



Planning Committee South

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 26 March 2024 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/j8YTwg2Cp6g?feature=share>.

Members:

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

An Agenda is set out below.

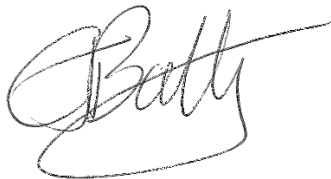
Part One – Open to the Public		Pages
1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4a	Minutes - February 2024 To confirm as a correct record the minutes of the meeting held on 27 February 2024.	1 - 24
4b	Minutes - March 2024 To confirm as a correct record the minutes of the extraordinary meeting held on 6 March 2024.	25 - 43
5	Quality of Place Awards 2023 Presentation by Karolien Yperman, Design and Heritage Officer.	

Part One – Open to the Public		Pages
6	East Suffolk Enforcement Action - Case Update ES/1896 Report of the Head of Planning and Coastal Management.	44 - 59
7	DC/22/4714/FUL - Three Horseshoes Inn, The Street, Charsfield, IP13 7PY ES/1897 Report of the Head of Planning and Coastal Management.	60 - 107
8	DC/23/3237/ARM - Land adjacent to Reeve Lodge, High Road, Trimley St Martin ES/1898 Report of the Head of Planning and Coastal Management.	108 - 126
9	DC/23/4590/FUL - 51 The Street, Brandeston, IP13 7AA ES/1899 Report of the Head of Planning and Coastal Management.	127 - 141
10	DC/23/4805/FUL - The Promenade, Sea Road, Felixstowe ES/1900 Report of the Head of Planning and Coastal Management.	142 - 156
11	DC/23/3477/RG3 - Land adjacent The Ferry Boat Inn, The Ferry, Felixstowe ES/1901 Report of the Head of Planning and Coastal Management.	157 - 170

Part Two – Exempt/Confidential	Pages
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There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 27 February 2024 at 2.00pm.**

Members of the Committee present:

Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Packard, Councillor Rosie Smithson

Other Members present:

Councillor Lee Reeves

Officers present:

Eleanor Attwood (Planner), Ellie DeGory (Assistant Planner), Marianna Hall (Principal Planner (Development Management, South Area Lead)), Jack Hannan (Assistant Planner (Major Sites and Condition Monitoring)), Matt Makin (Democratic Services Officer (Regulatory)), James Meyer (Principal Ecologist), Danielle Miller (Principal Planner (Major Sites)), Agnes Ogundiran (Conservative Political Group Support Officer), Rachel Smith (Principal Planner (Development Management, Central Area Lead)), Becky Taylor (Assistant Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Mike Ninnmey. Councillor Lee Reeves attended the meeting as Councillor Ninnmey's substitute.

2 Declarations of Interest

Councillor Colin Hedgley declared a Non-Registerable Interest in the planning application being considered at item 6 of the agenda as the application site was located within his ward.

Councillor Debbie McCallum declared a Non-Registerable Interest in the planning application being considered at item 7 of the agenda as she had provided funding to AFC Kesgrave via her Enabling Communities Budget.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Colin Hedgley and Debbie McCallum declared that they had been lobbied by email on the planning application being considered at item 8 of the agenda and had not responded to the correspondence.

Councillors Mike Deacon and Katie Graham declared that they had been lobbied by email on the planning application being considered at item 8 of the agenda and had only responded to acknowledge receipt of the correspondence.

4 Minutes

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

RESOLVED

That the minutes of the meeting held on 23 January 2024 be agreed as a correct record and signed by the Chair.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1861** of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 25 January 2024. At that time there were 16 such cases.

The Chair invited the Planning Manager (Development Management, Major Sites and Infrastructure) to comment on the report. The Planning Manager had no updates to provide and invited questions from Members.

In response to a question in respect of enforcement case B.5 (Land at Garage Block North of 2 Chepstow Road, Felixstowe), the Planning Manager confirmed that an enforcement notice was served in August 2023 and a subsequent appeal was submitted in October 2023; the Committee was advised that a start date from the Planning Inspectorate was pending and the Planning Manager highlighted the current delays with cases being allocated to planning inspectors.

On the proposition of Councillor McCallum, seconded by Councillor Reeves, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 25 January 2024 be noted.

6 DC/22/3748/FUL - Land off Keightley Way, Tuddenham St Martin

The Committee received report **ES/1862** of the Head of Planning and Coastal Management, which related to planning application DC/22/3748/FUL. The application sought full planning permission for 25 dwellings on a site allocated within the Suffolk Coastal Local Plan (the Local Plan) in Tuddenham St Martin for approximately 25 dwellings.

The application had been presented to the Committee for determination at the request of the Head of Planning and Coastal Management, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, due to the significant interest from members of the public, Tuddenham St Martin Parish Council, a neighbouring Parish Council, and a ward member.

The application was first considered by the Committee at its meeting on 23 January 2024, where it was resolved to defer the application's determination to enable members of the Committee to carry out a site visit; this visit took place on 27 February 2024 prior to the Committee meeting.

The Committee received a presentation from the Principal Planner (Development Management, Central Area Lead), who was the case officer for the application. The Committee's attention was drawn to the update sheet, which had been published on 26 February 2024, regarding further third-party representations received following the publication of the committee report.

The site's location was outlined, and the Principal Planner recapped the village profile of Tuddenham St Martin that had been presented at the meeting on 23 January 2024. The Principal Planner noted the third-party comments on the profile's accuracy and clarified that 'major' development had been classified as 10 or more dwellings for the purpose of the profile. The Committee was advised that other comments on accuracy related to census data.

The Committee was shown photographs of the site demonstrating views looking from The Street towards Keightley Way (one of which demonstrated the section of highway with no footpath), along Keightley Way, looking into the site from the access point, and looking across the site from the northern boundary.

The proposed site layout plan was displayed and the Committee was shown the elevations for the various types of dwellings proposed on the site. The Principal Planner outlined the housing mix plan, demonstrating the proposed location for affordable housing units, and summarised the materials plan.

The material planning considerations and key issues were summarised as the principle of development, the compliance with the requirements of the Local Plan policy allocating the site for development, design, layout and landscaping, surface water drainage strategy, and highways.

The Principal Planner outlined a potential draft Section 106 Agreement wording seeking to secure pedestrian improvements and the location of a proposed new public right of way developed alongside Suffolk County Council.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as detailed in the committee report, was outlined to the Committee.

The Chair invited questions to the officers. In response to questions from Members, officers confirmed the following:

- There would be a surfaced path connecting the development to the existing play area adjacent to the site, with bollards to prevent vehicular access.
- That there were proposed conditions to secure the recommendations of the Council's ecologist in respect of ecological enhancement on the site.
- The process and powers to create a new public right of way, should the Section 106 Agreement be secured.
- That the existing public right of way would not be surfaced.
- The formulation of the figure of £100,000 quoted as required for pedestrian improvements.
- That the existing play area was under the control of Tuddenham St Martin Parish Council.

A member of the Committee queried if the new public right of way could be secured via planning condition. The Planning Manager (Development Management, Major Sites and Infrastructure) explained that as the proposed site for the right of way was third-party land, and the public right of way was not deemed essential for the delivery of the site, the right of way could only be secured as an obligation for funding and a covenant on the District or County Council to pursue a right of way creation agreement or order.

The Member queried if officers considered the proposed right of way was in fact necessary to deliver the site. The Planning Manager acknowledged the concerns raised about pedestrian connectivity between the site and the wider village but stated that the allocation policy in the Local Plan did not require a new footpath to be constructed and it was this policy which informed what could and could not be imposed on any proposed development.

Another member of the Committee referred to paragraph 6.39 of the committee report and stated that only £8,000 appeared to have been secured for pedestrian improvements, querying where the remaining required funds would come from. The Principal Planner advised that paragraph 6.39 referred to the RAMS contribution, which was not relevant to pedestrian improvements, and the Planning Manager advised that the £100,000 required for pedestrian improvements would be secured via a Section 106 Agreement and would be supported by Community Infrastructure Levy contributions.

When asked by several members of the Committee if the £100,000 for pedestrian improvements were guaranteed, officers reiterated that this would be secured as a maximum amount via a Section 106 Agreement to deliver the proposed public right of way.

A member of the Committee queried if the development could be paused to allow for highways infrastructure to be delivered. The Planning Manager explained that this application was not required to solve any perceived deficiencies that existed in the area and it would not be appropriate to pause the application as it was required to be determined within a set timescale. The Committee was advised that if the application was not determined within this timescale, the applicant would be able to appeal to the Planning Inspectorate on non-determination grounds.

Another member of the Committee asked what the possible consequences might be should the application be refused on highways related matters and the decision appealed to the Planning Inspectorate. The Planning Manager reminded the Committee that it was required to determine the application in accordance with the current development plan and noted that the site was allocated for development in the Local Plan for the number of dwellings proposed. The Planning Manager advised the Committee that officers considered the proposals were policy compliant and that the pedestrian link to the wider village was a complementary issue.

The Chair invited Mr Richard Ward, who objected to the application, to address the Committee. Mr Ward spoke to two slides he had submitted for presentation, summarising residents' material considerations in objection to the application. Mr Ward highlighted concerns relating to safe pedestrian access to the village, access to the play area, parking allocation not being compliant with the National Planning Policy Framework (NPPF) or the Suffolk Technical Guidance, and the proposed site plan.

Mr Ward was of the view that there was still no specific plan to achieve pedestrian access to the site; he noted that officers had concluded that existing routes were acceptable and the Highways Authority had advised the Parish Council that it was not possible to extend pedestrian facilities on The Hill. Mr Ward also queried if £100,000 was sufficient to achieve compliance for pedestrian access.

Mr Ward considered that the accesses and cycle route to the play were speculative and said that multiple accesses was contentious, and unlikely to be agreed by the community. Mr Ward highlighted existing parking issues on Keightley Way and The Hill and said that emergency and delivery vehicles had failed to access the areas in recent times.

Mr Ward said that access to the village was unsafe and summarised that the proposed development did not integrate with existing facilities, give priority to pedestrian access, address the needs of people with disabilities and reduced mobility, minimise the scope for conflicts between pedestrians and vehicles, and allow for efficient delivery of goods and access by service and emergency vehicles.

The Chair invited questions to Mr Ward. A member of the Committee asked for further detail on Mr Ward's concerns about multiple accesses to the play area being contentious. Mr Ward cited studies into safety around play areas that demonstrated a single point of access was better for securing child safety and the multiple accesses proposed was contrary to this.

The Member then asked Mr Ward about the community's engagement during the making of the Local Plan. Mr Ward said that despite objections being made at that time, he considered there was no evidence the concerns raised were acknowledged.

The Chair invited Councillor Pauline Procter, representing Tuddenham St Martin Parish Council, to address the Committee. Councillor Procter said that the representations made by the Parish Council at the last meeting remained relevant and stated that, should the application be approved, a condition be added to limit from which direction construction traffic approached the site.

Councillor Procter referred to the correspondence relating to the meetings between the Council and the Highways Authority regarding the proposed public right of way and expressed disappointment that the Parish Council had not been given the opportunity to contribute.

Councillor Procter reiterated the Parish Council's views that it did not consider it impossible to improve the footpath on The Hill and said that the proposed solution of a new public right of way was not fit for purpose as it did not create a main route into the village. Councillor Procter said the Parish Council did not want to see significant funds wasted on such a scheme.

Councillor Procter was of the view that the on-street parking issues had still not been addressed, noting that current parking arrangements on The Hill and Keightley Way were inadequate and the issue would be exacerbated by the development. Councillor Procter said that the Parish Council still favoured additional on-street parking on the site, suggesting it be facilitated by removing one of the proposed dwellings.

Councillor Procter concluded that the proposed development would increase congestion in the village, negatively impact the quiet lane, and was an overdevelopment of the site being parachuted into the village, with the proposed mitigations having little impact.

The Chair invited questions to Councillor Procter. In response to a member of the Committee, Councillor Procter reiterated that the Parish Council considered the proposed public right of way would not resolve the pedestrian connectivity issues and would lead to an existing muddy track that was prone to flooding.

Another member of the Committee asked Councillor Procter what the solution to the issue would be. Councillor Procter repeated her earlier statement that it was not impossible to extend the footpath at The Hill to create a link between the site and the wider village.

A member of the Committee noted a pathway for houses on the corner of The Hill and Keightley Way and suggested this could be linked. Councillor Procter replied that the safety of this path could not be guaranteed and the staircase element of the route would not resolve disabled and reduced mobility access issues.

The Chair invited Mr Elliot Clarke-Gifford, representing the applicant, to address the Committee. Mr Clarke-Gifford hoped that the site visit had provided the Committee with valuable insight; he acknowledged the need to consider the proposed development in the context of the wider village but stressed it was important to note that many of the issues raised were not within the remit of the planning application.

Mr Clarke-Gifford said it was outside of the applicant's control to address the existing highways issues in the village and highlighted that the Highways Authority had not objected to the application. Mr Clarke-Gifford advised the Committee that it was required to determine the application on its merits and was of the view that it met and exceeded the policy requirements and the expectations of all statutory consultees bar Tuddenham St Martin Parish Council.

Mr Clarke-Gifford said that the concerns raised by objectors were valid but beyond the scope of the applicant's responsibility, and considered they were more symptomatic of country living. Mr Clarke-Gifford said it was crucial to recognise that the site was allocated for development in the Local Plan and the application was deemed policy compliant by officers, and urged the Committee to determine the application on its merits.

The Chair invited questions to Mr Clarke-Gifford. When asked by a member of the Committee if the applicant had considered the needs of the community, Mr Clarke-Gifford responded that they had, having submitted the application in accordance with policy and then engaged with the community as part of the application process.

Another member of the Committee queried if the applicant should be addressing the pedestrian connectivity with the wider village, as it appeared to be a fundamental issue for the community. Mr Clarke-Gifford reiterated that the Highways Authority, a statutory technical consultee, had not objected to the application and therefore did not consider the linkage an issue that would prevent the development going ahead. In response to a further question from the Member, Mr Clarke-Gifford said that the applicant would be working with all parties to find a satisfactory solution to the issues raised.

In response to a question regarding the route for construction traffic, Mr Clarke-Gifford explained that this was yet to be confirmed but would be set out in the Construction Management Plan and all information would be made available to ward members and the Parish Council.

A member of the Committee queried the visitor parking arrangements for the completed development. Mr Clarke-Gifford explained that all dwellings exceeded the minimum parking standards and that there would be nine visitor parking spaces across the scheme.

There being no further questions to Mr Clarke-Gifford, the Chair invited the Principal Planner to address the Committee on the Local Plan consultation stage. The Principal Planner advised that a number of other sites in the area had been put forward during the making of the Local Plan, and had been discounted due to poor access. The application site in question had originally been presented for approximately 35 dwellings and was reduced to 25 following objections during the consultation process. The Principal Planner could not recall the Parish Council commenting on the acceptability of a new access into the existing play area at the Local Plan consultation stage.

The Chair invited the Committee to debate the application that was before it. A member of the Committee highlighted the highways concerns raised in respect of the application and identified there was a wish for a proper access strategy being in place before any development took place. The Member acknowledged this was not in the Committee's gift to do and said there was a need to consider the material planning considerations within the existing framework, making the development the best it can be.

The same Member cautioned that should the Committee attempt to solve the wider issues in the village through this application, it could leave the Council vulnerable if the decision was appealed to the Planning Inspectorate.

Several members of the Committee expressed concerns about the application in terms of sustainability and safe pedestrian access. One member of the Committee expressed concerns that the play area access may not be deliverable as presented and said that until the pedestrian safety on The Hill was addressed, he could not support the application. Another member of the Committee queried what powers the Committee had to ask the Highways Authority to revisit the application.

A member of the Committee referred to planning policy in respect to a scale appropriate to the village; he highlighted that Tuddenham St Martin consisted of 175 dwellings, 141 within the settlement boundary, and that the proposed development would increase the housing stock in the village by 17.5%, which he considered to be overdevelopment. The Member also cited policy SCLP7.1 of the Local Plan on sustainable transport and was of the view that the development was contrary to this policy, as it was encouraging car use, and raised concerns about a lack of proper public transport links.

The same Member acknowledged that the site was allocated for development but was of the view that the development was being proposed without any planning for the impact on the existing village or the people who would occupy the new homes.

Another member of the Committee queried if the highways issues could be revisited. The Planning Manager urged caution when considering making significant highways changes as part of the committee decision making and advised that the Committee should determine the application as presented and against the allocation policy, which did not require changes to the highway to deliver the site. The Committee was reminded that the application needed to be judged on its merits and that officers recommended it was compliant with the development plan.

There being no further debate the Chair sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management as set out in the report and including an additional condition to secure the requirement for the access to the play area, as shown on the proposed plans, to be completed before any dwelling is occupied. The recommendation was proposed by Councillor Packard, seconded by Councillor McCallum and by a majority vote **FAILED**.

