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan comprises:

- East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013); **“The Core Strategy”**
- East Suffolk Council - Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); **“The SAASPD”**
- East Suffolk Council – Suffolk Coastal District Local Plan - The Felixstowe Peninsula Area Action Plan (adopted on 26 January 2017); **“The FPAAP”**
- East Suffolk Council - The ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

7.2 The relevant policies of The Core Strategy are:

SP1 - Sustainable Development

SP1A - Presumption in Favour of Sustainable Development

SP2 – Housing Numbers and Distribution

SP3 – New Homes

SP14 - Biodiversity and Geodiversity

SP19 - Settlement Policy

SP20 – Eastern Ipswich Plan Area

DM2 – Affordable Housing on Residential Sites

DM21 - Design: Aesthetics

DM22 – Design: Function

DM23 - Residential Amenity

DM27 - Biodiversity and Geodiversity

DM28 - Flood Risk

7.3 The relevant policies of the SAASPD are:

SSP2 - Physical Limits Boundaries

SSP32 – Visitor Management: European Sites

7.4 The National Planning Policy Framework (NPPF) 2019 is a material planning consideration when determining planning applications.

7.5 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29th March 2019, and the hearings are currently taking place. At this stage in the plan making process, the policies that received little objection (or no representations) can be given more weight in decision making if required.

7.6 In terms of the new Local Plan, policies SCLP11.1 (Design Quality); and SCLP11.2 (Residential Amenity) promote development that is well designed and amenable to neighbouring residential properties.

7.7 The new Local Plan continues to focus on mitigating the impact of new housing development on the integrity of sites designated as being of international importance for their nature conservation interest through policy SCLP10.2 (Visitor Management of European Sites). This reflects the objectives of current Development Plan policies SP14, DM27 and SSP32.

7.8 The consultation period on Kesgrave Neighbourhood Plan (NP) has recently closed and the NP will likely be submitted for its soundness examination shortly. At this stage in the plan making process, emerging policies can be given very limited weight, although the NP does not include any policies relevant to affordable housing that would need to be considered on this application.

8 PLANNING CONSIDERATIONS

Principle of Development

8.1 The site is within the built up area of Kesgrave defined as a town forming part of the Ipswich Policy Area under the settlement hierarchy policy SP19 of the Core Strategy. It is therefore able to accommodate larger forms of development to coincide with its strategically sustainable location. The principle of residential development in this location is supported by policies SSP2, SP19 and SP20.

Phased Development and Affordable Housing Provision

8.2 Following on from the previous refused application, the main issue to consider with this proposal is whether it constitutes phased development and thus triggers the requirement for affordable housing to be provided.

8.3 The NPPF (2019) sets out in Chapter 5, paragraph 63 that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”

8.4 Annex 2 to the NPPF provides a glossary. In respect of the above paragraph, major housing development is defined as:

“For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”

8.5 Where development would result in ten or more homes, suitable provision for affordable units is required in accordance with National Government Planning Practice Guidance and the requirements of Core Strategy policies SP3 and DM2. This would usually be a 1in3 provision.

8.6 The existing Emerald Close development provides nine dwellings and thus no affordable housing was secured through the planning process of the original permission (DC/16/2770/FUL) because the proposal was not deemed to be major housing development. It fell below the threshold so all nine units are open market dwellings; all appear to have been sold and now occupied.

8.7 The "Tripartite Test" is established in case law - R (Westminster City Council) v First Secretary of State and Brandlord Limited [2003] - and provides guidance on considering whether a proposal constitutes phased development. The three key factors being:

- land ownership;
- whether the site is a single planning unit; and
- whether the development should be treated as a single development.

8.8 In this particular instance, the application site is in the same ownership as the existing Emerald Close development. Whilst the applicant has changed, land ownership is unchanged. During the construction phase of the Emerald Close development, the application site has been used as a compound for the stationing of vehicles, materials and other equipment associated with the development. The site would also share a point of access with the entire development, and then share a short stretch of drive with plots 7, 8 & 9. The proposed new dwelling is oriented around the development access road in a fashion that reflects the wider Emerald Close development. The external appearance, scale and form of the proposed dwelling would follow the existing development. The proposed dwelling would clearly read as the final plot (10) of the Emerald Close development. It is not a disconnected, independent development site; it forms part of the wider development site which is deemed by officers to be a single planning unit and single development.