The Committee sought to formulate an alternative recommendation. Following further debate, a member of the Committee considered that the application should be refused on the grounds that it was contrary to policies SCLP5.2 and SCLP7.1(c)&(d), due to overdevelopment in proportion to the village and highway safety grounds. Other members of the Committee concurred with the view that the application should be refused, but only on highways safety grounds.

The Planning Manager highlighted that the Highways Authority had not raised any objections or concerns to the application on highways safety grounds and stated that should the applicant appeal any refusal, it was unlikely that the Highways Authority

would support the defence of any appeal. In respect of 'overdevelopment' the Planning Manager explained that the application was for 25 homes and the Local Plan allocation was for approximately 25 homes.

The Committee was advised that should it be minded to refuse the application on highways safety grounds, it may be prudent to defer the determination of the application to allow officers to seek third party advice on the safety, integration and connectivity of the proposed development with the existing community. Members were minded to stipulate that should this route be taken, the application must be returned to the Committee for determination.

On the proposition of Councillor McCallum, seconded by Councillor Smithson, it was by a unanimous vote

RESOLVED

That the determination of the application be **DEFERRED** to allow officers to seek third party advice on the safety, integration and connectivity of the proposed development with the existing community, prior to the application being returned to the Committee for determination.

NOTE: following the conclusion of this item, the meeting was adjourned between 3.35pm and 3.45pm for a short break. Councillor Daly left the meeting during the adjournment.

7 DC/22/2999/FUL - The Hollies, Straight Road, Foxhall, IP10 0FN

The Committee received report **ES/1863** of the Head of Planning and Coastal Management, which related to planning application DC/22/2999/FUL. The application sought to utilise the existing land formerly known as "The Hollies Sports Centre and Social Club" as home pitch locations for both youth and adult football. The creation of a new vehicular access, parking and associated facilities are also proposed within the submission.

The application had been presented to the Committee for determination at the request of the Head of Planning and Coastal Management, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, as in his opinion the application was of significant public interest.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The site's location was outlined and the Committee was informed of the proximity of the housing development known as "The Hollies", the redevelopment of the former clubhouse site.

An aerial photograph of the site, and stock images of the former use of the site, were displayed to the Committee. The planning history of the site was summarised and it was noted that in an application on the adjacent Trinity Park in 2015, the site was noted on a map as a playing field.

The Committee was shown photographs of the site demonstrating the following views:

- The existing field access
- Looking along Straight Road
- The northern boundary from Bucklesham Road
- A montage of the lower field area (proposed for parking)
- A montage of the upper field area (proposed for pitches)
- The access between the fields
- "The Hollies" housing development as viewed from within the site

The proposed block plan and pedestrian/cycle access were displayed; the Principal Planner explained that the latter was a result of consultation with the Highways Authority. The Committee was also shown a topographical survey of the site overlaid with the proposed visibility splays, noting the partial hedgerow removal required. Images of examples of the proposed office and changing rooms were also displayed.

The Principal Planner provided information provided by AFC Kesgrave demonstrating the potential usage of the site by its 23 teams. The Committee was advised that at present, AFC Kesgrave's teams played at four different venues and did not have its own site. The Principal Planner highlighted that the transport assessment identified 480 vehicle movements on average across the site on a Saturday.

The material planning considerations and key issues were summarised as the principle of development, access and highway safety, residential amenity, landscape setting, and ecology. The recommendation to approve the application, as detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. A member of the Committee recalled an application to develop the site that was considered by Suffolk Coastal District Council's Planning Committee in 2014, and queried if there had been anything at that time highlighting the wider use of the site for sporting activities. The Principal Planner advised there was no reference to this in the 2014 application on the site but there had been in another application on the site in 2010.

Another member of the Committee asked if the flooding risk had been considered. The Principal Planner said that Suffolk County Council, as the Lead Local Flood Authority, had not raised any concerns during consultation; she added that the parking surface had been designed to ensure appropriate infiltration for surface water. It was confirmed that the pitch drainage would also be via infiltration.

The Chair invited Mr Jack Reason, who objected to the application, to address the Committee. Mr Reason was accompanied by Mr Chris Bruce, who was present to answer any questions from the Committee.

Mr Reason described Straight Road as a single track with few informal passing places. Mr Reason did not consider the proposed access met the national highway standards for visibility due to the height of the road and the surrounding vegetation. Mr Reason was of the view that the applicant had not provided a topographical survey proving how they had resolved this issue. Mr Reason noted there were no footpaths near the site.

Mr Reason said that noise concerns had been raised by so many people that an independent study on the different types of noise that would be generated had been undertaken by objectors, in contrast to what Mr Reason considered to be a simplistic noise assessment submitted by the applicant.

Mr Reason said the proposed development would cause issues for neighbouring residents and stated that a similar scheme had been refused at St Joseph's College, Ipswich. Mr Reason also expressed concern about a lack of details on sewage and drainage, and that one of the proposed conditions would allow for 7-day use of the site. Mr Reason concluded by saying that he was of the opinion that limited rigour had been given to the application and that it fell short of public expectation.

There being no questions to Mr Reason and Mr Bruce, the Chair invited Councillor Graeme Watts, representing Brightwell, Foxhall and Purdis Farm Group Parish Council, to address the Committee. Councillor Watts said it was apparent that the application was a contentious one, given the number of objections it had generated. Councillor Watts said the Group Parish Council supported the objections and expressed disappointment that it had taken so long for the application to come before the Committee, and considered that a number of questions remained unanswered by the officer's report.

Councillor Watts noted the Group Parish Council's previous concerns about traffic on Straight Road and the surrounding area and referenced a traffic assessment commissioned by the Highways Authority, which had concluded that the roads in the area were only suitable for local traffic. Councillor Watts was of the view that the proposed increase in traffic on Straight Road would be dangerous for pedestrians and cyclists using the road.

Councillor Watts advised the Committee that Straight Road was the national speed limit and prone to flooding, and stated that large vehicles would be using the road to access a nearby site. Councillor Watts said the Group Parish Council remained concerned about the impact on wildlife, sewage, and flooding.

Councillor Watts concluded by noting the comments about the former use of the site as a sports club and noted that this use was over 20 years ago, and a lot had changed on the site since then. Councillor Watts urged the Committee to consider the site in its current state and not what it had been before.

There being no questions to Councillor Watts, the Chair invited Mr Dave Collins, representing the applicant, to address the Committee. Mr Collins clarified he was the volunteer chairman of AFC Kesgrave and was representing the applicant, the Suffolk Agricultural Association. Mr Collins read out a short statement from the Chairman of the Suffolk Agricultural Association which outlined the organisations commitment to the application in order to create a dedicated space for AFC Kesgrave and develop a sports area on a community site.

Mr Collins said that AFC Kesgrave was working to create a space to provide a wide range of footballing activities for a variety of teams. The Committee was advised that the club had no current home and played its matches at four different venues, with

varying qualities of playing surface. Mr Collins said the proposed development would provide a good quality site for the club that could be maintained, noting that the club would be under threat if one of its existing venues was no longer available.

Mr Collins said that alternative sites had been considered but had not been viable; he added that sponsorship of the site would also assist the club and urged officers to follow the recommendation to approve the application.

The Chair invited questions to Mr Collins. In response to a member of the Committee, Mr Collins said that AFC Kesgrave would be looking to maintain grass playing surfaces and would be applying for grants to bring the pitches up to standard, which in turn would allow infrastructure on the site to be brought forward.

Another member of the Committee asked if the structures proposed would be permanent or temporary. Mr Collins said they would be modern style portacabin type semi-permanent structures, modular in design.

In response to a question on whether the proposed mental health benefits of the site outweigh the predicted impact on residential amenity, Mr Collins said he was not able to comment on this and said he was viewing the application from the point of view of AFC Kesgrave.

A member of the Committee sought assurances that floodlighting would not be installed, Mr Collins confirmed this would be the case and the site would be used during daylight hours. In response to a follow-up question, Mr Collins said AFC Kesgrave would adhere to any conditions attached to make structures fit in on the site.

The Chair invited the Committee to debate the application that was before it. One member of the Committee spoke at length on the planning history of the site, noting that she had been a member of the Committee that approved "The Hollies" housing development in 2014 and, at that time, had been unhappy about the loss of sporting facilities on the site. The Member said her recollection was that this housing development had been approved on the principle that the remainder of the site would be used for sports facilities.

The same Member noted that the site would not be in constant use and that traffic would be approaching from a variety of directions, highlighting that Straight Road had served a sports facility in the past. The Member was pleased to see AFC Kesgrave investing in the community.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents, or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority:

Site location plan 21119 10 (20.11.2023)

Proposed block plan & access detail 21119 11A (20.11.2023)

Pedestrian Access (20.11.2023)

Visibility Splays (20.11.2023)

Design and Access Statement Revision B (20.11.2023); which includes:

- Revised traffic flow numbers from AFC Kesgrave dated 23/08/2023.
- Sharps Redmore report with Technical Note 1 dated 11/10/2023.
- Liz Lord Ecology Report, updated 27/09/2023.
- Stroud Associates Flood Risk and Drainage Strategy updated memo 10/10/2023.
- Flood Risk and Drainage Strategy SW433 (28.11.2022).
- Visibility splays 21119 12A (21.11.2023)
- Office Container floor plan MAC_CX3209V06 (20.11.2023)
- Changing room plans (20.11.2023)
- Septic Tank details received via email dated (01.02.2023)

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

3. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing numbers 21119 12A and 21119 11A with an entrance width of 6 metres for a distance of 15 metres measured from the nearside edge of the metalled carriageway.

Thereafter it shall be retained in its approved form.

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

4. Prior to the development hereby permitted being first used, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 15 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

5. Gates/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

6. Before the access is first used visibility splays shall be provided as shown on drawing no. 21119 12A with an X dimension of 2.4 metres and a Y dimension of 215 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order with or without modification, no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

7. The use shall not commence until the area(s) within the site shown on drawing no. 21119 11A for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2023) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

8. Prior to first operation, an Ecological Enhancement Strategy addressing how ecological enhancements will be achieved on site will be submitted to and approved in writing by the Local Planning Authority. Ecological enhancement measures should be in accordance with those identified in the Preliminary Ecological Appraisal (PEA) (Liz Lord Ecology, October 2022) and will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

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

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

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

10. Before the development is commenced details of a new footpath to the North West of the site onto the junction of Straight Road and Bucklesham Road shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first brought into use. The footway shall be retained thereafter in its approved form.

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

11. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the Local Planning Authority.

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

12. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

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

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

14. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The

CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

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

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

15. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Liz Lord Ecology, October 2022, Rev A) and Liz Lord Ecology Report, updated 27/09/2023.

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

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

Reason: To ensure that nesting birds are protected.

17. No external lighting shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

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

18. No development shall take place unless and until:

a) A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on approved drawings has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy SCLP8.2.

19. The playing fields shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 of the Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing fields from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with Policy SCLP8.2.

20. Prior to the bringing into use of the new playing fields, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the new sports pitches.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework para. 96) and to accord with Policy SCLP8.2.

21. The facility shall only be open to the public between 9am and 9pm Monday to Saturday, and between 1pm and 5pm on Sundays, and the premises shall be closed to the public at all other times including on Bank Holidays.

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

Informatives:

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

2. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council must be contacted on Tel: 0345 606 6171.

For further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb> or: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

County Council drawings DM01 - DM14 are available from: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings>.

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

8 DC/23/4469/VOC - 32 Thoroughfare, Woodbridge, IP12 1AQ

The Committee received report **ES/1864** of the Head of Planning and Coastal Management, which related to planning application DC/23/4469/VOC. The application was a retrospective one, which sought to retain the dwelling at 32 Thoroughfare, Woodbridge, as constructed and rectify the breaches of conditions 2, 8 and 12 where the approved building had not been built in accordance with the approved plans.

As the case officer's minded-to recommendation to approve the application was contrary to Woodbridge Town Council's recommendation to refuse the application the application was presented to the Planning Referral Panel on 23 January 2024, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, where it was referred to the Committee for determination.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The site's location was outlined and the Committee was shown an aerial photograph. The Principal Planner summarised the planning history on the site.

The Committee was shown photographs of the site demonstrating the following views and noting the changes to the approved scheme:

- Changes to the wall at the north-east elevation.
- The north-west and south-east elevations, showing window changes.
- The rear garden as view from within the dwelling.
- Views from the roof terrace.
- Zoomed in view taken from the nearest corner of the roof terrace.
- The side elevation of 6 Doric Place taken from within the site.
- The view from the objector's bathroom window.

When displaying the images, the Principal Planner noted the concerns raised by the objector at 6 Doric Place regarding overlooking into their garden. The Committee's attention was drawn to the maximum zoom image and the Principal Planner highlighted the planting put in place in response to the overlooking.

The Committee received the approved block plan and the approved and proposed elevations. The Principal Planner advised that the Council's Design and Heritage team had been consulted on the changes and was satisfied the development was in keeping with the character of the area and caused no material harm.

The Committee received images taken from the supporting statement showing the view from the roof terrace and images of the garden design of 6 Doric Place, provided by a third party objector.

The Principal Planner displayed the approved landscape plan and stated that, once implemented, the landscaping would separate the view between the application site and 6 Doric Place.

The material planning considerations and key issues were summarised as visual amenity and the impact on the conservation area, and the impact on residential amenity. The recommendation to approve the application, as detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. The Principal Planner confirmed that the bathroom window at 6 Doric Place was not frosted. When asked by a member of the Committee if the approved scheme had been disregarded, the Planning Manager (Development Management, Major Sites and Infrastructure) said he shared the Member's frustrations but advised that applicants cannot be penalised for being retrospective and must be determined in a fair manner.

The Chair invited Ms Sue Key-Burr, who objected to the application, to address the Committee. Ms Key-Burr said that the flat roof was overbearing and overlooked her garden, giving views of her garden seating area despite the trees planted to screen the view.

Ms Key-Burr said that she had objected to all three previous applications on the site and had compromised on the last application on the grounds that the flat roof would not be used for leisure purposes. Ms Key-Burr highlighted that the applicant had disregarded the approved drawings, defied the Local Planning Authority, and had ignored all compromises made.

Ms Key-Burr added that she had planted the trees screening the view at her own expense, as the applicant had failed to implement the approved landscaping plan, and these trees were now taking up valuable space in her garden.

Ms Key-Burr noted that Woodbridge Town Council's recommendation of refusal concurred with her own objections; she considered that the applicants were seeking to be rewarded for breaking the rules and said she objected to the application in the strongest possible terms, asking the Committee to either refuse the application or visit the site before determining it.

The Chair invited questions to Ms Key-Burr. When asked if the overlooking was her main concern, Ms Key-Burr said although she was concerned about the view into her bathroom window, her chief objection was the overlooking of her entire garden. Another member of the Committee queried if the overlooking would be the same from a Juliet balcony; the Principal Planner said this would still have required planning permission.

The Chair invited Councillor Robin Sanders, representing Woodbridge Town Council, to address the Committee. Councillor Sanders confirmed that the Town Council maintained its objection to the development proposed on the site and said that in all cases this objection related to the overlooking of 6 Doric Place and the impact on residential amenity it would cause.

Councillor Sanders referenced to the Planning Inspector's decision regarding another application on the site and noted their comments on the positions of their photos. Councillor Sanders said the main point of impact was off-site, in the curtilage of 6 Doric Place, and asked if officers had visited the site.

Councillor Sanders said that should the Committee be minded to approve the removal of condition 8, he asked that condition 12 should not be varied to allow three seasons before landscape planting is completed, as a further delay to planting would be to the detriment of the neighbour.

There being no questions to Councillor Sanders, the Chair invited Mrs Groen, the applicant, to address the Committee. Mrs Groen stated that when the Planning Inspector visited the site they did not go up the scaffold to see the view from the built out height. Mrs Groen thanked the case officer for visiting the site.

Mrs Groen said that she and her husband had built a beautiful, ecologically friendly house on a brownfield site, and that it was an upgrade from the building that had previously occupied the area. Mrs Groen said that during construction, some aspects of the design had been required to be changed due to building regulations and refuted several of the comments made by the objector.

Mrs Groen considered the sound from the roof terrace would be no louder than what could be heard from other neighbouring properties; she said she and her husband always strived to be good neighbours and have worked with the community and Woodbridge Town Council. Mrs Groen said the current application had been made to correct the issues between the construction and the extant planning permission and was of the view that the balcony did not create overlooking, and invited the Committee to visit the site.

The Chair invited questions to Mrs Groen. In response to a question on the changes necessitated by building regulations, Mrs Groen said that to achieve the cooling process proposed for the dwelling, the fenestration needed to be able to open onto the flat roof, and that she had been told by the building inspector that therefore the glass surround was required.

Another member of the Committee queried why an application to vary the approved planning conditions had not been made prior to construction. Mrs Groen explained that the build had been complex and that the changes needed were not identified until after construction had begun.

Given the issues raised during the public speaking on the item, Councillor Deacon proposed that the determination of the application be deferred to facilitate the Committee undertaking a visit to the application site, to enable Members to understand the nature of the entire area along with the concerns of both the neighbouring resident and Woodbridge Town Council. This motion was seconded by Councillor McCallum and on being put to the vote it was unanimously

RESOLVED

That the determination of the application be **DEFERRED** to facilitate the Committee undertaking a visit to the application site, to enable Members to understand the nature of the entire area along with the concerns of both the neighbouring resident and Woodbridge Town Council.

9 DC/23/2120/FUL - Land at Pages Hill, Alderton Road, Hollesley, IP12 3RN

The Committee received report **ES/1865** of the Head of Planning and Coastal Management, which related to planning application DC/23/2120/FUL. The application sought planning permission for the erection of a new agricultural machine store and workshop on land at Pages Hill, Alderton Road, Hollesley.

As the case officer's minded-to recommendation to approve the application was contrary to Hollesley Parish Council's recommendation to refuse the application it was presented to the Planning Referral Panel on 16 January 2024, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, where it was referred to the Committee for determination.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location was outlined and the Committee was shown an aerial photograph of the site. The Planner highlighted the current use of the site access

and noted the site was wholly located within the Suffolk and Essex Coast and Heaths National Landscape (formerly known as the AONB).

The Committee received the proposed block plan and elevations of the proposed structure. The Committee was also shown photographs demonstrating the following views:

- From within the site towards the proposed building location.
- Towards the access to the site.
- The existing access.
- Towards the junction of Alderton Road, Hollesley Road, and Lodge Road.
- Along Lodge Road.
- From Lodge Road towards the site.
- From Hollesley Road towards the site.
- From Coronation Avenue towards the site.
- A comparative image showing the site access today and in 2009.

The Planner provided drawings for the existing visibility splays and explained that the Highways Authority had recommended three conditions for visibility splays, surfacing and the discharge of surface water from the access. Officer did not consider these proposed conditions to be reasonable or necessary, given the existing access has been in use for a number of years, vehicle movements associated with the development would be low and the visibility splay condition would require the removal of fencing around Tye Barn.

The recommendation to approve the application, as detailed in the report, was outlined to the Committee, and the Chair invited questions to the officers.

A member of the Committee sought clarity on the proposed workshop use and the Planner said that the applicant's agent had advised that the use of the structure would be to store small pieces of agricultural machinery. In response to a query from another member of the Committee, the Planner said that the Highways Authority had not maintained its holding objection in its most recent consultation response.

A member of the Committee asked if there had been any previous issues with flooding from the access onto the highway; the Planner was not aware of any such issues and noted that the Highways Authority had initially shared the concerns of Hollesley Parish Council about the access, but that following further information being submitted by the applicant had withdrawn its objection.

The Chair invited Councillor Peter Jacks, representing Hollesley Parish Council, to address the Committee. Councillor Jacks said it was important to state Hollesley is a rural community and home to historic farm businesses which provide employment and maintain the village's green and beautiful status. Councillor Jacks said that Hollesley Parish Council's objection was two-fold, relating to highway safety and the effect on the street scene.

Councillor Jacks displayed an image showing the existing access and its relationship to the junction and highlighted the possible risk of farm traffic blocking the road, with limited opportunity for drivers to see this when turning right from Lodge

Road. Councillor Jacks noted that sand had previously been deposited from the access onto the road due to flooding, which had been reported to the Highways Authority in the past. Councillor Jacks said adding more farm traffic to the situation could create an accident black spot.

Councillor Jacks added that the village was wholly in the Suffolk and Essex Coast and Heaths National Landscape and displayed further images of the application site viewed from the wider area; Councillor Jacks considered that the proposed building would spoil the streetscene.

There being no questions to Councillor Jacks, the Chair invited Mr James Leggett, the applicant, to address the Committee. Mr Leggett said the proposed building would be a modest agricultural workshop and storage building for work being conducted on the agricultural estate, and would not create any additional traffic. Mr Leggett confirmed that the building would house smaller equipment rather than larger day-to-day machinery, which would be stored elsewhere.

Mr Leggett explained that the site had been chosen for its proximity to a worker's living quarters, as the worker in question would be the one using the building and the equipment therein. Mr Leggett said the access had been in use since his grandfather had built the houses in the 1950s.

Mr Leggett considered the building would be small in scale and requiring the conditions from the Highways Authority would result in a more formal appearance for the access. Mr Leggett said the site had a rural character and surfacing the access would take away from that, concluding that what was being proposed was a farm building in a farm landscape.

The Chair invited questions to Mr Leggett. Mr Leggett said that the building would be used for fencing repairs across the agricultural estate and would not increase farm vehicle movements. In response to another query, Mr Leggett said some light workshop activity, related to fence repairs, would take place in the building, but no heavy agricultural work involving large agricultural machinery.

The Chair invited the Committee to debate the application that was before it. Members of the Committee were supportive of the application and one Member noted that it was not often that applications were made to construct agricultural buildings, compared to those seeking to remove or convert them. Another member of the Committee said it was positive that the access would not be surfaced.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 22210 6A received 20.07.2023, and 22210 2A received 26.05.2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The hereby approved building shall only be used to store tools, machinery, equipment and vehicles for agricultural purposes, and for no other purpose.

Reason: The Local Planning Authority would not approve the building other than for purposes associated with the use and maintenance of agricultural land.

Informatives:

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

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

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

The meeting concluded at 5.20pm.

.....
Chair

Unconfirmed



Minutes of a meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Wednesday, 6 March 2024 at 2.00pm.**

Members of the Committee present:

Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Katie Graham, Councillor Colin Hedgley, Councillor Mark Packard, Councillor Rosie Smithson

Other Members present:

Councillor Deborah Dean, Councillor Lee Reeves

Officers present:

Jamie Behling (Planner), Nick Clow (Assistant Planner), Sarah Davis (Democratic Services Officer (Scrutiny and Member Development)), Matt Makin (Democratic Services Officer (Regulatory)), Natalie Webb (Senior Planner), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Debbie McCallum and Mike Ninmey. Councillors Deborah Dean and Lee Reeves attended the meeting as substitutes for Councillors McCallum and Ninmey, respectively.

2 Declarations of Interest

Councillor Colin Hedgley declared a Non-Registerable Interest in the planning application being considered at item 4 of the agenda, as the application was located in his ward.

Councillor Lee Reeves declared a personal interest in the planning applications being considered at items 5 and 6 of the agenda and advised that he would recuse himself from the Committee for those items, in order to speak on the applications as ward member.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Mike Deacon, John Fisher, Katie Graham, Mark Packard, and Rosie Smithson all declared that they had been lobbied in respect of the planning application being considered at item 4 of the agenda, and had not responded to any correspondence.

Councillor Colin Hedgley declared that he had been lobbied in respect of the planning application being considered at item 4 of the agenda, and had replied only to invite the individual to register to speak on the application at the meeting and to confirm that he remained open minded on the issue.

4 DC/22/4714/FUL - Three Horseshoes Inn, The Street, Charsfield, IP13 7PY

The Committee received report **ES/1872** of the Head of Planning and Coastal Management, which related to planning application DC/22/4714/FUL. The application sought full planning permission for the refurbishment of and extensions to the Three Horseshoes Public House in Charsfield, incorporating improved access, car park and outside facilities together with the construction of three two-bedroomed cottages to the western frontage of the site.

The application was before the Committee for determination at the request of the Head of Planning and Coastal Management, as set out in the East Suffolk Council Constitution, due to the level of public interest in the proposal.

The Committee received a presentation from the Senior Planner, who was the case officer for the application. The site's location within the settlement boundary was identified and the Committee was advised that the principle of development was considered to accord with policies SCLP5.2 and SCLP5.7 of the Suffolk Coastal Local Plan (the Local Plan).

The Senior Planner set out the context of the site and noted the permitted development to the north of the site, which was on a site allocated for development by policy SCLP12.46 of the Local Plan. The Committee advised that the existing public house and there nearby buildings were not listed, and the Senior Planner outlined the site's proximity to flood zone 2.

The Committee was advised that four trees on the site's frontage were subject to Tree Preservation Orders (TPOs) and the Council's Design and Heritage team was not objecting to their removal. The Senior Planner added that following consultation, the Flood Authority had not objected to the application.

The Committee was shown a map which demonstrated the site's proximity to public right of way 23, which was to the west. The Senior Planner explained that the site had been listed as an Asset of Community Value (ACV) on 28 November 2018; this listing expired on 11 December 2023 however the site was relisted on 28 November 2023 for a further period of five years, to 28 November 2028.

The Senior Planner referred to policy SCLP8.1 of the Local Plan, which stated that proposals to change the use, or redevelop for non-community use, of an ACV would not be permitted. The Committee was advised that the proposal did not result in the loss of an ACV and therefore accorded with this policy.

The Committee was shown aerial images of the site demonstrating the wider setting and a close-up view of the site, along with the site location plan and the proposed block plan.

The Senior Planner displayed photographs demonstrating views of the following:

- Looking east on The Street.
- The existing public house.
- The existing access point and informal parking area.
- Looking west on The Street.
- Looking towards the dwellings on St Peters Close.
- The former car park area.
- Looking back towards The Street.
- The area proposed for residential dwellings.
- Looking towards St Peters Close.
- Looking north-west from within the site.
- Looking north from within the site, towards new housing on St Peters Close.
- Looking east from within the site, towards the amenity space of London Villa.
- Looking from within the site towards London Villa and the area of public house extension.
- The western side of the existing public house.
- The existing outbuilding.

The Committee received the existing and proposed elevations and floor plans for both the public house and the proposed dwellings. The Committee was also shown a cross-section demonstrating the changes in ground level between the proposed dwellings and 2 St Peters Close, the existing public house plus proposed extension, and the boundary with London Villa. The proposed street scene was also displayed.

The material planning considerations and key issues were summarised as the principle of development, design and layout, the ACV, affordable housing, landscape and visual impact, biodiversity and ecology, residential amenity (including noise), highways and public right of way, flood risk and surface water drainage, land contamination, archaeology, and legal obligations (including a Section 106 agreement). The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. When asked regarding the Parish Council's comments on the loss of beer garden space, the Senior Planner noted that the whole of the site had previously been used as an informal parking area and beer garden and the site proposed creating a formal beer garden for the public house. The Planning Manager (Development Management, Major Sites and Infrastructure) added that this space would be retained to the east of the public house building.

A member of the Committee queried an objection about not being able to use a marquee on the site. The Senior Planner advised that the space reserved for a beer garden would be able to accommodate a marquee if required; the Planning Manager noted that for the regular use of a marquee, planning permission would be required.

The Chair invited Mr David Wolfe, who objected to the application, to address the Committee. Mr Wolfe said that he had lived in Charsfield for almost 20 years and until its closure, had been a regular customer of the public house. Mr Wolfe considered the

application sacrificed generous beer garden space for a much smaller element immediately to the rear of the building, and said this was why he and others in the community objected to the proposal.

Mr Wolfe said that objectors considered that redevelopment of the site was not needed to bring the public house back into use and argued that the proposal was not in accordance with policy SCLP8.1, as part of the ACV was being redeveloped for housing. Mr Wolfe noted that when the ACV was originally listed, the garden area had been included after persuasion from the community. Mr Wolfe said that if the development went ahead, the beer garden area would be lost forever.

Mr Wolfe said that although the community would gain three new dwellings it would lose the majority of the beer garden area and considered this would make the pub unviable, and thus eventually remove the asset from the community. Mr Wolfe noted that comparisons to the nearby Turk's Head public house were misleading and highlighted that the site to the north had been sold for redevelopment by the applicant several years ago, and they were now looking to redevelop the application site, letting the public house run down in order to do so.

Mr Wolfe considered the development was not to bring the pub back into use but to prepare the whole site for housing redevelopment and reiterated that it was not necessary, urging the Committee to refuse the application to protect the ACV. Mr Wolfe added that the site had not been on the market since 2012, when it was listed at double its worth.

The Chair invited questions to Mr Wolfe. Mr Wolfe advised the Committee that the public house had closed in 2019 and when asked how it could be made viable, was of the view that it was not unviable in its current state and this was the reason it was listed as an ACV. Mr Wolfe stated that the applicant had let the public house fall into disrepair and increased the rent in order to force its closure, and said that should the public house be put on the market for its proper value he was confident it would be purchased and successfully operated.

A member of the Committee asked Mr Wolfe if operating the premises as a community pub had been considered. Mr Wolfe said there was a community interest established if necessary, as a fall back position, but reiterated his belief that the premises could be operated on a commercial basis.

The Chair invited Councillor Fran Moor, representing Charsfield Parish Council, to address the Committee. Councillor Moor made it clear that the Parish Council wanted to see the public house reopened and retained as an important hub for the community.

Councillor Moor said that although the proposed scheme could achieve this, the Parish Council considered it inappropriate to build three houses at the expense of reducing the beer garden and relocating it to a less desirable area. Councillor Moor considered that to build housing on an ACV site was contrary to planning policy and saw no reason for this to be discounted.

Councillor Moor said that the proposed scheme would erode the ACV and noted that the ACV area was not co-terminus with the public house boundary. Councillor Moor expressed concern that future house owners may buy land not in the ownership of the public house and said there was no robust evidence that the housing was needed to make the public house viable.

Councillor Moor said the current beer garden was a positive feature of the public house and if the application was approved, this would be lost in perpetuity. Councillor Moor said the proceeds of the sale of the site to the north could have been used by the applicant to renovate the public house and said that its future viability should not be compromised. Councillor Moor concluded by suggesting that if the Committee approved the application, a "watertight" Section 106 agreement be put in place to ensure the continued presence of a public house on the site.

There being no questions to Councillor Moor, the Chair invited Mr David Houchell, the applicant's agent, to address the Committee. Mr Houchell highlighted that only 27 of 350 residents had objected to the application and suggested the revised beer garden would be more manageable in inclement weather.

Mr Houchell referred to many rural pubs in the area being sold off in the 1990s and said those that had been successful had improved their facilities. Mr Houchell noted the community support for the public house but said that funds were required to renovate it. Mr Houchell noted that community support for the public house had reduced before it closed and highlighted that several community groups moved their events to the village hall when it opened.

Mr Houchell highlighted that the applicant had originally planned to sell the premises when the last tenant left and the property had been valued at £350,000; a community group had made an offer on the premises but only in the region of £150,000. Mr Houchell said that £50,000 was needed to renovate the premises and considered the offer made by the community group to have been too low.

Mr Houchell stated that the site had been listed as an ACV unbeknownst to the applicant and cited the example of the nearby Turk's Head pub as being broadly supported. Mr Houchell said that a Section 106 agreement was being progressed and that the applicant was content with the officer's recommendation, including the proposed conditions.

The Chair invited questions to Mr Houchell. A member of the Committee asked what percentage of customers were likely to come from Charsfield. Mr Houchell did not have this information to hand but said the applicant was looking to attract customers from the wider area through good facilities for food and drink.

The same Member queried how reducing the parking capacity would help achieve this, when a successful country pub needed to attract people travelling from further afield. Mr Houchell said that the level of proposed parking was in line with Highways standards when compared to the number of covers that could be provided. Mr Houchell reiterated that good food and drink would attract customers from beyond Charsfield.

Another member of the Committee queried if the applicant intended to sell the public house. Mr Houchell advised that the applicant intended to renovate the pub and put it on the market, and had held discussions with housing associations about the three proposed dwellings. Mr Houchell said the applicant intended for the public house to be operated as such once renovated.

There being no further questions to Mr Houchell, the Chair invited the Planning Manager to address the Committee on issues raised during public speaking. The Planning Manager said the site to the north of the proposed development, its sale and any reinvestment into the application site was not something that should influence the determination of the application before the Committee.

The Planning Manager highlighted that the current parking arrangements were informal and the application sought to formalise parking and create a defined beer garden, and the community concerns were on the loss of the latter not the former. The Planning Manager confirmed that a Section 106 agreement was being sought to ensure the public house was reinvested in before any dwellings were occupied.

The Committee was advised that although some outdoor seating would be lost, indoor seating would be increased and the applicant considered this would make the premises more viable. The Planning Manager acknowledged that there was a wish in the community to retain the site as it was, but reminded the Committee it was required to determine the application based on material planning considerations.

When asked by a member of the Committee about the possible risk of a change of use for the public house, the Planning Manager said an application for change of use could be made in the future but that policy SCLP8.1 would still apply and if the site was listed as an ACV, there would be an option for a community group to purchase the public house.

The Chair invited the Committee to debate the application that was before it. A member of the Committee acknowledged the difficult situation around the application and considered the ACV status of the site was a central issue. The Member referred to policy SCLP8.1 and balanced the arguments of the development bring the public house back into use against the loss of some of the garden area included in the listing. The Member noted the importance of public houses in rural areas and suggested that should the Committee be minded to refuse the application, there was an argument that to do so would protect the ACV.

Another member of the Committee pointed out that the purpose of the application was to enable a successful public house to operate and considered this would not be the case as not enough parking would be provided. The Member said he was not convinced of the public house's long-term prospects.

There being no further debate on the application, the Chair sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management as set out in the report. The recommendation was proposed by Councillor Packard, seconded by Councillor Smithson and by a majority vote **FAILED**.