8.9 For these reasons, officers judge that the current proposal constitutes phased development: an additional dwelling to the nine already approved and built. This phase would, therefore, take the total number of open market units across the development from nine to ten. Accordingly, the development would now be classified as Major

Development under the NPPF and the affordable housing requirements of the NPPF, NPPG and Core Strategy policies SP3 and DM2 would be engaged. These policies set out the Council's strategic aim to provide a mix of housing sizes, type and tenure of accommodation to meet the needs of the District. In respect of affordable housing, the Council consider the affordable housing need to be 24% of all new homes. Policy DM2 delivers this strategic objective and sets out that, whether in total or in phases, the District Council will expect 1 in 3 units to be affordable housing unless its provision is not required due to: (a) lack of identified local need in the area; and/or (b) site conditions, suitability and economics of provision. Normally, three affordable homes would need to be provided on this site.

- 8.10 As the nine existing units have been sold as open market dwellings, there is clearly no prospect of securing on-site provision of affordable homes. However, in exceptional circumstances a financial or other contribution towards the provision of affordable housing on a different site within the same area can be acceptable; however, the Council has not been able to agree an appropriate commuted sum with the applicant.
- 8.11 The proposed application would bring the Emerald Close development to ten dwellings and no affordable housing has been provided on site, nor has a suitable financial contribution toward off-site provision been agreed. Thus, the proposal fails to satisfy the requirements of Core Strategy Policies SP3 (New Homes) and DM2 (Affordable Housing on Residential Sites).

Design of Development and Neighbour Amenity Impact

- 8.12 The proposed dwelling and garage are good design and relate well to the Emerald Close development. The proposal would make effective use of the application site at an appropriate density of development. The scale of the buildings; position and size of openings; and separation from adjacent residential development means there would be no adverse impact on local living conditions. In all respects the design of the development is acceptable and in accordance with the objectives of Core Strategy policies DM21, DM22 and DM23.

Biodiversity and Geodiversity: Impact on Designated European Sites

- 8.13 The application site falls within 13km of three designated European Sites: the Deben Estuary SPA/Ramsar Site; the Stour and Orwell Estuaries SPA/Ramsar Site; and the Sandlings SPA.
- 8.14 The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution of £321.22 is required to fund the Suffolk RAMS. No planning obligation has been submitted with the application to deliver this financial contribution and, therefore, the Local Planning Authority cannot conclude 'no likely significant effects' arising from the development proposal on the aforementioned European sites.

- 8.15 The proposal is therefore contrary to the objectives of Development Plan policies SP14 and DM27(i) (Biodiversity and Geodiversity); and SSP32 (Visitor Management of European Sites) - which seek to protect designated sites in accordance with The Conservation of Habitats and Species Regulations 2017 and Chapter 15 of the National Planning Policy Framework.

Other Matters

- 8.16 The site is located in flood zone 1 and is therefore suitable for residential development. There are no concerns in respect of highways safety or risk to human health from ground contamination sources. This is reflected in no objections being raised by the relevant statutory consultees, in this regard.

9 CONCLUSION

- 9.1 The proposal would deliver some small benefits: an additional dwelling to housing supply; some short-term construction jobs; and support for local shops and services through spend by occupants. However, from one additional dwelling the benefits above-and-beyond the existing Emerald Close development would attract only modest weight.
- 9.2 It is also considered that the design of the development and impact on neighbour living conditions would be acceptable in accordance with the relevant policies, and that the proposed development would, in the view of officers, represent a physically acceptable final stage of the Emerald Close development.
- 9.3 However, the proposal represents phased, major housing development that delivers no on-site affordable housing as a proportion of the total development. No financial contribution to fund off-site provision has been delivered and the proposal is therefore contrary to the objectives of policies SP3 and DM2. Such policy conflict weighs heavily against the proposal. Furthermore, to allow phased applications in this manner where it would subvert affordable housing requirements would undermine the Council's plan-led approach to provide a mix of housing type and tenure of accommodation to meet the needs of the District. Officers have sought, as an exception to the preference for on-site provision, to agree an appropriate financial contribution but the applicant has not been able to agree to such a commuted sum. On this basis, the proposal does not represent sustainable development in accordance with the Development Plan and the NPPF. Planning permission should be refused.

10 RECOMMENDATION

- 10.1 **REFUSE**, for the following reasons:

1. The proposed site is in the same ownership as the existing development on land at Emerald Close and, because of the access road arrangement and the way the properties are oriented around it, the proposed development of the site - in combination with the existing development - would form one planning unit. It would clearly read as a single development and the proposal is therefore a second phase of the existing development on land at Emerald Close. This second phase would take the total number of dwellings across the development from nine to ten. In this

regard, the proposal fails to satisfy the requirements of policies SP3 and DM2 through its inadequate affordable housing provision and no planning obligation has been provided to deliver an appropriate commuted sum to fund provision of affordable housing at a different site within the same area.

The development proposal is therefore contrary to policies SP3 (New Homes) and DM2 (Affordable Housing on Residential Sites) of the East Suffolk Council (Suffolk Coastal) District Local Plan (Development Plan Document) July 2013.