The Committee sought to formulate an alternative recommendation. Councillor Dean proposed that the determination of the application be deferred to facilitate the Committee undertaking a visit to the application site, to enable Members to understand the nature of the area along with the concerns of both the objectors and Charsfield Parish Council. This motion was seconded by Councillor Hedgley and on being put to the vote it was unanimously

RESOLVED

That the determination of the application be **DEFERRED** to facilitate the Committee undertaking a visit to the application site, to enable Members to understand the nature of the area along with the concerns of both the objectors and Charsfield Parish Council.

5 DC/23/2694/FUL - The Ship, Church Lane, Levington, IP10 0LQ

NOTE: Councillor Reeves recused himself from the Committee in order to speak as ward member on both this and the next agenda item.

The Committee received report **ES/1873** of the Head of Planning and Coastal Management, which related to planning application DC/23/2694/FUL. The application sought planning permission to alter and extend The Ship Inn public house in Levington, including an enlarged parking area and terrace.

As the case officer's minded-to recommendation of approval was contrary to Levington and Stratton Hall Parish Council's recommendation of refusal, the application was presented to the Planning Referral Panel on 23 January 2024 in accordance with the scheme of delegation set out in the East Suffolk Council Constitution. The Panel referred the application to the Committee for determination due to the significant public interest in the application and its impact on the wider village of Levington.

The Committee received a presentation from the Planner, who was the case officer for the application. The Planner noted that the presentation was in respect of both this application and also the associated application DC/23/2695/LBC, which was to be considered at the next agenda item.

The site's location was outlined and the Committee was shown photographs demonstrating the following views:

- The front of The Ship Inn.
- The east elevation from the beer garden.
- Towards the beer garden.
- The rear of The Ship Inn from the patio/dining area.
- The access along the side of The Ship Inn.
- The access to the car park from Church Lane, including looking in to the access.
- Looking along Church Lane to the east.
- The pedestrian access to the beer garden.
- Across the car park, including access to a neighbouring property and the adjacent churchyard.
- Looking north and north-west from the car park.

The Planner displayed the existing and proposed layout, elevations and floor plans. The Committee was also shown an aerial image of the existing parking arrangement, on an informal hardstanding area, and a drawing demonstrating how the car park would be expanded to 61 parking spaces from its current capacity of 40-45. The Planner provided a map detailing the proximity of objecting homes to the application.

The material planning considerations and key issues for application DC/23/2694/FUL were summarised as traffic, parking and access, natural environment, landscape, design, and residential amenity. The material planning consideration for application DC/23/2695/LBC was summarised as heritage. The recommendations to approve both applications, detailed in the reports, were outlined to the Committee.

The Chair invited questions to the officers. When asked by a member of the Committee on the Highways Authority's view on the concerns raised by the Parish Council, in respect of the access being concealed, the Planner advised that the Highways Authority had not raised any concerns about this aspect.

Another member of the Committee asked how many covers The Ship Inn could currently serve. The Planner stated that presently the premises could accommodate 60 internal covers and 170 external covers, and the proposals looked to add another 70 inside and 60 outside.

The Chair invited Councillor John Parrish, representing Levington and Stratton Hall Parish Council, to address the Committee. Councillor Parrish said the Parish Council was fully engaged with development within its area and considered any change should be safe and for the benefit of residents.

Councillor Parrish expressed the Parish Council's concerns relating to highway safety, highlighting the junction between Church Lane and the existing single track access to The Ship Inn's car park was the most dangerous area of the village's road network, located on a blind bend where visibility is impacted by an adjacent church wall.

Councillor Parrish noted that in 2015, the Parish Council had asked the Highways Authority to add white lines to three dangerous areas in the village, including this location, and was advised that white lines could not be painted on the bend at Church Lane due to the width of the highway. Councillor Parrish said it was therefore of concern to the Parish Council that the Highways Authority was not objecting to an increase in traffic in this area.

Councillor Parrish highlighted that in 1990 the former Suffolk Coastal District Council had refused planning permission on a property that opened up into Bridge Road due to the proposed increase in the use of the shared access with the pub.

Councillor Parrish said that the Parish Council was happy with how The Ship Inn operated for the most part but was concerned about the impact of the development on highway safety, and urged the Committee to visit the site before determining the application.

The Chair invited questions to Councillor Parrish. When asked by a member of the Committee, Councillor Parrish acknowledged that the use of the highway was outside of the applicant's control; he considered that the Highways Authority needed to do something to reduce speeding in the area.

Another member of the Committee sought clarity on the concerns about the exit from the car park to Church Lane. Councillor Parrish explained that when exiting the car park, the church wall blocked the view to the right, where the road was narrow and vehicles would be approach around a bend before increasing their speed.

In response to a query regarding accidents at this site, Councillor Parrish was unable to provide specific information but noted a recent incident near to the site where a resident was pulled over by her dog and was lying in the road for 40 minutes before an ambulance arrived.

The Chair invited Mr Nick Attfield, representing the Adnams plc (the applicant), to address the Committee. Mr Attfield described The Ship Inn as an iconic Grade II listed pub in a desirable area, which Adnams wanted to preserve moving forwards. Mr Attfield said that Adnams was taking a long-term approach to the premises.

Mr Attfield said the proposals looked to secure the ongoing viability of the premises, noting that a lot of rural pubs were under threat and/or closing down, with only the very best surviving. Mr Attfield noted that Adnams was working with an excellent operator in Deben Inns, who were committed to developing the premises and working with neighbours.

Mr Attfield described the premises as being small and having an awkward kitchen layout. Mr Attfield said the proposed development would improve both of these issues and increase the premises' viability, which in turn would increase employment opportunities and enhance the premises' status as a "destination pub".

Mr Attfield advised that Adnams had worked with officers to assess and refine the proposed scheme and had also engaged with neighbours to address specific concerns; he sought the Committee's support to secure the ongoing success of The Ship Inn.

The Chair invited questions to Mr Attfield. When asked if there was a maximum size for enterprises in such a location, Mr Attfield said there was and believed the increase in covers had been overstated earlier in the meeting. Mr Attfield said that the proposals would add 30 to 40 indoor covers and would increase the viability of the outside area during the summer months, and would address the current issues with the kitchen layout. Mr Attfield did not consider this went beyond the limit for a premises such as The Ship Inn.

Another member of the Committee noted that concerns had been raised about noise from vehicles moving on gravel and asked if the applicant would consider the feasibility of rubber matting. Mr Attfield said that the applicant would look at ways to compact the surface without using tarmac.

The Chair invited Councillor Lee Reeves, ward member, to address the Committee. Councillor Reeves cited his long association with Levington and

acknowledged that The Ship Inn was an asset to the community. Councillor Reeves said he did not object to the restyling of the kitchen area and a minor increase in capacity, but was concerned with what appeared to be a 57% increase in cover capacity, which he considered to be unsustainable.

Councillor Reeves highlighted that parking in the village was limited and displayed photographs demonstrating both the bend adjacent to the vehicular access and the narrow width of the access, and said that during busy periods access would be difficult.

Councillor Reeves noted that the car park was often used as a base for people walking in the countryside and said the proposed layout of the car park did not take into account the width of modern vehicles. Councillor Reeves displayed photographs showing the use of the car park, including pedestrian access, and concluded that the increase in capacity would make the car park unviable. Councillor Reeves requested that the Committee, should it be minded to approve the application, visit the site first.

The Chair invited questions to Councillor Reeves. At the request of a member of the Committee, Councillor Reeves clarified the location of his first photograph on a map of the site and surrounding area.

Another member of the Committee directed a question to officers and asked if "go slow" type signs could be installed in the area. The Planning Manager (Development Management, Major Sites and Infrastructure) advised that this was not in the gift of the application before the Committee, but was something the Parish Council could request of the Highways Authority.

A member of the Committee asked Councillor Reeves if he agreed the premises was currently thriving and not at risk of failing, and therefore further development was unnecessary. Councillor Reeves replied that in his opinion the premises was very popular in the summer months and still did well outside of that period; he acknowledged that the kitchen works may be needed.

The Chair invited the Committee to debate the application that was before it. Several members of the Committee spoke in support of the application, noting there was a need for a successful premises to expand and noting that the highways issues raised were outside of the applicant's control.

A member of the Committee, who supported the application, noted that, whilst it was outside of the application's remit, it was important to acknowledge the concerns of the community regarding highway safety and stated there should be more flexibility and reaction the Highways Authority.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance with the following approved plans, for which permission is hereby granted, or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority:

Site location Plan received 07/07/2023

Proposed Layout Plan received 07/07/2023

Proposed South and West Elevations received 07/07/2023

Proposed East and North Elevations received 07/07/2023

Proposed Site Block Plan received 07/07/2023

Proposed Parking Reorganisation Rev C received 26/10/2023

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

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

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

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

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

5. Prior to installation of any lighting, details in respect of the following shall be submitted to and approved by the Council as Local Planning Authority:

- Details of any external lighting proposed on the building or within the site, showing location, on plans and elevations, including the type of light unit, numbers and illumination levels to be supplied and agreed in writing prior to installation.

The lighting shall be installed in accordance with such approved details.

Reason: In order to safeguard the dark skies and tranquillity of the landscape within the Suffolk & Essex Coast & Heaths National Landscape.

6. Prior to commencement of any works, details in respect of the following shall be submitted to and approved by the Council as Local Planning Authority. The work shall be carried out in accordance with such approved details:

- Representative door and windows and details to show materials, finish, appearance, ironmongery, type of glazing, glazing bar profile

Reason: In order to safeguard the special architectural or historic interest of the building.

7. Prior to the installation/modification of any extract equipment, air conditioning, refrigeration or any other fixed plant, details of the equipment and a noise and odour impact assessment shall have been submitted to and approved in writing by the local planning authority in accordance with the updated current guidance: 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.

The risk assessment shall identify potential sources of odour/noise, pathways and receptors and make recommendations regarding the level of mitigation needed. The LPA will be expecting that a rating level (LAeq) of at least 5dB below the typical background (LA90) is achieved.

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

8. Prior to development a detailed Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved tree protection measures.

Reason: In order to safeguard the trees on site.

9. Prior to the first use of the proposed extension, the car park shall be laid out and completed as shown on drawing - Proposed Parking Reorganisation Rev C, unless otherwise agreed by the Local Planning Authority.

Reason: In order to provide sufficient parking for the intended use.

Informatives:

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

6 DC/23/2695/LBC - The Ship, Church Lane, Levington, IP10 0LQ

The Committee received report **ES/1874** of the Head of Planning and Coastal Management, which related to planning application DC/23/2695/LBC. The application sought listed building consent to alter and extend The Ship Inn in Levington.

The application was presented to the Committee for determination for completeness, as it was associated with application DC/23/2694/FUL, which had been determined by the Committee under the previous agenda item having been referred to the Committee for determination by the Planning Referral Panel.

The Planner, who was the case officer for the application, referred to his presentation for the previous item (recorded under item 5 of these minutes) which had been in respect of both this application and also the associated application DC/23/2694/FUL, approved by the Committee earlier in the meeting.

The Chair invited Councillor John Parrish, representing Levington and Stratton Hall Parish Council, to address the Committee. Councillor Parrish said he had covered the majority of his points when speaking on the previous application earlier in the meeting. Councillor Parrish reiterated the Parish Council's concerns regarding parking and the egress onto the highway.

Councillor Parrish welcomed that the plans showed an improvement to the disabled access to the premises and that there would be more than one accessible entrance. Councillor Parrish said that further consideration should be given to accessible toilet facilities within the premises.

The Chair invited questions to Councillor Parrish. Councillor Parrish advised that if the proposed accessible toilet facility was unisex, this allayed his concerns.

The Chair invited Mr Nick Attfield, representing Adnams plc (the applicant), to address the Committee. Mr Attfield, having spoken on the previous application, elected not to speak again.

The Chair invited Councillor Lee Reeves, ward member, to address the Committee. Councillor Reeves, having spoken on the previous application, elected not to speak again.

The Chair invited the Committee to debate the application that was before it. A member of the Committee spoke on the positives on improving the disabled access to the premises and sought assurances this would be delivered; at the invitation of the Chair, Mr Attfield confirmed this would be the case.

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

RESOLVED

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

1. The works to which this consent relates must be begun not later than three years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works to which this consent relates shall be completed in all respects strictly in accordance with the Site Location Plan, Proposed Layout Plan, Proposed South and West Elevations, Proposed East and North Elevations and Proposed Site Block Plan received 07/07/2023, for which consent is hereby granted, or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Prior to commencement of any works, details in respect of the following shall be submitted to and approved by the Council as Local Planning Authority. The work shall be carried out in accordance with such approved details:

- Representative door and windows and details to show materials, finish, appearance, ironmongery, type of glazing, glazing bar profile

Reason: In order to safeguard the special architectural or historic interest of the building.

NOTE: following the determination of this item, Councillor Lee Reeves returned to the Committee.

7 DC/23/3698/FUL - Ford Gatehouse, Ford Road, Marlesford, IP13 0AS

The Committee received report **ES/1875** of the Head of Planning and Coastal Management, which related to planning application DC/23/3698/FUL. The application sought planning permission to add a first floor to Ford Gatehouse, Ford Road, Marlesford.

As the case officer's minded-to recommendation of approval was contrary to Marlesford Parish Council's recommendation of refusal, the application was presented to the Planning Referral Panel on 19 December 2023 in accordance with the scheme of delegation set out in the East Suffolk Council Constitution. The Panel referred the application to the Committee for determination due to the significant impact of the proposed alterations on the character of the dwelling and the wider landscape.

The Committee received a presentation from the Planner, who was the case officer for the application. The site's location was outlined and the Committee's attention was drawn to the number of public rights of way that neighboured the application.

The Committee was shown several images demonstrating views into the site, along with the existing and proposed elevations and floor plans, along with the plans for a replacement dwelling approved in 2013 and the proposed block plan. The Committee also received images demonstrating views towards the site from a variety of surrounding locations.

The material planning considerations and key issues were summarised as the landscape character and the design quality. The recommendation to approve the application, detailed in the report, was outlined to the Committee.

There being no questions to the officers, the Chair invited Councillor Roger Waterfall, representing Marlesford Parish Council, to address the Committee. Councillor Waterfall described the site as an isolated development that was visible from several vantage points in the surrounding countryside. Councillor Waterfall said the development would convert a small cottage to a large house when the former was needed in Marlesford, highlighting that people were moving out of the village due to a lack of smaller properties.

Councillor Waterfall expressed concern about the additional traffic the development would bring as the site was accessed by narrow lanes, some that had been designated as quiet lanes. Councillor Waterfall added that there was no street lighting in the area and the development would negatively impact on the site being a "dark" area.

Councillor Waterfall expressed reservations about the development, highlighting the high fence already in place that he considered was more in keeping with a housing estate; he said that the development would stand out negatively in the landscape.

The Chair invited questions to Councillor Waterfall. When asked if the Parish Council was objecting to the design or the enlargement of the dwelling, Councillor Waterfall advised that both elements were of concern but the Parish Council was primarily concerned with the increase in building size, considering the redevelopment to be a loss of an older building and part of the village scene.

In response to a member of the Committee, Councillor Waterfall stated that the dwelling was 200 metres away from the nearest property and 400 metres from the village church.

The Chair invited Mr Dominic Gravener, the applicant, to address the Committee. Mr Gravener highlighted that he already had planning permission for alterations and extensions for a garage and first floor extension, and had not implemented the latter.

Mr Gravener said the development would not change the footprint of the building and create only a small increase on existing floor areas, and would turn the dwelling into a four-bedroom property. Mr Gravener did not agree with the assertion that the proposals constituted overdevelopment.

Mr Gravener said the site was in an isolated area with the nearest property 600 metres away. Mr Gravener noted that the only objector to the application was the Parish Council and that his neighbour was supportive of the proposals. Mr Gravener considered the development would upgrade and improve the property and remove the

need for extensions, stating that the design would enhance the area. Mr Gravener concluded by stating that it would be a missed opportunity if the application was not approved.

The Chair invited questions to Mr Gravener. When asked by a member of the Committee, Mr Gravener asserted that the nearest property to the application site was 600 metres away and disagreed with the measurement provided by Councillor Waterfall.

Another member of the Committee asked if the development would improve the energy efficiency of the property. Mr Gravener confirmed this would be the case.

The Chair invited the Committee to debate the application that was before it. The Vice-Chair said he was familiar with the site and had some sympathy with the views of the Parish Council, but saw no material planning reasons to oppose the application and was content to support it. Another member of the Committee added his support to the application.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Proposed Floor Plans and Proposed Elevations, Block and Site Location Plan received 26/09/2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

Informatives:

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

8 DC/23/3760/FUL - 10 Levington Lane, Bucklesham, IP10 0DZ

The Committee received report **ES/1876** of the Head of Planning and Coastal Management, which related to planning application DC/23/2760/FUL. The application sought planning permission for the retention of a boundary fence at 10 Levington Lane, Bucklesham.