2. The application site falls within 13km of three designated European Sites: the Deben Estuary SPA/Ramsar Site; the Stour and Orwell Estuaries SPA/Ramsar Site; and the Sandlings SPA.

The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution of £321.22 is required to fund the Suffolk RAMS. No planning obligation has been submitted with the application to deliver this financial contribution and, therefore, the Local Planning Authority cannot conclude 'no likely significant effects' arising from the development proposal on the aforementioned European sites.

The proposal is therefore contrary to the objectives of Development Plan policies SP14 and DM27(i) (Biodiversity and Geodiversity); and SSP32 (Visitor Management of European Sites) - which seek to protect designated sites in accordance with The Conservation of Habitats and Species Regulations 2017 and Chapter 15 of the National Planning Policy Framework.

**BACKGROUND
INFORMATION:**

See application ref: DC/19/0438/FUL at:
<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS1SK0QXK9700>

PLANNING COMMITTEE SOUTH – 24 SEPTEMBER 2019

APPLICATION DC/19/2760/COU

EXPIRY DATE 4 October 2019

APPLICATION TYPE Minor (Change of Use)

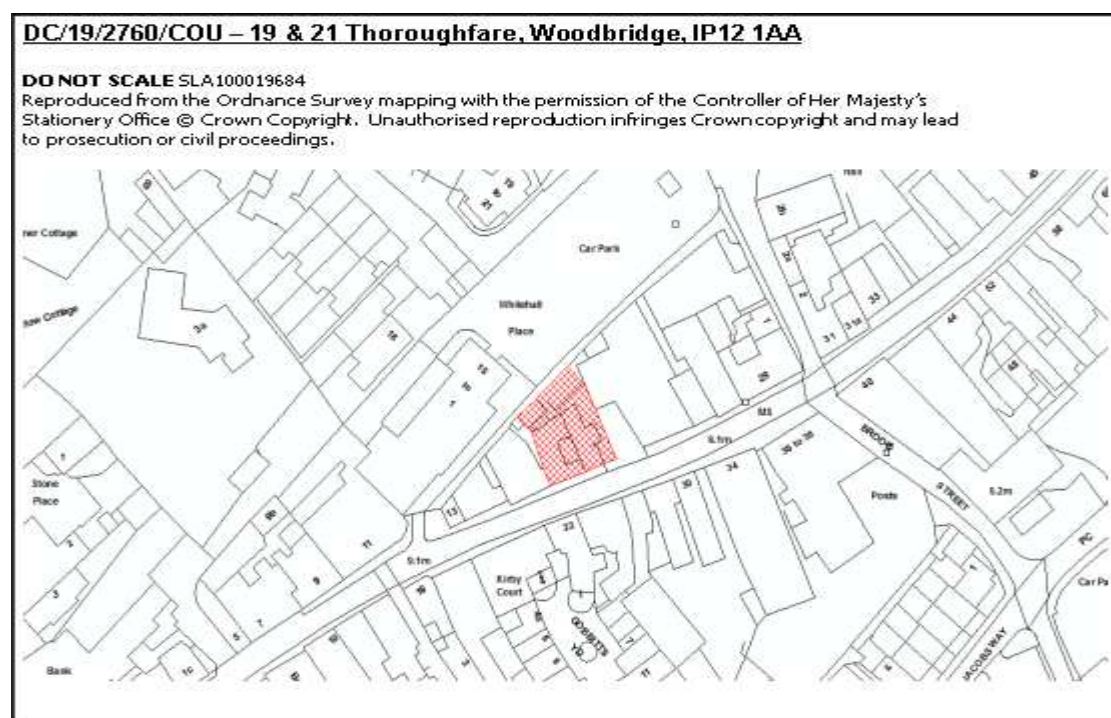
APPLICANT Mr Wright

ADDRESS 19 & 21 Thoroughfare, Woodbridge, IP12 1AA

PROPOSAL Change of use for No.19 from A1 Shop to A3 Restaurants & Cafes. Internal alterations to No.19 & No.21 including:

- Removal of ground floor wall between No.19 & No.21 - Creation of two new toilets for customers in No.21, including an accessible toilet - Creation of new door opening at No.19 to improve accessibility for staff;
- Raise ground floor- floor level in No.21 - Creation of new steps between different floor levels in No.21;
- External alterations to the shop frontage of No.21 and side window and door. New continuous signage to No.19 & No.21.