As the case officer's minded-to recommendation of approval was contrary to Bucklesham Parish Council's recommendation of refusal, the application was presented to the Planning Referral Panel on 9 January 2024 in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, and the Panel referred the application to the Committee for determination.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application. The site's location was outlined and the Assistant Planner highlighted that the fence to be retained was adjacent to the highway. The Committee was shown aerial photographs of the site along with images of the existing elevations as submitted by the applicant. The Assistant Planner advised the Committee that under permitted development rights, a fence erected next to a highway can be no more than 1 metre in height.

The Committee was shown photographs demonstrating the wider scene view of Levington Lane, including examples of similar fences in the area. The Committee was also shown other examples of close border fences in Bucklesham that had been approved in 2013 and 2019.

The material planning considerations and key issues were summarised as visibility, ecological impacts, visual amenity, and residential amenity. The recommendation to approve the application, detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. In response to a query on a lack of a response from the Council's ecologist, the Assistant Planner advised that due to the size and scale of the development, a response was not required. Another member of the Committee asked about the removal of vegetation to install the fence and the Assistant Planner advised that the wall had already been in place prior to the fence's installation, and the vegetation removed had been behind the boundary.

The Chair invited Ms Jo Last, the applicant, to address the Committee. Ms Last said she had opted to attend to provide further detail on the background of the application; she explained that the planting had been removed as it was posing a potential risk of weakening the existing wall, and the fence was erected in replacement.

Ms Last confirmed that the planting established since the fence's erection was establishing itself and beginning to grow through both sides of the fence, and further planting would take place if the application was approved.

Ms Last highlighted that this was the third year that the fence had been in place and that Bucklesham Parish Council would have been well aware of it, as they meet at the village hall next door. Ms Last said there had been no objections to the fence until an unrelated disagreement with the Parish Clerk had occurred, and neighbours opposite had not objected to the fence.

Ms Last pointed out that there many different styles and heights of fences in Bucklesham and therefore her fence was not out of keeping with the character of the area. Ms Last added that many people using the pub and village hall parked outside her home with their engines running and the fence provided some barrier to exhaust fumes.

Ms Last said she did not intentionally avoid seeking planning permission as she was unaware it was required, assuring the Committee that she would comply with any conditions imposed should the application be approved.

The Chair invited questions to Ms Last. Ms Last confirmed that she had planted clematis to screen the fence.

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

RESOLVED

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

1. The development hereby permitted shall be completed in all respects strictly in accordance with the Location Plan received on 29.09.2023 and the Block Plan, dimensioned photographs, and applicant's email with photographs received on 12.10.2023, for which permission is hereby granted.

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

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

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

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been

received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

The meeting concluded at 4.25pm.

.....
Chair



Planning Committee South

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

26 March 2024

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 27 February 2024. 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 row in the table for each item shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

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

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *3 current cases*

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *6 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *1 current case*

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *0 current cases*

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *0 current case*

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *5 current cases*

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current case*

RECOMMENDATION

That the outstanding enforcement matters up to 27 February 2024 be noted.

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

A.1

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 20/02/2023 – Extension of time agreed to 20/10/2023 21/11/2023 -Site visited, partially complied, further visit to be undertaken. 05/12/2023 -Site visited, unable to see inside cartlodge. Further visit to be arranged.	
<u>Current Status/Position</u> Visit to be undertaken	
Date by which Compliance expected (or prosecution date)	20/10/2023

A.2

LPA Enforcement Case Reference	ENF/22/0133/USE
Location / Address	Patience Acre, Chenerys Loke, Weston
North or South Area	North
Date of Report of Breach	22.04.2022
<u>Nature of Breach:</u> Residential occupation of holiday let	
<u>Summary timeline of actions on case</u> 28/03/2023 –Breach of Condition Notice served. Comes into effect on the 27/04/2023. There is an ongoing appeal against refusal of planning application, DC/22/3482/FUL, therefore extended compliance given. 05/07/2023 - appeal against refusal of planning application refused.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	27/04/2024

A.3

LPA Enforcement Case Reference	ENF/2018/0476/USE
Location / Address	Part Os 1028 Highgate Lane Dallinghoo
North or South Area	South
Date of Report of Breach	15.11.2018
<u>Nature of Breach:</u> Siting of a converted vehicle for residential use	
<u>Summary timeline of actions on case</u> 11/09/2023 –Enforcement Notice served. Comes into effect on the 11/10/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	11.04.2024

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

B.1

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
Summary timeline of actions on case 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
Current Status/Position Awaiting Planning Inspectorate Appeal Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.2

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

B.3

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
Nature of Breach: Artificial hedge, support structure and fencing which is over 2m in height	
Summary timeline of actions on case	
28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance	
09/01/2023- Pre-start letter from Planning Inspectorate	
09/01/2024- Start letter received from Planning Inspectorate, statements required by 20 th February 2024.	
Current Status/Position	
Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.4

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

B.5

LPA Enforcement Case Reference	ENF/21/0006/DEV
Location / Address	Land at Garage Block North Of 2, Chepstow Road, Felixstowe, Suffolk
North or South Area	South
Date of Report of Breach	06.01.2021
<u>Nature of Breach:</u> Erection of large fence	
<u>Summary timeline of actions on case</u> 08/08/2023 –Enforcement Notice served. Comes into effect on the 08/09/2023 18/10/2023 - Appeal submitted, statements due 29 th November 2023.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.6

LPA Enforcement Case Reference	ENF/22/0247/USE
Location / Address	Part Land East Of Mariawood, Hulver Street, Henstead
North or South Area	North
Date of Report of Breach	15.11.2018
<u>Nature of Breach:</u> Siting of mobile home	
<u>Summary timeline of actions on case</u> 21/09/2023 –Enforcement Notice served. Comes into effect on the 21/10/2023 23/10/2023 - Appeal submitted, awaiting start letter. 05/01/2024 - Start letter received from Planning Inspectorate, statements required by 15 th February 2024.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

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

C.1

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due. 11/09/2023 - Appeal dismissed. 4 months for compliance. 15/01/2024 - Site visit, partial compliance, use ceased and mobile home removed. 3 month extension given to remove remaining development.	
<u>Current Status/Position</u> In compliance period following appeal.	
Date by which Compliance expected (or prosecution date)	17/04/2024

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

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

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

F.1

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

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

F.2

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<p><u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins</p>	
<p><u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted.</p>	

17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.

13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use

16/06/2020 – Submission of Appeal Statement

11/08/2020 - Appeal dismissed with some amendments.

11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.

25/03/2021 - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.

2022 - Application for an Injunction has been made to the High Court.

06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.

08/03/2023 - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.

30/03/2023 - appeal submitted to High Court against Injunction – awaiting decision from Court.

10/07/2023 -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24th July.

25/07/2023-Site Visit conducted; injunction not complied with. Information sent to legal team.

Current Status/Position

With Legal Team

Date by which Compliance expected (or prosecution date)	24 th July 2023
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F.3

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023 27/03/2023 - Defendant did not attend, warrant issued, awaiting decision from court. 31/07/2023 - Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.	
<u>Current Status/Position</u> Considering legal options following court appearance	
Date by which Compliance expected (or prosecution date)	Depending on legal advice

F.4

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
<u>Nature of Breach:</u> Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 – Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice. 10/03/2023 - Site visit conducted, notice not complied with. Matter passed to Legal for further action.	

<p>23/10/2023- Courts decided to adjourn the case for 3 months, to allow further time for compliance. Therefore, a further court date set for 15th January 2024.</p> <p>15/01/2024- Court appearance for prosecution for a second time for failing to comply with a Section 215 Notice. The defendant pleaded guilty and was fined a total of £1,100. The defendant has improved the condition of the site but not fully complied the notice.</p>	
<p><u>Current Status/Position</u> Considering further options.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent on further discussions.</p>

F.5

<p>LPA Enforcement Case Reference</p>	<p>ENF/20/0404/USE</p>
<p>Location / Address</p>	<p>200 Bridge Road, Lowestoft</p>
<p>North or South Area</p>	<p>North</p>
<p>Date of Report of Breach</p>	<p>24.09.2020</p>
<p><u>Nature of Breach:</u> Change of use of land for the storage of building materials</p>	
<p><u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 26/06/2023 –Site visited, notice not complied with, case will be passed to the legal team for further action. 23/10/2023- Court found defendant guilty and fined a total of £4400. 11/11/2023- Further compliance date set for 11th January 2024. 15/01/2024- Site visited, notice not complied with, case will be passed to the legal team for further action.</p>	
<p><u>Current Status/Position</u> With Legal Team</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>11th January 2024.</p>

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

G.1

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	
<u>Summary timeline of actions on case</u> <p>22/09/2015 - Initial complaint logged by parish.</p> <p>08/12/2016 - Case was reopened following further information</p> <p>01/03/2017 - Retrospective app received.</p> <p>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.</p> <p>05/09/2018 - Notice served by recorded delivery.</p> <p>18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982</p> <p>24/07/2019 – Appeal Statement Submitted</p> <p>05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020</p> <p>03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal.</p> <p>30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</p> <p>04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed.</p> <p>05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs</p> <p>12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed</p> <p>13/08/2021 - Site visited and all structures had removed from the site, but lake remains</p>	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	
Date by which Compliance expected (or prosecution date)	31/12/2024



Committee Report

Planning Committee South – 26 March 2024

Application no DC/22/4714/FUL

Location

Three Horseshoes Inn
The Street
Charsfield
Woodbridge
Suffolk
IP13 7PY

Expiry date 27 January 2023

Application type Full Application

Applicant Mr Edward Bolton

Parish Charsfield

Proposal Pub refurbishment & extensions, improved access & car park and outside facilities together with the construction of 3 no two-bedroom cottages and car parking.

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

1. Summary

- 1.1. This application seeks full planning permission for the refurbishment of and extensions to the Three Horseshoes Public House in Charsfield, incorporating improved access, car park and outside facilities together with the construction of three two-bedroomed cottages to the western frontage of the site. The dwellings are proposed to fund the works required to reinstate and improve the Public House.
- 1.2. The proposed development is supported by officers as a sustainable form of development in accordance with the Development Plan, along with the updated NPPF. The sale of the three proposed dwellings (as building plots) is proposed as enabling development to provide funding to help improve the pub facilities; this funding will be secured via a Section

106 legal agreement. The development would not result in the loss of an Asset of Community Value and seeks to bring the Public House back into use.

Reason for Committee:

- 1.3. The application is presented to Planning Committee South at the request of the Head of Planning and Coastal Management due to the level of public interest in the proposal.
- 1.4. The Parish Council has raised objections to the proposal and the Ward Member has requested that the application is presented to the Planning Committee; their full comments can be seen in the consultation section of this report.
- 1.5. The application was previously presented to Planning Committee South on 6 March 2024, however, was deferred for a site visit.

Recommendation:

- 1.6. The application is recommended for AUTHORITY TO APPROVE subject to the signing of a Section 106 legal agreement to secure necessary planning obligations; along with the required planning conditions summarised in the recommendation section of the report.

2. Site Description

- 2.1. The site is comprised of an area of approximately 0.26ha towards the centre of the parish. The Public House (PH) is located towards the east of the plot on the site's frontage. Within the site there is an area of informal hardstanding to the west of the PH and grassland to the north and east. The land levels rise towards the north of the site.
- 2.2. To the east of the site no.'s 2, 4 and 6 St Peters Close bound the site. To the north is the residential development initially permitted under DC/14/1844/OUT and DC/17/4587/ARM for the use of land for the creation of 20 dwellings (including 6 affordable houses) and vehicular access off St Peters Close. This permission has been varied and amended since its initial approval and has since been built out. To the east is the residential dwelling known as 'London Villa', a two-storey detached dwelling. To the south of the site is The Street, which provides access to the site, beyond which lies Potsford Brook and agricultural land.
- 2.3. The PH is not listed, nor are any of the immediate neighbouring properties. The site is not within a Conservation Area or the Suffolk and Essex Coast and Heaths National Landscape (formally the AONB). Flood Zones 2 and 3 are located to the south of the site, broadly following the flow of Potsford Brook; a very small portion of the site frontage falls within Flood Zone 2. Public Right of Way 23 is located to the west of the site.
- 2.4. The site is located within the settlement boundary of Charsfield, which is defined as a 'small village' within the Local Plan's Settlement Hierarchy (Policy SCLP3.2). The site is not allocated for development under Section 12 of the Local Plan.
- 2.5. The site was listed as an Asset of Community Value (ACV) on 28 November 2018 which expired on 11 December 2023. However, the site was relisted as an ACV on 28 November 2023, which runs for a period of five years and does not expire until 28 November 2028.

2.6. There is no 'made' Neighbourhood Plan for Charsfield.

3. Planning History

3.1. The planning history for the site includes the following applications which are relevant to the current proposal:

Reference	Description	Outcome
C/96/1028	Use of part of land used as general parking area for the erection of one dwelling and garage together with construction of vehicular access. Appeal Dismissed.	Refused
C/97/0577	Use of land for the erection of one dwelling and garage together with construction of vehicular access (resubmission).	Refused
C/97/0756	Change of use of public house to one dwelling.	Refused
C/98/1030	Erection of new lean-to roof over existing rear single-storey extension and other external elevational changes & internal alterations.	Permitted
C/04/1167	Construction of paved seating area and installation of external door in western elevation.	Permitted
C/08/0428	Erection of two dwellings, one double garage and construction of new vehicular access.	Refused
C/08/1682	Erection of 2 houses & construction of new vehicular access (revised scheme to C08/0428)	Refused
C/09/1434	Erection of three detached dwellings with associated garaging and works, including revised parking arrangements for the Three Horseshoes Public House. A subsequent appeal was withdrawn.	Refused

3.2. The application was considered against the adopted policies at the time of determination.

4. Proposal

- 4.1. This application is an enabling development. The proposed development is formed of two parts, it firstly seeks the erection of three dwellings. The sale of the land for the three houses will be reinvested into the PH renovations and extensions. The two forms of development are to be linked by legal agreement in the form of a Section 106 agreement. This will place an obligation on the developer to complete the investment, expansion and improvement of the pub prior to the occupation of any of the dwellings.
- 4.2. A very similar approach was taken with the Turks Head, Hasketon in 2015 with 4 homes approved and a s106 agreement for pub investment. At that time the Turks Head was in a very poor condition, it had effectively been sabotaged for pub use by a previous owner and it was a small rural pub which was very difficult to make viable. After both the extension to that pub and its housing were completed, it went on to become a very successful and busy pub, with a heavy focus on food. It has won a number of awards, including best pub in Suffolk in 2017.
- 4.3. It should be noted that the proposal was initially submitted with the prospect of providing four dwellings on site, however this was reduced to three to overcome amenity concerns and to ensure that the amount of development proposed was reflective of the amount of works required to the PH.
- 4.4. These dwellings are formed of three, two-storey terraced dwellings. Each would have two-bedrooms. The dwellings will have soft red facing brickwork elevations with a red clay pantile roof. There would be feature lintels above the ground floor windows and doors. Windows and doors will be white UPVC. The supporting statement also references the use of green energy heating and inclusion of PV panels.
- 4.5. Each plot would have a pedestrian access from the extended footway to be created on the site frontage. Replacement hedgerow planting is also proposed along the western site frontage, behind the visibility splay, to mitigate the loss of the existing vegetation, including protected trees which are proposed to be removed.
- 4.6. To the rear of the dwellings, each plot would have its own amenity space. This would be bound to the north, east and west with 1.8m high acoustic fencing. The hedgerow to the west is to be retained. Each amenity space will have a secure cycle store and bin storage areas.
- 4.7. Each dwelling will have two allocated spaces, which will be separated from the main PH car park by a brick wall. It is also anticipated that this area will have signage to advertise private parking. In addition to the allocated spaces, there are also two visitor spaces proposed within this area to prevent visitors to the dwellings utilising the PH car park. EV charging points will be available for these spaces.
- 4.8. The second part of the proposal relates to the renovations and extensions to the PH. These works include the erection of a single storey extension to the eastern side of the existing building, extending the existing single storey wing. This section has materials proposed to match the existing (brickwork and pantiles). This area will primarily provide additional seating space.

- 4.9. Directly to the rear of this space, the kitchen area is to be reconfigured and will extend out into the extended area. There will be an external access point which leads to the waste storage area. To the rear of the kitchen space a new kitchen store will be accessed via the kitchen area. This space (and the continued extension space to the rear) will be finished with white render or brickwork to match the existing and would have a flat roof.
- 4.10. Adjacent to the kitchen store would be new toilet facilities which include a disabled toilet and baby changing facility. A rear lobby space would also be created to provide access to the parking area and beer garden.
- 4.11. The existing storage building to the rear of the public house would be removed.
- 4.12. The site will also be reconfigured to provide a formal 19-space car park, which includes four spaces with EV charging, three disabled spaces, cycle parking and powered two-wheel parking.
- 4.13. To the east of the car park is a formalised beer garden, this will have a low-level fence and gates to section it off from the car park area. A 1.8m high fence is also proposed to the south of the beer garden to provide screening to the service area. A 1.8m high acoustic fence will be continued around the site parameter, with the exception of the eastern boundary which will have a 2m high acoustic fence. New hedging is also proposed alongside the acoustic fencing. Additional landscape planting is also proposed; details of which are to be agreed.
- 4.14. To the western side and frontage of the PH new hardstanding is proposed which will also provide some outdoor seating space. A new porch is also proposed on the site's frontage.
- 4.15. In addition, the proposal includes a number of internal layout improvements to best utilise the space of the PH; some new openings are proposed to reflect changes to the internal layout.