CASE OFFICER Grant Heal
01394 444779
grant.heal@eastsuffolk.gov.uk



1. EXECUTIVE SUMMARY

- 1.1. Planning permission is sought for the change of use from A1 (Retail) to A3 (Restaurant), along with external alterations and new signage at 19 and 21 Thoroughfare, Woodbridge. Other internal alterations are also proposed; albeit, these elements will be considered as part of an associated application for Listed Building Consent, as do not specifically require planning permission. An associated application for advertisement consent has also been received and consented in relation to proposed signage (reference DC/19/2808/AND).
- 1.2. The application is at committee as contrary to 'saved' Policy AP257 (Woodbridge Town Centre: Prime shopping area); which seeks to resist the change of use from retail to other non-retail uses at ground floor level within the high street. Notwithstanding, this policy is considered both out of date and out of touch with the current NPPF and other policies of the adopted and emerging local plan, in-light of the evolving function of town centres.
- 1.3. Officers therefore conclude the application would result in the enhancement of Woodbridge town centre, towards prolonging its vitality and long-term viability. It would also increase the number of full time employees towards providing additional support to the wider community and local economy.
- 1.4. Proposed physical changes are also found to both protect and enhance the special interest of the listed building and Conservation Area. The nature of the site's existing use, including the preparation and sale of hot food, and the existing café use presently operating within no.21, also means it would be unlikely that any adverse impact would result on neighbouring residents.
- 1.5. The application is therefore recommended for approval, subject to appropriate conditions, as set out below.

2. SITE DESCRIPTION

- 2.1. The application site is a Grade II listed three-storey end-terrace block containing The Cake Shop Bakery and Fire Station Coffee Shop; positioned in a side-by-side arrangement behind a modern shopfront at ground floor level.
- 2.2. The above storeys currently comprise floor space associated with the Cake Shop (above no.19) and a residential dwelling above no.21 (The Fire Station). The building is early C19th in origin and retains a reasonable degree of integrity with original red brick and sash windows visible on the principle and side elevation above first floor level.
- 2.3. A gable end with arched window at ground floor level is also visible on the exposed side elevation; which is rendered white to first floor level and extends back from the host building as a more recent one-and-a-half storey extension. The proximity of built form to the rear of the property results in a narrow alleyway where at least two doors provide secondary access into the property.
- 2.4. The site fronts the Thoroughfare; Woodbridge's principal shopping street where, in a period of prosperity in the early C20th, many buildings have been rebuilt and shopfronts updated. The adopted conservation area appraisal (2011) fails to mention the application

site specifically but does refer to the street as a 'remarkable and enjoyable linear space' (p70).

3. PROPOSAL

- 3.1. The application seeks to change the property's use from A1 (Retail) to A3 (Restaurant), which would be facilitated via a number of internal and external alterations. The thrust of the proposal is the conjoining of the existing side-by-side café and bakery businesses into a 'food hub' that will create a single internal space at the ground floor front, an integrated single shopfront.
- 3.2. Externally, the proposal includes:
- the removal of existing shop door and window frontage to no.21;
 - the installation of 3 new windows into no.21 to match the style and materials at no.19 with a plinth build-up;
 - a new stall-riser to no. 21 to be clad in matching green tiles to those existing at no.19;
 - new fascia mounted signage across the façade via a new non-illuminating sign in black timber boarding with white type;
 - replacement of the ground floor flank arched window with a single pane window; and,
 - a new external door at ground floor rear for w.c. access.
- 3.3. The officer notes that proposed internal alterations do not specifically require planning permission and therefore a separate application for Listed Building Consent has been submitted for these works. An associated application for advertisement consent has also been received and consented in relation to proposed signage (reference DC/19/2808/AND).

4. CONSULTATIONS/COMMENTS

- 4.1. **Woodbridge Town Council:** *'We recommend approval'.*

Non-statutory Consultees

- 4.2. **East Suffolk Council Head of Environmental Services:** No objections subject to consideration of appropriate conditions concerning noise and odour, as set out below.

Third Party Representations

None received.

5. PLANNING POLICY

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had

been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.

- 5.2. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.3. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that works effecting a listed building, including the alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, must be authorised by granted consent.
- 5.4. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 5.5. In addition to the NPPF, the Development Plan for the District currently consists of:
 - East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - Suffolk Coastal Local Plan 2019 (Examination in public Summer-Autumn 2019);
 - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.6. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
 - SP1 – Sustainable Development
 - SP1A – Presumption in Favour of Sustainable Development
 - SP9 - Retail Centres
 - SP15 – Landscape and Townscape
 - SP19 – Settlement Policy
 - SP26 – Woodbridge
 - DM12 – Expansion and Intensification of Employment Sites
 - DM21 – Design (Aesthetics)
 - DM23 – Residential Amenity
- 5.7. The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document are:
 - SSP2 – Physical Limits Boundaries
- 5.8. The relevant policies of the 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

AP56 (Town Centre)

AP257 (Woodbridge Town Centre: Prime Shopping Area)

- 5.9. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .

6. PLANNING CONSIDERATIONS

Principle of Development

- 6.1. The site falls within the defined physical limits (SSP2) of Woodbridge (SP26), as identified within SP19 (Settlement policy) of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Document (July 2013).
- 6.2. It is also subject to saved policies AP56 (Town Centre) and AP257 (Woodbridge Town Centre: Prime Shopping Area) as the main focus for new shopping, commerce, entertainment, leisure, health and community uses. Notwithstanding, AP257 observes that *'changes of use of shops to non-shopping uses will not be permitted'* at ground floor level.
- 6.3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class C (retail, betting office or pay day loan shop or casino to restaurant or café) permits the change of use of a building from a use falling within Class A1 (Retail) to a use falling within Class A3 (Restaurant) subject to certain provisions which would otherwise preclude such rights, including where the change of use would effect land or buildings that are listed or fall within the curtilage of a listed building.
- 6.4. The Cake Shop (no.19) is a bakery selling a range of fresh baked goods, while The Fire station is a coffee house serving freshly ground coffee from an on site roastery. The Fire Station also already benefits from an A3 Use Class; following approval of application DC/14/1412/FUL for the *'Change of use of retail shop to café, and alterations to form new double door opening in side elevation'*.
- 6.5. Given the changing nature of the town centre retail areas, officers consider policy AP257, being from the early 1990s, as both out of date and at odds with the modern function of town centres, as recognised by the NPPF and trajectory of emerging policy within the new local plan, including SCLP4.9 (Development in town centres); which seeks to support non-A1 uses within primary shopping areas at ground floor where they would help to sustain A1 uses and enhance the retail offer.
- 6.6. Indeed, in the view of officers, the aim of Policy AP257 was to keep uses which do not have active ground floor frontages, such as estate agents and banks, outside the main shopping area to avoid it being over-run by such uses. Nevertheless, since the policy's adoption, the public's shopping habits have changed and continue to evolve, such that visits to cafes form part of the shopping experience and principle trade draw of town centres. Furthermore, the proposal would also still serve an A1 retail function, albeit with a proportionate restaurant concession.

- 6.7. With the above in-mind, the officer finds the proposal would accord with other more recent policies of the adopted development plan, including SP9 and SP26, and the NPPF; all of which promote the enhancement of town centres towards prolonging their vitality and long-term viability. The proposed increase in the number of full time employees from eight (current) to ten, would also help to provide additional support to the wider community and local economy.
- 6.8. Similar proposals have also been granted in prime shopping areas, including elsewhere in Woodbridge, which have generally served to increase footfall and prolong visits to the town centre. Such has been the view of many Planning Inspectors when considering appeals for similar establishments. It is therefore considered that, in principle, the proposed change of use could be found acceptable.
- 6.9. Furthermore, the officer considers that the nature of the site's existing use, including the preparation and sale of hot food, and the existing café use presently operating below no.21, it is unlikely that any adverse impact would result on neighbouring residents as required by DM12 (Expansion and Intensification of Employment Sites) and DM23 (Residential amenity).

Design and Heritage

- 6.10. In consultation with the Council's Principal Design and Conservation Officer, the proposed removal of the existing shop door and window frontage to no.21 will not harm the character or historic fabric of the building since these are not historic features and their removal is therefore unobjectionable.
- 6.11. The installation of three new windows into no.21 to match the style and materials at no.19 is also judged to be acceptable, since this will visually unify the shop frontage across the full width of the building. Similarly, a new stall-riser to no. 21 will be clad in green tiles to match those existing at no.19, which will further unify the shop frontage to the benefit of the street scene and wider conservation.
- 6.12. Proposed fascia mounted signage will serve to further unify the façade with a new non-illuminating black timber board with white type. While the existing sign and shopfront arrangement are unobjectionable, the unifying effect of the new sign is viewed as an overall enhancement, subject to appropriate detailing which could be sought via an appropriately worded condition.
- 6.13. Replacement of the ground floor flank arched window with a single pane window is judged to be an unsympathetic change, given the existing window's attractive and traditional design. This proposal has therefore been omitted from the original scheme.
- 6.14. The proposed ground floor door to serve access to a new W.C would be visually contained and would not detract from the building's historic character. As such, this proposal is acceptable subject to appropriate detailing.
- 6.15. With the above in mind, the officer therefore finds the proposed physical changes would both protect and enhance the special interest of the listed building and the conservation area, as required by The Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies SP15 and DM21.

- 6.16. With regard potential impacts from the proposed change of use on the conservation area's character, the officer considers that the overall effect will be neutral since the building's ground floor function will be very similar to the existing arrangement.

Conclusion

- 6.17. The officer concludes that the proposed change of use and works to the external fabric of the building would both protect and enhance the special interest of effected heritage assets, including host building and Conservation Area, while diversifying the town centre's function for modern use, towards safeguarding its vitality and long-term viability.

7. RECOMMENDATION

- 7.1. **APPROVE** 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 not be carried out other than in complete accordance with the following approved drawings:

- A02-09A (Proposed plan and elevations);
- 19/11158-03 B (Proposed ground floor plan sections and details);
- A01-01 (Location plan);
- A02-08 (Existing plans and elevations).

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

3. The working hours in connection with the use hereby permitted, shall not be other than between 7am and 6pm daily, unless otherwise agreed in writing by the local planning authority.

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

4. Proper facilities shall be provided for the storage and disposal of waste material. Such facilities should totally enclose and adequately protect all commercial waste from insect and rodent infestation.

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

5. Prior to the installation of any plant or machinery (e.g. compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) a Noise Assessment based on BS4142:2014 shall be submitted to and approved by the Local Planning Authority.

The report should include information on all proposed plant and machinery based on a rating level (LAeq) of at least 5dB below the typical background (LA90). Where the rating

level cannot be achieved, proposed noise mitigation measures should be explained and the achievable noise level should be identified and justified.

Reason: To avoid noise nuisance in the interests of residential amenity

6. All construction activities, including demolition and deliveries/collections to and from site will only take place within the following hours unless otherwise approved by the Local Planning Authority:
- Monday - Friday: 7.30am - 18.00pm;
 - Saturday : 8:00am - 13.00pm;
 - Sundays/Bank Holidays: None.

Reason: To avoid noise nuisance in the interests of residential amenity

7. Prior to the installation of any plant or machinery (e.g. compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) an Odour Assessment shall be submitted to and approved by the Local Planning Authority. The report should detail proposed measures to ensure that neighbouring residential properties are not adversely affected by odour from any proposed kitchen extract system. The report shall specifically make reference to:
- i) The proposed filtration plant;
 - ii) Its ducted route through the building, and;
 - iii) Its final discharge point [1 metre above roof level].

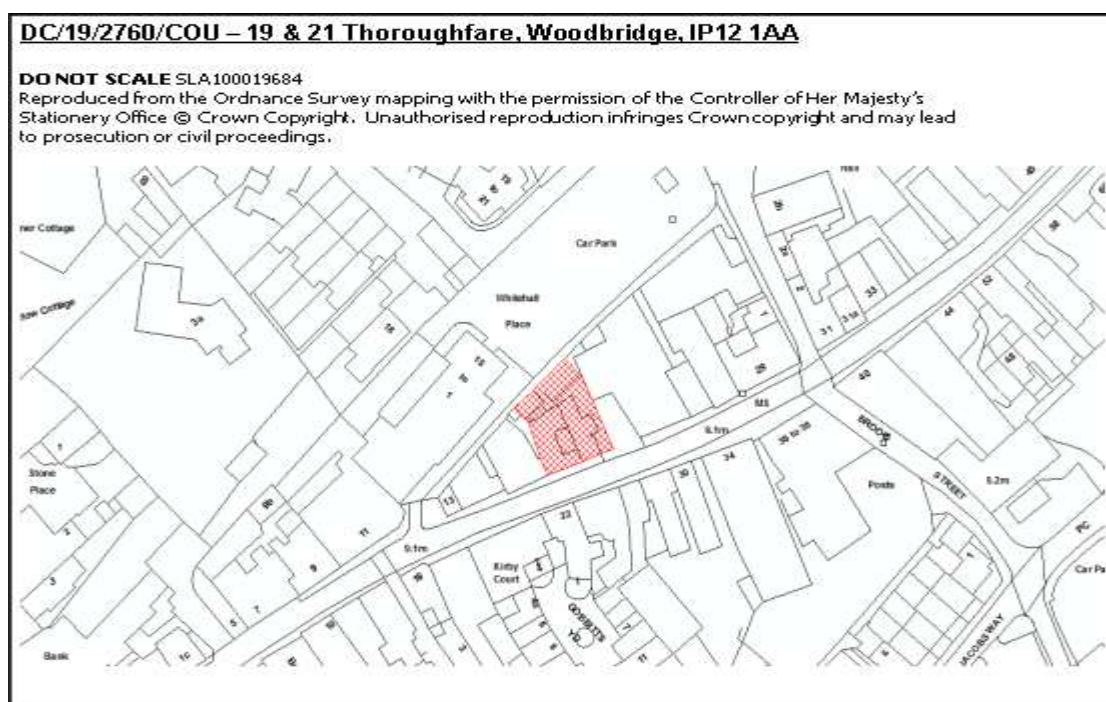
The methods proposed should be in accordance with the latest guidance e.g. Control of Odour and Noise from Commercial Kitchen Exhaust Systems-An update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business, and be retained thereafter.