5. Consultees

Third Party Representations

- 5.1. A total of 27 representations (some being multiple representations from the same person/address) were received during the consideration of the application and through various consultations, which object to the application on the following grounds:

Principle of Development:

- The Three Horseshoes is an asset of community value (ACV) and should not be lost.
- The proposed development would have a significant harmful impact on the asset in that the existing car park would be built over and almost all of the existing pub garden would be given over to car parking thus depreciating the asset's acknowledged community value.
- The proposal is contrary to East Suffolk Council's policy for ACVs.
- The loss of the community use should not be permitted.
- The PH needs to be a viable and trading business before development can be supported.

- The proposed new house building would constitute a significant change of use from pub car parking to commercial housing development.
- The public house is not viable without its garden space.
- The appeal of a village/country pub is the greenspace associated with it.
- If the proposal is supported, a covenant should be included similar to the one used at the Turks Head, Hasketon.
- The applicant must be compelled to refurbish and open the pub before reaping the benefit of the rest of the development.
- Cumulative impact from the development to the north (no requirement for additional housing and increase in traffic movements in St Peters Close/The Street).
- Design.
- Overdevelopment of the site.
- The application is premature, aimed at increasing the site value rather than enhancing the ACV.
- The proposal does not enable the PH to be run as a successful venture.
- Any application must contain a business case as to the projected return on investment and marketing analysis to generate income. This application appears to have a significant enlargement as well as repair and improvement which is adding cost without clear evidence that it is sustainable.
- No evidence has been provided as to how the project will make the pub financially viable.
- Previous tenancies have been impacted by high and unusual repairing obligations and running costs which may have led to early terminations. It is therefore important to provide evidence that a pub business is affordable within the application.
- Alternative approaches to create a viable PH should be considered.
- The revised proposal takes up the same amount of space/does not provide more garden space for the site.

Highways/Access:

- Increased traffic movements.
- Impact on road surfacing through additional movements.
- No car parking proposed at the front of the dwellings, so cars will park on The Street.
- Revised plans show a reduction in off-road parking spaces, which will result in cars parked on the highway.
- Access safety due to placement of terrace area on entrance to site.

Residential Amenity:

- Noise impact on neighbouring properties through the use of mechanical ventilation systems and from the car park.
- Dominating/overbearing.
- Loss of light/overshadowing.
- Loss of privacy.

Landscape:

- Garden must be retained.

- There is a Tree Preservation Order at the entrance of the proposed new houses on the roadside which should be adhered to.
- Impact on trees.

Other Matters:

- The application contains no evidence of public consultation.
- Light pollution.
- Loss of open space.
- Loss of outlook.
- Building work.

5.2. It is noted that a number of responses did not object to the renovations or extensions to the public house itself, but to the erection of four/three dwellings on the site. Other comments also noted that there have been a number of PH closures across the district and therefore a need to encourage the few remaining ones to continue.

5.3. Comments were also received from the Charsfield Three Horseshoes Community Pub Limited a Community Benefit Society (the CBS), formally known as Friends of the Three Horseshoes (FROTH), which set out their position as the CBS since they were established in 2011 and a timeline of involvement since establishment. It has been set out in the response that the CBS was created with the following objectives:

“to carry on any business for the benefit of the community by:

(a) buying the freehold of the Three Horseshoes, Charsfield, Suffolk;
(b) running the Three Horseshoes as a pub, and providing services based at the Three Horseshoes, for the benefit of people who live in, work in, or visit the Charsfield area; and
(c) operating in an open, democratic, environmentally-sustainable and family-friendly way, providing welcoming facilities at the Three Horseshoes for all members of the community including by, where possible, using local produce.”

5.4. It is understood that the aim of the CBS was/is not necessarily to take on the PH themselves. Their primary concern is the proposed change of use of the pub garden, a key part of the overall pub facility, into housing and parking for the pub.

5.5. The above is a summary of responses received; full representations can be viewed on the Council’s public access page.

Parish/Town Council

Consultee	Date consulted	Date reply received
Charsfield Parish Council	16 December 2022	10 January 2023

Summary of comments:

Charsfield Parish Council wish to OBJECT to the planning application as currently submitted. Whilst CPC wish to maximise the prospects of the public house re-opening, and ensure its longevity, we feel this application is fundamentally flawed. The Parish Council support the principle of bringing the public house back into use.

This application has been badged as an enabling application with the justification for the residential element being to bring the vacant public house back into use. However, the application submission does not satisfactorily demonstrate why enabling development in the form of new houses is necessary to bring this about.

Charsfield Parish Council strongly feel the application should be determined by Planning Committee as it is of significant public interest and there is significance in some other respect ie the public house and land are registered as an Asset of Community Value.

Public interest has been demonstrated by the fact that 35 people attended a public meeting on Tuesday 3rd January and 19 members of the public attended an Extraordinary Parish Council Meeting when the matter was discussed on 6th January. A Community Benefit Society 'The Charsfield Three Horseshoes Community Pub Ltd', having 80 members, is taking a significant interest in this proposal.

This application is contrary to Policy SCLP8.1 of the Local Plan which states that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. This sets a high bar and the reasons whereby the redevelopment of the car park and the subsequent loss of the garden would be permitted, have not been met. That is, this application does not demonstrate there is no community need for the amount of pub garden and it cannot be demonstrated that the current or alternative community uses are not viable as no marketing evidence has been provided and, the replacement pub garden is nowhere near equivalent to or better than that which would be lost.

Charsfield Parish Council feel that the application cannot be determined on the basis of lack of information. Indeed, East Suffolk Local Validation Requirements states this could be a reason for refusal:

- There is no Marketing Assessment (required as the application involves the loss of a community asset (ie the pub garden). The requirements of Part E of the Local Plan have demonstrably not been met at all.
- These details are fundamental to determining the acceptability of the proposals and therefore should be formally included as part of the application.
- The Planning Statement does not detail how the proposal has taken account of national and local planning policy.

- The Planning Statement contains scant information on any consultation that has taken place with the local authority, statutory consultees or the wider public, and feedback from that consultation.
- The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

Charsfield Parish Council would suggest that the District Council require a 3rd party independent review of the Viability information. The submitted Viability Report does not evidence that the works are necessary, what benefit the extensions provide (ie do they create value through ability to incorporate additional food covers) and there are no supporting letters from a brewery or potentially interested lessees. There is nothing to say that the Viability Report is accurate or robust eg there are no costings for the works, no evidence of future owner/tenant, no projections for future income, no details of kitchen fitting, and no evidence for the £300,000 to £400,000 value created by the residential element of the development.

A document entitled 'The Purpose of Upgrading' has been submitted as part of the application. This is a list of unsubstantiated subjective statements containing inaccuracies. A particular statement of interest is 'Very little space for customers to meet and socialise outside (lack of beer garden)'. That is rather a conundrum as it is the very fact that the beer garden is being almost totally eroded by this application which is the over-riding concern.

Charsfield Parish Council would request that should planning permission be forthcoming the District Council ensure by obligation, not just condition, that any residential properties must not be occupied before works to the Public House are completed as per the planning application, and furthermore they must not be occupied before the business is fully operational.

Consultee	Date consulted	Date reply received
SCC Highways Department	16 December 2022	20 December 2022

Summary of comments:

Conditions recommended in respect of:

- Vehicular visibility splays;
- Access layout in accordance with DM03;
- Access to be surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway;
- Gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres;
- Gradient of the access drive shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway;
- the use shall not commence until the infrastructure within the site shown on Drawing No. 21/001/BP/P, Rev. D for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes;
- Parking provision in accordance with the approved plans;
- Secure, lit and covered cycle storage in accordance with the approved plans;
- Details to be provided for electric vehicle (EV) charging infrastructure;
- Details to be provided for refuse/recycling storage and presentation areas;

- Submission of a construction management plan

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	16 December 2022	12 January 2023
<p>Summary of comments: We have looked at the proposal, in our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	16 December 2022	No response
<p>Summary of comments: No response received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	16 December 2022	3 January 2023
<p>Summary of comments: The four road frontage trees are covered by Tree Preservation Order 107/1997 which comprises 1no. Sycamore and 3no. Plum trees. They grow out of a short length of low deciduous hedging. They grow directly beneath overhead electrical wires.</p> <p>In this respect they cannot be regarded as being in a sustainable location because of the inevitable conflict with the cable infrastructure. In addition the plum trees cannot be regarded as a long term prospect; they simply don't live long enough in a healthy enough condition to be regarded as such.</p> <p>For these reasons, I have previously not considered these trees to be in a sustainable location and condition to justify long term retention or protection. Therefore I do not consider the trees to be justifiable impediment to development of the site and I do not object to their removal.</p> <p>However, that said, should consent be granted I would recommend that a landscape planting proposal be secured by Condition. The submitted proposals should address the road frontage of the site, the site boundaries and new tree planting in the rear carparking area. Submitted details should include plant species, numbers, plant sizes, planting distribution and planting specification.</p> <p>On this basis I have no overall objections to the proposals.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	16 December 2022	9 January 2023

Summary of comments:

I have read the Ecological Impact Assessment (EclA) (D F Clark Contractors, December 2021, Version 2) and note the conclusions of the consultant. Two emergence surveys were undertaken as part of the EclA, however it is noted that the dates of the survey visits vary within the report, it is requested the dates of the bat surveys are clarified prior to the application being determined.

In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B – within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar;) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. This must be secured prior to the application being determined.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 December 2022	7 February 2023

Summary of comments:

Thank you for your consultation on the proposed development. I have reviewed the application documentation and I wish to comment upon and make recommendations with respect to land contamination and noise.

I note that the pub premises have existing residential dwellings in reasonable proximity to the pub building (in particular to the East), and there is a new housing development to the north of the pub. It is not uncommon to see residential dwellings close to pub premises, however it should be noted that in this case, the dwellings proposed as part of this site redevelopment would be the closest receptors to the pub, and therefore most exposed to the noise generating activities relating to the parking area, people leaving late in the evening/night, and people using outside garden/terrace areas. In my experience, this scenario represents a high risk of future noise complaints unless the pub premises are run extremely carefully, and this proximity would likely mean the pub premises limiting the scope and extent (times) that activities take place.

At this stage I cannot justify a recommendation of refusal based on noise impacts, though it has not yet been proven that there would be no significant adverse impacts. I do however wish to make a holding objection until such time that a detailed noise assessment is undertaken which more accurately assesses likely impacts which in turn then should inform the noise mitigation measures needed.

Further comments were included in respect of land contamination and noise which are included within the following report.

Conditions were also recommended in the event that permission was granted, these include the full suite of land contamination conditions, details of any noise from fixed plant or machinery; submission of a final noise mitigation scheme, a construction management plan; construction hours and details of all extract ventilation systems to be installed

First Reconsultation consultees

Consultee	Date consulted	Date reply received
Charsfield Parish Council	23 June 2023	6 July 2023
<p>Summary of comments:</p> <p>All text in italics is additional to our original comments</p> <p><i>Our original comments still stand in principle and we are disappointed that the amendments to the application do not address any of these comments. We consider this application of significant importance to the village and also the existing premises (including the garden) are an “Asset of Community Value”. As such this application should be referred to the Planning Committee. In our opinion the criteria for this are met.</i></p> <p>Whilst CPC wish to maximise the prospects of the public house re-opening, and ensure its longevity, we feel this application is fundamentally flawed. The Parish Council support the principle of bringing the public house back into use.</p> <p>Some mitigation to this would be if the currently undesignated land to the north east of the public house building were to be designated as a beer garden. Our comments are made in the assumption this is not the intention of the applicant as it is not designated so on the plan.</p> <p><i>Some mitigation to this would be if the currently undesignated land to the north east of the public house building were to be designated as a beer garden. Our comments are made in the assumption this is not the intention of the applicant as it is not designated so on the plan.</i></p> <p>This application has been badged as an enabling application with the justification for the residential element being to bring the vacant public house back into use. However, the application submission does not satisfactorily demonstrate why enabling development in the form of new houses is necessary to bring this about.</p> <p>Public interest has been demonstrated by the fact that 35 people attended a public meeting on Tuesday 3rd January and 19 members of the public attended an Extraordinary Parish Council Meeting when the matter was discussed on 6th January. <i>37 people attended a further meeting on 3rd July.</i> A Community Benefit Society ‘The Charsfield Three Horseshoes Community Pub Ltd’, having 80 members, is taking a significant interest in this proposal.</p> <p>This application is contrary to Policy SCLP8.1 of the Local Plan which states that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. This sets a high bar and the reasons whereby the redevelopment of the car park and the subsequent loss of the garden would be permitted, have not been met. That is, this application does not demonstrate there is no community need for the amount of public house garden and it cannot be demonstrated that the current or alternative community uses are not viable as no marketing evidence has been provided and, the replacement public house garden is nowhere near equivalent to or better than that which would be lost.</p>		

Charsfield Parish Council feel that the application cannot be determined on the basis of lack of information. Indeed, East Suffolk Local Validation Requirements states this could be a reason for refusal:

- There is no Marketing Assessment (required as the application involves the loss of a community asset (ie the pub garden). The requirements of Part E of the Local Plan have demonstrably not been met at all.
- These details are fundamental to determining the acceptability of the proposals and therefore should be formally included as part of the application.
- The Planning Statement does not detail how the proposal has taken account of national and local planning policy.
- The Planning Statement contains scant information on any consultation that has taken place with the local authority, statutory consultees or the wider public, and feedback from that consultation.
- The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

Charsfield Parish Council would suggest that the District Council require a 3rd party independent review of the Viability information. The submitted Viability Report does not evidence that the works are necessary, what benefit the extensions provide (ie do they create value through ability to incorporate additional food covers) and there are no supporting letters from a brewery or potentially interested lessees. There is nothing to say that the Viability Report is accurate or robust eg there are no costings for the works, no evidence of future owner/tenant, no projections for future income, no details of kitchen fitting, and no evidence for the £300,000 to £400,000 value created by the residential element of the development.

A document entitled 'The Purpose of Upgrading' has been submitted as part of the application. This is a list of unsubstantiated subjective statements containing inaccuracies. A particular statement of interest is 'Very little space for customers to meet and socialise outside (lack of beer garden)'. That is rather a conundrum as it is the very fact that the beer garden is being almost totally eroded by this application which is the over-riding concern.

The amended plans give more space to the residential element resulting in a reduced plot available *for the public house and its outside space.*

The terrace to the front of the property has not changed even though it is now designated as terrace whereas it was not previously. As the terrace to the rear of the public house has now been replaced by disabled parking bays the total terraced area available is significantly reduced.

All seating areas outside the public house are adjacent to roadways and/or parking bays. This means it is not safe for children and would be an unpleasant place to sit.

The sound attenuation of the acoustic fence should be sufficient to prevent noise nuisance and in which case the gates should also be acoustic.

Should the need for housing be proved would it be feasible to suggest to the applicant that the houses be set further back with the parking in front of them with a 2m high dividing wall going from the front to the rear of the site? This would provide demarcation between the residents and the public house and protect the residents from some of the activities associated with the public

house. Not having a shared drive with the public house would make the properties more attractive, this better utilizes the land as an access road to the residential parking bays would not be required.

Charsfield Parish Council would request that should planning permission be forthcoming the District Council ensure by obligation, not just condition, that any residential properties must not be occupied before works to the public house are completed as per the planning application, and furthermore they must not be occupied before the business is fully operational.

Consultee	Date consulted	Date reply received
Ward Councillor Cllr Hedgley	N/A	8 July 2023

Summary of comments:

The Parish Council make a number of fundamental points in their letter and I am persuaded that they have a good case. If you are minded to permit this development I would like it to be considered by the full Planning Committee (South).

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	23 June 2023	No response

Summary of comments:

No response received.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	23 June 2023	No response

Summary of comments:

No response received.

Consultee	Date consulted	Date reply received
SCC Highways Department	23 June 2023	27 June 2023

Summary of comments:

Following the submission of additional information (revised drawings), the proposed development would be deemed acceptable, which does not have a detrimental impact upon the highway when compared to the previous proposal.

We are happy for the revised drawings to be referenced in the previously recommended highway related planning conditions and recommend that the following condition(s) below are added and remove the cycle storage (for both residential dwellings and restaurant) and electric vehicle charging infrastructure conditions previously recommended.

Revised conditions recommended where applicable.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	23 June 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	23 June 2023	4 July 2023
Summary of comments: I have reviewed plans the submitted revised plans and I can advise that my previously submitted comments of 3rd January 2023 remain valid and the revised plans don't give reason to alter my position.		