Reason: To avoid odour nuisance in the interests of residential amenity.

Background Papers: DC/19/2760/COU, DC/19/2761/LBC and DC/19/2808/AND

SOUTH PLANNING COMMITTEE – 24 SEPTEMBER 2019

APPLICATION	DC/19/2761/LBC
EXPIRY DATE	4 October 2019
APPLICATION TYPE	Listed Building Consent
APPLICANT	Mr Wright
ADDRESS	19 & 21 Thoroughfare, Woodbridge, IP12 1AA
PROPOSAL	<p>Change of use for No.19 from A1 Shop to A3 Restaurants & Cafes. Internal alterations to No.19 & No.21 including:</p> <ul style="list-style-type: none"> - Removal of ground floor wall between No.19 & No.21 - Creation of two new toilets for customers in No.21, including an accessible toilet - Creation of new door opening at No.19 to improve accessibility for staff; - Raise ground floor- floor level in No.21 - Creation of new steps between different floor levels in No.21; - External alterations to the shop frontage of No.21 and side window and door. New continuous signage to No.19 & No.21.
CASE OFFICER	<p>Grant Heal</p> <p>01394 444779</p> <p>grant.heal@eastsuffolk.gov.uk</p>



1. EXECUTIVE SUMMARY

- 1.1. Listed Building consent is sought for the physical changes associated with the change of use from A1 (Retail) to A3 (Restaurant), for which planning permission is sought under DC/19/2760/COU (the previous item on this agenda). .
- 1.2. The application is at committee as the accompanying application DC/19/2760/COU is contrary to Saved Policy AP257 (Woodbridge Town Centre: Prime shopping area).
- 1.3. Proposed physical internal and external changes as relevant to this application for listed building consent are also found to both protect and enhance the special interest of the listed building and Conservation Area. The nature of the site's existing use, including the preparation and sale of hot food, and the existing café use presently operating within no.21, also means it would be unlikely that any adverse impact would result on neighbouring residents.
- 1.4. The application is therefore recommended for approval, subject to appropriate conditions, as set out below.

2. SITE DESCRIPTION

- 2.1. Please refer to the previous report on this agenda (case reference DC/19/2760/COU) for site description.

3. PROPOSAL

- 3.1. The application seeks Listed Building consent for the internal and external alterations to the building associated with the change of use from A1 (Retail) to A3 (Restaurant).
- 3.2. Externally, the proposal includes:
 - the removal of existing shop door and window frontage to no.21;
 - the installation of 3 new windows into no.21 to match the style and materials at no.19 with a plinth build-up;
 - a new stall-riser to no. 21 to be clad in matching green tiles to those existing at no.19;
 - new fascia mounted signage across the façade via a new non-illuminating sign in black timber boarding with white type; replacement of the ground floor flank arched window with a single pane window;
 - and,
 - a new external door at ground floor rear for W.C access.
- 3.3. Internally, the proposal would result in:
 - the removal of existing ground floor wall between no.19 and no.21;
 - raise the floor level in no.21 to match that of no.19;
 - create a stepped access within no.21 between new raised floor level and existing;
 - provide customer W.C facilities,
 - including an accessible toilet;
 - and
 - create a new door opening to facilitate access between the rears of no.19 and no.21.

4. CONSULTATIONS/COMMENTS

- 4.1. **Woodbridge Town Council:** *'We recommend approval'.*

Third Party Representations

None received.

5. PLANNING POLICY

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.3. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that works effecting a listed building, including the alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, must be authorised by granted consent.
- 5.4. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 5.5. In addition to the NPPF, the Development Plan for the District currently consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - Suffolk Coastal Local Plan 2019 (Examination in public Summer-Autumn 2019);
 - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.6. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 – Sustainable Development
 - SP1A – Presumption in Favour of Sustainable Development
 - SP15 – Landscape and Townscape
 - SP19 – Settlement Policy

- 5.7. The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document are:

SSP2 – Physical Limits Boundaries

- 5.8. The relevant policies of the ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

AP56 (Town Centre)
AP257 (Woodbridge Town Centre: Prime Shopping Area)

- 5.9. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .
- 5.10. At this stage in the plan making process, the policies that received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The following policies are now considered to have some weight in determining

6. PLANNING CONSIDERATIONS

Principle of Use

- 6.1. In respect of consideration towards the proposed change of use’s impact on the listed building, the officer has consulted with the Council’s Principal Design and Conservation Officer, following which it was concluded that the change from shop to restaurant/café across both no.19-21 at ground floor level can be supported. This is because the bakery outlet will be retained as part of the premises and it is judge that the overall effect will be neutral in terms of the impact on the listed building’s character (to which the use contributes importantly). The building’s ground floor function will also be very similar to the existing arrangement and the application will therefore preserve the character of the listed building.

Physical Alterations

- 6.2. In consultation with the Council’s Principal Design and Conservation Officer, the proposed removal of the existing shop door and window frontage to no.21 will not harm the character or historic fabric of the building since these are not historic features and their removal is therefore unobjectionable.
- 6.3. The installation of three new windows into no.21 to match the style and materials at no.19 is also judged to be acceptable, since this will visually unify the shop frontage across the full width of the building. Similarly, a new stall-riser to no. 21 will be clad in green tiles to match those existing at no.19, which will further unify the shop frontage to the benefit of the street scene and wider conservation.

- 6.4. Proposed fascia mounted signage will serve to further unify the façade with a new non-illuminating black timber board with white type. While the existing sign and shopfront arrangement are unobjectionable, the unifying effect of the new sign is viewed as an overall enhancement, subject to appropriate detailing which could be sought via an appropriately worded condition.
- 6.5. Replacement of the ground floor flank arched window with a single pane window is judged to be an unsympathetic change, given the existing window's attractive and traditional design. This proposal has therefore been omitted from the original scheme.
- 6.6. The proposed ground floor door to serve access to a new W.C would be visually contained and would not detract from the building's historic character. As such, this proposal is acceptable subject to appropriate detailing.
- 6.7. Internally, works to remove the existing ground floor wall between no.s 19 and 21 and structurally supported is acceptable in principle, subject to appropriate detailing being sought via condition. Similarly, works to raise the ground floor level of no.21 to match that of no.19 is acceptable in principle, although it is suggest that details of the new floor platform are requested.
- 6.8. Creation of a stepped access within no.21 between new raised floor level and existing is also considered acceptable in principle, subject to detailing sought via condition. Clarification that level access for wheelchair users and those with mobility issues will be retained and provided within the layout should also is sought.
- 6.9. The provision of customer W.C. facilities including an accessible toilet is a welcome addition and should be supported subject to confirmation of drainage and ventilation details.
- 6.10. The creation of a new door opening to facilitate access between the rears of no.s 19 and 21 is also acceptable, although it is suggested that door detailing including appearance, materials and ironmongery, are provided via appropriate planning conditions.
- 6.11. With the above in mind, in the view of officers the proposed physical changes; including the redesigned shopfront and shop signage, would both protect and enhance the special interest of the listed building and the conservation area, as required by The Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies SP15 and DM21, and the policy trajectory of the emerging local plan, including SCLP11.1 (Design Quality) and SCLP11.4 (Listed buildings).

Conclusion

- 6.12. The officer concludes that the proposed change of use and works to the external and internal fabric of the building would both protect and enhance the special interest of effected heritage assets.

7. RECOMMENDATION

7.1. APPROVE 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 18 of the Act (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawings:
 - A02-09A (Proposed plan and elevations);
 - 19/11158-03 B (Proposed ground floor plan sections and details);
 - A01-01 (Location plan);
 - A02-08 (Existing plans and elevations).

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

3. All construction activities, including demolition and deliveries/collections to and from site will only take place within the following hours unless otherwise approved by the Local Planning Authority:
 - Monday - Friday: 7.30am - 18.00pm;
 - Saturday : 8:00am - 13.00pm;
 - Sundays/Bank Holidays: None.

Reason: To avoid noise nuisance in the interests of residential amenity.

4. Prior to any works being undertaken confirmation of how the approved lettering to the fascia sign will be applied shall be submitted to and approved by the Local Planning Authority.

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

5. Notwithstanding the details hereby approved, no development shall commence until a vertical cross-section through the area of the new shopfront to show the stall-riser, glazing and fascia sign and all materials, including tiles has been submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented in their entirety. Cross-sections shall show the window frames, glazing bars, roof verge details and the dormer cheek width/detailing.

Reasons: To ensure the development will not harm the architectural and/or historic character of the existing building.

6. No building work shall commence until details of the following have been submitted to and approved by the local planning authority:
 - Engineering details demonstrating capacity for the removal of the ground floor wall between no.19 and no.21;

- Details of the new raised ground floor platform, including materials, construction and method;
- Clarification that level access for wheelchair users and those with mobility will be retained/provided;
- Details of drainage and ventilation to serve new W.C, including materials and method statement;
- Details of rear access door including appearance, materials and ironmongery.

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.

Background Papers: DC/19/2760/COU, DC/19/2761/LBC and DC/19/2808/AND