Second Reconsultation consultees

Consultee	Date consulted	Date reply received
Charsfield Parish Council	26 September 2023	16 October 2023
<p>Summary of comments:</p> <p>Charsfield Parish Council wish to OBJECT to the planning application as currently submitted. Whilst the latest amendment is a considerable improvement on the previous proposals there remains a reduction in the 'Asset of Community Value' (ACV). We feel we would be remiss in accepting this proposal without the proper procedure having been followed to prove this diminution in the ACV, which would be in perpetuity, is necessary for the future viability of the public house.</p> <p>Whilst CPC wish to maximise the prospects of the public house re-opening, and ensure its longevity, we feel this application is fundamentally flawed. The Parish Council support the principle of bringing the public house back into use.</p> <p>This application has been badged as an enabling application with the justification for the residential element being to bring the vacant public house back into use. However, the application submission does not satisfactorily demonstrate why enabling development in the form of new houses is necessary to bring this about.</p> <p>There is significant public interest which has been demonstrated by detail submitted in our previous comments.</p> <p>This application is contrary to Policy SCLP8.1 of the Local Plan which states that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. This sets a high bar and the reasons whereby the redevelopment of the car park and the subsequent loss of the garden would be permitted, have not been met. That</p>		

is, this application does not demonstrate there is no community need for the amount of public house garden. Further, it has not been demonstrated that the change to the garden is necessary for the viability of the public house as no marketing evidence has been provided. The replacement public house garden is nowhere near equivalent to, or better than, that which would be lost. It should be noted that the last tenant did not make the whole garden available for patrons as he wanted to grow vegetables and had a large polytunnel. His use of the outside space was not appreciated by many patrons, and meant that previous uses of the garden could no longer take place, but it was a reversible situation.

Charsfield Parish Council feel that the application cannot be determined on the basis of lack of information. Indeed, East Suffolk Local Validation Requirements states this could be a reason for refusal:

- There is no Marketing Assessment (required as the application involves the loss of a community asset (ie the pub garden). The requirements of Part E of the Local Plan have demonstrably not been met at all.
- These details are fundamental to determining the acceptability of the proposals and therefore should be formally included as part of the application.
- The Planning Statement does not detail how the proposal has taken account of national and local planning policy.
- The Planning Statement contains scant information on any consultation that has taken place with the local authority, statutory consultees or the wider public, and feedback from that consultation.
- The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

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Charsfield Parish Council would suggest that the District Council require a 3rd party independent review of the Viability information. The submitted Viability Report does not evidence that the works are necessary, what benefit the extensions provide (ie do they create value through ability to incorporate additional food covers) and there are no supporting letters from a brewery or potentially interested lessees. There is nothing to say that the Viability Report is accurate or robust eg there are no costings for the works, no evidence of future owner/tenant, no projections for future income, no details of kitchen fitting, and no evidence for the £300,000 to £400,000 value created by the residential element of the development. Presumably this figure would now be reduced as the number of residential properties has been reduced which should trigger the need for an amended Viability Report.

A document entitled 'The Purpose of Upgrading' has been submitted as part of the application. This is a list of unsubstantiated subjective statements containing inaccuracies. A particular statement of interest is 'Very little space for customers to meet and socialise outside (lack of beer garden)'. That is rather a conundrum as it is the very fact that the beer garden is being reduced by this application which is the over-riding concern.

The original plans gave more space to the public house car parking. The residential element car parking was then increased resulting in a reduced plot available for the public house and its outside space.

The sound attenuation of the acoustic fence should be sufficient to prevent noise nuisance and in which case the gates should also be acoustic.

Should the need for housing be proved would it be feasible to suggest to the applicant that the houses be set further back with the parking in front of them with a 2m high dividing wall going from the front to the rear of the site? This would provide demarcation between the residents and the public house and protect the residents from some of the activities associated with the public house. Not having a shared drive with the public house would make the properties more attractive, also this better utilizes the land as an access road to the residential parking bays would not be required and the houses would benefit from larger rear gardens.

Charsfield Parish Council would request that should planning permission be forthcoming the District Council ensure by obligation, not just condition, that any residential properties must not be occupied before works to the public house are completed as per the planning application, and furthermore they must not be occupied before the business is fully operational. Furthermore, Charsfield Parish Council would suggest that should the neglect of the Public House cause any re-building to be necessary this should be required by obligation.

Consultee	Date consulted	Date reply received
Charsfield Parish Council	26 September 2023	24 October 2023

Summary of comments:

Charsfield suffered severe flooding last Friday along The Street, including the car park of The Three Horseshoes and the proposed site of the housing associated with the above planning application. Historically The Street has been liable to flooding but 2023 has seen two major incidents in this area and, in view of the increased likelihood of flooding due to climate change, Charsfield Parish Council request that this factor be taken into account when considering the above planning application.

Consultee	Date consulted	Date reply received
Ward Councillor	26 September 2023	26 September 2023

Summary of comments:

I will reserve any further comment to if/when this item comes before the full Planning Committee.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	26 September 2023	6 November 2023 12 December 2023

Summary of comments:

06 November 2023

Further to our previous comments of 9th January 2023, clarification of the survey dates has been provided. It is noted that the assessment of impacts are identified as being based on ecological surveys dating from 2021. Given the time that has elapsed since these surveys were undertaken (26 months), and that some vegetation clearance and demolition works have been undertaken at the site since the time of the survey, the report requires updating as it is now considered out of

date. The updated survey must be undertaken by a suitably qualified ecologist in accordance with published best practice guidance (CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys, April 2019), and will be required prior to the determination of this of this application.

12 December 2023

Further to our previous comments of 6th November 2023, and clarification on the timing of previous ecological surveys at the site, given the relatively low potential value of the site for roosting bats and the lack of bats emerging from the building during the surveys it is recommended that a pre-commencement survey for protected species is undertaken. Whilst our previous comments recommended the need for this survey prior to determination, given the limited suitability of the building for roosting bats and the lack of previous evidence, it is considered that a pre-commencement survey approach would ensure that any impacts that may occur at the time of the works will be adequately mitigated.

Conditions recommended in respect of:

- Ecological avoidance, mitigation, compensation and enhancement measures;
- No works to the roof structure, cavities within existing walls and/or weatherboarding of the public house shall commence until a survey for protected species has been undertaken.

It is also advised that there shall be no removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive.

RAMS mitigation is still required prior to the application being determined as set out in the initial response.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	26 September 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	26 September 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	26 September 2023	3 October 2023

Summary of comments:

Following the submission of additional information, revised conditions are recommended on any approval given for this proposal. This response supersedes my previous responses dated 20 December 2022 and 27 June 2023.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	26 September 2023	4 October 2023

Summary of comments:

I have reviewed the submitted revised plans and I can advise that my previously submitted comments of 3rd January 2023 remain valid and the revised plans don't give reason to alter my position.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	26 September 2023	No response

Summary of comments:

No response received.

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 21 December 2022

Expiry date: 16 January 2023

6. Planning policy

National Planning Policy Framework 2023

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

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

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

SCLP4.3 - Expansion and Intensification of Employment Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.2 - Housing Development in Small Villages (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP5.8 - Housing Mix (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.10 - Affordable Housing on Residential Developments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SCLP8.1 - Community Facilities and Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Principle of Development – PH Renovations

7.1 The Three Horseshoes PH is understood to have closed in 2019 and has not resumed use since closing. At the time of closing the PH was in need of some remedial/maintenance work, which has exacerbated since the closure. Of note within the 'Purpose of Upgrading' statement submitted with the application, it is noted by the applicant that the PH fell short in the following respects:

- Poor and inadequate car parking
- Dangerous egress from the car park due to very poor visibility
- Run down environment and decor to the pub
- Very poor toilet facilities
- Inadequate space for meals to be served and eaten
- Poor kitchen facilities and space
- No disability access facilities
- Inadequate maintenance of the building and external facilities
- Very little space for customers to meet and socialise outside (lack of beer garden)

It should be noted that these represent the opinion of the applicant, not the Local Planning Authority.

7.2 In a bid to attract enough customers to generate an adequate income, the proposed development seeks to expand on the above claimed shortfalls by providing a completely refurbished PH, with enlarged modern kitchen space, more dining space, a designated beer garden, formalised parking and a footway link.

7.3 The footway link to the north of the site connects the back of the public house to the extended residential development of St Peters Close with links to the recreation ground to the east and up to St Peters Church and Charsfield Church of England Primary School to the northwest, via public right of way.

7.4 In addition to the physical works to the PH, general maintenance is proposed to repair roofing, upgrade electronics, the heating systems, etc.

7.5 The submitted 'Viability Report' sets out that the anticipated cost of works proposed will amount to between £350,000 and £500,000. The purpose of providing the three dwellings to the western side of the site is to fund these improvements which seek to restore and bring the PH back into use. When initially submitted the Viability Report was anticipating a return on the four dwellings (as then proposed) being between £300,000 and £400,000; but any funds from the sale of the land for housing would largely be based on market value at the point of sale.

7.6 At this time the PH is not up for sale, although the agent has confirmed that the PH would be sold if planning permission is granted.

In respect of 'supporting a prosperous rural economy' the NPPF states at Paragraph 88 that:

88. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

- 7.7 The applicant proposes to provide the extensions and refurbishments to the pub prior to the occupation of the three dwellings and has agreed to enter into a Section 106 agreement to secure the completion of this proposal. As set out in section 4 of this report, this scenario is similar to the successful enabling development at The Turks Head, Hasketon. Other pubs in the District have also undertaken varied forms of development, including providing holiday accommodation, in order to fund viable reinvestment in the pub.
- 7.8 The proposed extensions and renovations to the public house are considered acceptable and accord with SCLP11.1 in that the overall scale and character of the development clearly demonstrates consideration of the component parts of the buildings and the development as a whole in relation to its surroundings, the layout fits in well with the existing site and surrounding development, the height and massing of the development is considered to be well related to its surroundings and the overall design is in-keeping with the existing character of development.
- 7.9 The East Suffolk Economic Growth Strategy seeks to support all businesses across the plan area to ensure a successful and prosperous economy. The successful delivery of this strategy will be assisted by a positive policy which encourages sustainable economic growth and allows for the expansion, intensification or adaptation of existing premises. Some employment sites by their nature have a greater impact on their local environment and the economic operations anticipated to take place on a site is an important consideration in respect of expansion and intensification of premises.
- 7.10 Policy SCLP4.3: Expansion and Intensification of Employment Sites, states that proposals to expand, alter or make productivity enhancements to existing employment premises will be permitted unless:
- a) The scale of development would cause a severe impact on the highway network; or*
 - b) There will be an unacceptable adverse effect on the environmental sustainability of the area; or*
 - c) The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or*
 - d) There is an unacceptable adverse effect on the living conditions of local residents and businesses relating to matters of noise, vibration, dust and light; and*
 - e) Potential adverse impacts can not be successfully mitigated.*
- 7.11 While the site is not an allocated 'employment site' as such, the site does provide employment and this policy is considered to be relevant to the consideration of this application.

- 7.12 The renovations and extensions to the PH will also provide a community benefit once complete, which will enable the PH to be brought back into use. It is likely that local employment opportunities will also arise with bar/wait staff, chefs etc being required once the PH has reopened. The difficulty in running viable pubs should not be underestimated. The vast majority rely on a good food trade or other added value (such as an attractive setting or being in a significant footfall area to be able to maintain a profitable business). The Campaign for Real Ale (CAMRA) has recently claimed that 29 pubs close every week, blaming rising energy costs and the cost of living crisis.
- 7.13 The formalised car parking should remove any requirement for cars parking on the highway. The footway link to the north also seeks to capture an alternative and sustainable way for local residents to use the site. The existing public house car park provides informal car parking, with no allocated bays. From historic aerial imagery officers would anticipate that two rows of parking could provide between 15-17 parking spaces. This proposal would provide 19 designated parking spaces, including three accessible spaces with easy access into the proposed rear foyer of the public house.
- 7.14 The opportunity should therefore be taken to provide housing on this land whilst there is a realistic offer proposed to direct substantial benefits to the pub from that development. The presence of the pub within this local service centre is integral to the fact that it is a local service centre.
- 7.15 The proposals for the pub seek to transform it into a viable key facility in this village; this is a worthy public benefit from the development. The applicants desire to implement the works to the pub ahead of the housing development and to agree to this being secured by a Section 106 agreement is reassuring.
- 7.16 Consideration of the proposed works on an asset of community value, highway safety and residential amenity are set out under the respective headings below.

Principle of Development – Residential Housing

- 7.17 The site is located within the Settlement Boundary of Charsfield, which is identified as a 'small village' in the Local Plan Settlement Hierarchy (Policy SCLP3.2).
- 7.18 Small villages are identified due to their modest range of service provision, which will serve the needs of residents within the village. Development of new housing in such settlements can help to support existing local services as well as contributing towards the mix of housing available in these villages. The form and character of small villages varies across the plan area and the impact upon these will be a key consideration in determining planning applications.
- 7.19 New residential development will be supported within the settlements of small villages where it is allocated for development under Section 12 of the Local Plan or would otherwise consist of small groups of new housing and infill development as set out by Policy SCLP5.2.
- 7.20 The site is not allocated for development under Section 12 of the Local Plan.

7.21 Local Plan Policy SCLP5.3 states that residential development will be permitted within defined Settlement Boundaries where it is:

a) A small group of dwellings of a scale appropriate to the size, location and character of the village; or

b) Infill development (in accordance with Policy SCLP5.7).

7.22 It is considered that the development of three, two-bedroomed terraced dwellings are in-keeping with the character of the village. The dwellings are located centrally and adjacent to other existing residential development. The material finishes are also considered to be in-keeping with the surrounding development. It is considered that the proposal would therefore accord with SCLP5.2.

7.23 Furthermore, Local Plan Policy SCLP5.7 states that proposals for infill development or residential development within existing gardens will be supported where:

a) The scale, design and materials would not result in harm to the street scene or character of the area;

b) The proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site;

c) There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;

d) Existing and proposed dwellings have sufficient curtilage space; and

e) The proposals are otherwise in accordance with the housing policies of the Local Plan.

7.24 The dwellings would be 15.129m in width, with a depth of 10.232m and height of 7.625m on the site frontage; 4.8m to the eaves (6.8m on rear projecting gables with 4.6m to the eaves).

7.25 The dwellings will be positioned in a more levelled section of the site. Whilst no detailed levels plans have been provided at this stage, the proposed street scene shows that the dwellings will be slighter higher than the public house, but of a similar height to London Villa.



New Dwellings

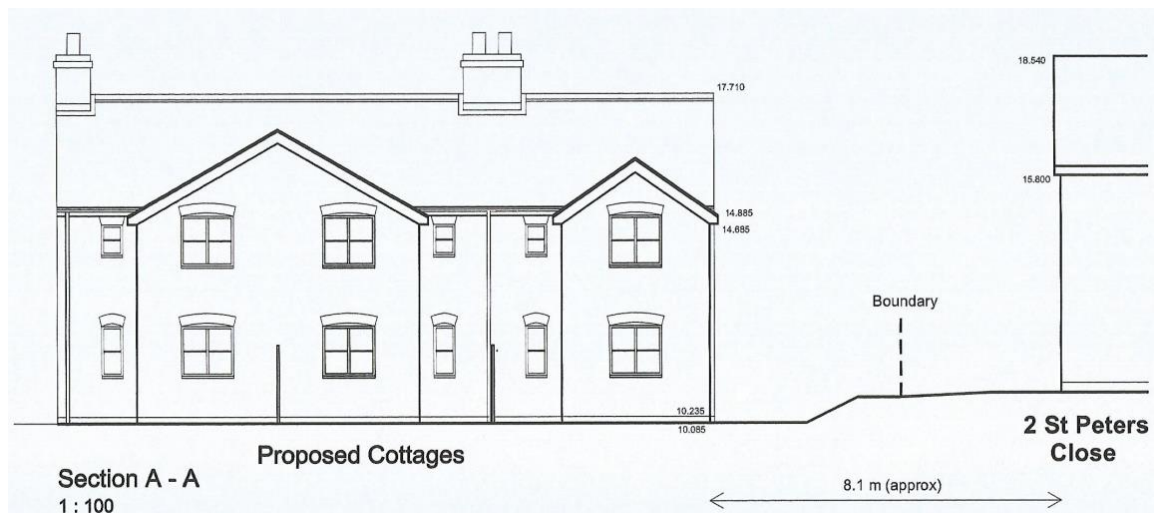
Three Horseshoes

London Villa

7.26 The agent has confirmed that the dwellings will be built into the existing landscape, with no major engineering operations proposed to level the site; final level plans are sought by condition.

7.27 It is noted that from the backs of the rear gardens of the proposed dwellings, around the car park area, retaining walls will be required; details of these are sought by condition.

7.28 The agent has also provided a site section across the rear elevation between the proposed dwellings and no. 2 St Peters Close:



7.29 The proposal is considered to be well related in scale and design to the adjacent properties. Each would have its own designated parking and private amenity areas.

7.30 The dwellings would have a soft red brick appearance, similar to that of the public house and development on St Peters Close. The dwellings would fill an identifiable gap within the northern side of The Street and not result in harm to the street scene or character of the area.

7.31 It is not considered that the development would result in significant harm to the residential amenity of existing residential properties, nor those of the proposed dwellings; any potential impacts on residential amenity are set out in the 'Residential Amenity' section of this report.

7.32 The development is therefore considered to accord with SCLP5.7 in addition to SCLP5.2, which both support the principle of new residential development within the settlement boundaries as set out in policies SCLP3.2 and SCLP3.3 of the Local Plan. Furthermore, the design of the dwellings accords with SCLP11.1. There are no neighbourhood plan policies to consider.

Asset of Community Value (ACV)

7.33 Community facilities and assets are an important part of the social fabric of neighbourhoods and communities. Facilities can include shops, post offices, public houses, medical facilities, police facilities, sports venues, cultural buildings, places of worship and places which promote social interaction and provide opportunities for meetings between people who might not otherwise come into contact with each other.

7.34 Individually and collectively, these provide places for people to meet and socialise as well as valuable services which encourages active communities and fosters a sense of identity and well-being for those who live in and visit the area.

- 7.35 The National Planning Policy Framework reflects the need to plan positively for and promote the retention and development of local services and facilities which is supported by the Council. Protecting community facilities and assets reduces social exclusion which can be disproportionately influenced by limited access to facilities.
- 7.36 The loss of facilities across the plan area could lead to a significant number of residents being socially excluded and have a detrimental impact on community cohesion and the creation of successful communities across the former Suffolk Coastal area. As such, the Council considers it is important to retain community facilities across the plan area to both serve the local community and support tourism activities in the area.
- 7.37 The Localism Act 2011 introduced 'assets of community value (ACV)', providing community groups with the ability to nominate non-residential buildings or land which is important to their community. This is legislation which is primarily aimed at enabling community ownership, rather than planning powers.
- 7.38 Once an asset is listed, if the owner decides to sell, within five years of listing, they must inform the local authority of their intention to do so. The community has up to six weeks to express an interest in becoming potential bidders to buy the asset. Once an expression of interest has been received, a further four and a half month pause in the sale process is triggered.
- 7.39 This gives potential bidders a total of six months to raise the funds required to purchase the asset. At the end of the period, the owner may sell the asset to whomever and at whatever price they choose. ACV status needs to be approached with caution as whilst it does allow a window for community purchase, it can affect the level of interest of any genuine purchaser of a pub because of the delays caused to the purchase process.
- 7.40 However, the listing of an asset does not provide protection against a change of use or redevelopment. This can mean the value of the asset is greater due to its potential to be converted to non-community uses. This can frustrate the ability of the community to raise sufficient funds to purchase the asset.
- 7.41 However, Local Plan Policy SCLP8.1 has taken on ACVs to provide some planning influence from that status. It states that proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted.
- 7.42 As referenced above, the site was previously listed as an Asset of Community Value (ACV) on 28 November 2018 which expired on 11 December 2023. However, the site was relisted as an ACV on 28 November 2023, which runs for a period of five years and does not expire until 28 November 2028.
- 7.43 The nomination for listing stated that the Three Horseshoes is a well-established public house, which dates to the 18th century. It claims that the public house was a well-used facility until the 1990s, which hosted community events including fetes and weddings. However, from the information submitted it is not clear whether these uses would continue at the pub were it to reopen, although it would be better equipped to host events with the renovations proposed.

- 7.44 The nomination continued to note that since the 1990s there has been a succession of tenant landlords interspersed with periods of closure. According to the nomination the last two tenant landlords ran the pub between 2005-2011 and 2012-2019. The community benefit society referred to above was founded in 2011 to purchase and run the public house if no tenant could be found. The nomination also referred to the high level of rents charged to tenants, which it believes makes the pub unviable.
- 7.45 The nomination for ACV status also set out that the purpose of the community benefit company is to buy and run the pub for the benefit of the community. Given the pub is not proposed to be lost, any scheme presented by the benefit company, in the event that the PH was available for purchase, is not a material planning consideration at this time, as any subsequent proposal which may or may not require permission would be considered on its own merits. The Local Planning Authority is not presented with a choice of community ownership or the proposal submitted, it must only consider the proposal currently up for consideration.
- 7.46 The pub does benefit from a very large area of garden space which is partly included in the ACV designated area. From a review of past Google Earth satellite imagery, the extent of use of this has changed over the past 24 years. In 2000 it can be seen that tables were distributed sparsely across the whole area, though more focussed on a strip immediately north of the car park, and also it appears the garden area east of the building has tables present. In 2000 it all appears well maintained with cut grass. In 2007 and 2011 it appears that the use of this garden area had reduced. It shows a fence running east-west to the north of the car park with three tables set out adjacent to the car park. Over that period the large area of garden appears more naturally landscaped and not with a mown lawn, it is therefore assumed it was less of a functional space for eating and drinking purposes. Beyond 2011, the area becomes less defined and maintained.
- 7.47 It is important to recognise that not all pub garden areas equate to valuable eating and drinking space. The capacity of a pub to support customers will often be dictated by its kitchen and staffing capacity. Pubs with very large beer gardens may find greater variations in trade affected by the quality of weather to enjoy the outdoor space. That variance in trade, for smaller rural pubs can be challenging to manage. It is accepted that larger beer gardens also allow for opportunities for diversification, such as for the erection of marquees for weddings or beer festivals, but such intensified use may require permission in itself and may have effects on neighbouring properties. It is not considered that such diversifications in this location would add significantly to the viability of the pub.
- 7.48 The Council are required to balance development proposals with a 'whole site' ACV status, especially given the role the current application has for investment in the pub. The applicant is willing to sign a Section 106 legal agreement to commit to invest in the pub for its extension and refurbishment through the development.
- 7.49 As mentioned, this would be a very similar arrangement to the proposal which was taken forward for the Turks Head in Hasketon, which was a comparable failing pub in 2014 but went on to become an extremely successful pub, winning many awards, after the enabling development which was subject to a number of planning conditions to safeguard its future as a pub.

- 7.50 At this time, the PH is not up for sale. It is however noted that the PH will likely be sold in the event that permission is granted. Nor would the proposal seek the loss of the community use which is registered as an ACV. It is noted that the ACV includes the land to the west of the site, which will be used for housing, thus reducing the amount of land around the PH, although it does not prevent the renovation of the PH, with the intention of bringing the PH back into use. The loss of land previously used for pub car parking for housing and the loss of some area previously used as pub beer garden for new parking must not be considered bluntly in terms of the ACV influence. However, the proposal enhances the parking facilities and maintains them to a suitable level for the expanded pub, and also proposes in the layout, a better defined arrangement of beer garden and outdoor areas. The aspects of the existing ACV proposed to be affected are also mitigated and enhanced by the proposal.
- 7.51 Local Plan Policy SCLP8.1 does not specifically address works to retain a community use or ACV but does, as a whole, seek to support new community facilities where it meets the needs of the local community, is of a proportionate scale, well related to the settlement which it serves and would not adversely affect existing facilities. Thus, the proposal is considered to be supported in principle and there is no conflict with SCLP8.1.
- 7.52 The land to be used for housing is not open space or provides community sport and recreation facilities. The reduction in beer garden area is not considered to compromise the ability of this public house, in an extended and improved form, to be a viable business and community asset. Therefore Local Plan Policy SCLP8.2 is not applicable in considering this proposal.

Affordable Housing

- 7.53 Proposals for residential development with capacity for ten units or more or sites of 0.5ha or more will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people.
- 7.54 The site is comprised of an area of 0.26ha and only seeks three dwellings, therefore falls under the requirement for affordable housing as set out in Local Plan Policy SCLP5.10.
- 7.55 There is no policy requirement for the dwellings to be or provide affordable housing, however, the applicant has suggested that a housing association may be interested in the site. As these are not required by policy and would otherwise meet the Local Plan Policies for new housing, it would not be reasonable to include the requirement for the housing to be affordable within the S106 agreement. If the applicant did however wish to pursue these units as affordable housing, there would be no in-principle objection.

Landscape Considerations (including tree preservation orders)

- 7.56 The four road frontage trees are covered by Tree Preservation Order 107/1997 which comprises 1no. Sycamore and 3no. Plum trees. They grow out of a short length of low deciduous hedging and directly beneath overhead electrical wires.
- 7.57 In this respect they cannot be regarded as being in a sustainable location because of the inevitable conflict with the cable infrastructure. In addition, the Plum trees cannot be

regarded as a long-term prospect; they simply do not live long enough in a healthy enough condition to be regarded as such.

- 7.58 For these reasons, the Council's Principal Landscape and Arboricultural Officer has not considered these trees to be in a sustainable location and condition to justify long term retention or protection. Therefore, officers do not consider the trees to be a justifiable impediment to development of the site; there is no objection to their removal.
- 7.59 However, it has been recommended that a landscape planting proposal be secured by condition. The submitted proposals should address the road frontage of the site, the site boundaries and new tree planting in the rear car parking area. Submitted details should include plant species, numbers, plant sizes, planting distribution and planting specification.
- 7.60 The PH is not a listed building or located within a conservation area. The PH is also not located within a protected landscape. The development is not considered to have any wider landscape impacts and therefore accords with SCLP10.4.

Ecology & RAMS

- 7.61 All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for.
- 7.62 New development must also secure ecological enhancements as part of its design and implementation and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.
- 7.63 Where there is reason to suspect the presence of protected UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person.
- 7.64 The Council's Ecologist was consulted on the application, having reviewed the Ecological Impact Assessment (EclA) (D F Clark Contractors, December 2021, Version 2) and noted the conclusions of the consultant. Two emergence surveys were undertaken as part of the EclA, however it was noted that the dates of the survey visits vary within the report, and it was requested the dates of the bat surveys are clarified prior to the application being determined.
- 7.65 Further to the Ecologist's comments of 9 January 2023, clarification of the survey dates has since been provided. It is noted that the assessment of impacts is identified as being based on ecological surveys dating from 2021. Given the time that has elapsed since these surveys were undertaken (26 months), and that some vegetation clearance and demolition works have been undertaken at the site since the time of the survey, the report requires updating as it is now considered out of date.
- 7.66 Following discussions between the agent and the Ecology team, which provided further insight into the timing of the previous ecological surveys on the site, and given the relatively low potential value of the site for roosting bats and the lack of bats emerging from the building during the surveys, it is recommended that a pre-commencement survey for protected species is undertaken.

- 7.67 Whilst the Ecologist's previous comments recommended the need for this survey prior to determination, given the limited suitability of the building for roosting bats and the lack of previous evidence, it is considered that a pre-commencement survey approach would ensure that any impacts that may occur at the time of the works will be adequately mitigated.
- 7.68 Conditions have therefore been recommended to seek that the above is undertaken prior to any works being undertaken to the roof structure, cavities within existing walls and/or weatherboarding of the public house, alongside ensuring that the development is undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (D F Clark Contractors, December 2021).
- 7.69 In addition to the above, the site is within the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Zone of Influence (Zone B – within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development.
- 7.70 The Recreational disturbance Avoidance and Mitigation Strategy has been prepared to provide a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation. Where mitigation is proposed to be provided through alternative mechanisms, applicants will need to provide evidence to demonstrate that all impacts are mitigated for, including in-combination effects.
- 7.71 The RAMS contribution will be secured as part of the Section 106 legal agreement.
- 7.72 The proposal is therefore considered to accord with SCLP10.1.

Highways Considerations (including access and parking)

- 7.73 Suffolk County Council as Local Highways Authority have considered the proposed development at various consultation stages and have not raised any objection to the proposed development.
- 7.74 Conditions have been recommended on all responses, with those included on their response of 3 October 2023 being the most recent. These conditions include:
- Vehicular visibility splays.
 - Access layout in accordance with DM03.
 - Access to be surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway.
 - Gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres.
 - Gradient of the access drive shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

- The use shall not commence until the infrastructure within the site shown on Drawing No. 21/001/BP/P, Rev. G for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.
- Parking provision (including EV charging) in accordance with the approved plans.
- Secure, lit and covered cycle storage in accordance with the approved plans.
- Refuse/recycling storage and presentation areas in accordance with the approved plans.
- Submission of a construction management plan.

- 7.75 Officers note that the applicant will be required to ensure that the tables and chairs proposed along the frontage of the Three Horseshoes Inn are not situated within the visibility splays. It is understood that seating has historically been available on the site frontage and there are no known complaints of this resulting in an obstruction to the highway.
- 7.76 The proposed development will improve the current parking facilities on site, including the provision of EV charging points and accessible parking spaces, which should as a result make the site more attractive to all users.
- 7.77 Cycle parking will also be provided on site to encourage more sustainable transport modes, in addition to the footway connection to the north which also seeks to better link the public house to existing facilities and the recreation ground.
- 7.78 The development has therefore been designed to encourage travel using non-car modes, whilst providing appropriate parking facilities for those travelling to the site from surrounding villages/further afield. The proposal therefore accords with the aspirations of Local Plan Policy SCLP7.1 in a proportionate scale to the development.
- 7.79 The amount of parking proposed for the new dwellings also accords with the Suffolk Guidance for Parking Document which seeks a minimum of 1.5 spaces for a two-bedroom property; each of the three dwellings will have two spaces. There are also two additional visitor spaces. The proposal therefore accords with SCLP7.2.

Flood Risk

- 7.80 Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor).
- 7.81 Flood Zones 2 and 3 are located to the south of the site, broadly following the flow of Potsford Brook; a very small portion of the site frontage falls within Flood Zone 2. The majority of the site is therefore in Flood Zone 1 at the lowest risk of flooding.
- 7.82 No development is proposed to take place within the area on the site frontage which is just captured by the flood zone.

- 7.83 Officers have been made aware of flooding near/on the site as a result of recent flood events at the end of 2023 by the Parish Council. The comments note:
- “Charsfield suffered severe flooding last Friday along The Street, including the car park of The Three Horseshoes and the proposed site of the housing associated with the above planning application. Historically The Street has been liable to flooding but 2023 has seen two major incidents in this area and, in view of the increased likelihood of flooding due to climate change, Charsfield Parish Council request that this factor be taken into account when considering the above planning application.”*
- 7.84 Officers therefore sought advice informally from the Local Lead Flooding Authority (LLFA) and the Environment Agency in respect of the proposed development; both consultees would otherwise fall under the threshold for consultation due to the scale of the development.
- 7.85 The LLFA did not raise any concerns in respect of the development, only suggesting that the condition to prevent surface water drainage recommended by the Highways Authority is amended for a full scheme to be submitted, which includes additional drainage down the access to capture waterflow along the gradient of the access.
- 7.86 This should assist in preventing additional flooding from the site in flood events, where The Street does fall within Flood Zones 2 and 3, as required by Local Plan Policy SCLP9.5 which sets out that developments should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere. This condition has therefore been reworded accordingly.
- 7.87 The surfacing proposed (beyond that on the access with the highway which will be required to meet Suffolk County Council construction requirements) is proposed to be permeable surfacing. No specific details have been provided at this stage, but have been sought as part of the landscaping condition which will capture both hard and soft landscaping. The methods of draining any potential run-off and avoiding it reaching the road from the car park will be important as part of that.
- 7.88 In addition to the above, the Environment Agency have advised that as the small area of flooding within the site falls within Flood Zone 2, they have no comment to make and refer officers to the National Flood Risk Standing Advice. The standing advice for vulnerable developments sets out advice in respect of floor levels, extra flood resilience measures, access and escape, and surface water management.
- 7.89 In considering the above, the ground levels of the site rise to the north, meaning that the highway is the lowest point. The dwellings will be built on higher ground levels than the highway. As none of the dwellings are within Flood Zone 2, there is no requirement for the floor levels to be a minimum of 300mm above the average ground level of the site, adjacent road level to the building or estimated river flood level (whichever is higher).
- 7.90 In respect of access and escape, the existing public house has a first-floor flat which provides refuge for the owners. The new dwellings are all two-storey dwellings, where the proposed floor levels do not fall below the flood risk levels; the first floors of the dwellings will also provide a safe escape area which is set well above the estimated flood level. Users

of the site will also be able to evacuate the site on foot by means of the footway link to the north which connects to higher ground.

- 7.91 Beyond the mitigation set out in respect of the access above, the proposal is not classified as a major development and the majority of the site is outside of any flood zone, thus does not require the inclusion of sustainable drainage systems.
- 7.92 Further to the above, the proposed development will take place in excess of 20m of a main river, thus would also not trigger a consultation with the Environment Agency.
- 7.93 The proposed development is therefore considered compliant with SCLP9.5.

Land Contamination

- 7.94 The Council's Environmental Protection team have reviewed the JPC Environmental Services Stage 1, Tier 1 GeoEnvironmental Desk Study report (Ref. IE22/049/SITI) dated 15 July 2022 and have noted the recommendations of this report, starting with the asbestos containing materials site survey in advance of any other works.
- 7.95 A moderate risk has been identified at the site for the proposed end use and users, relating to areas of made ground and records of a historic pit on the site. Officers are therefore in agreement with the report conclusions that additional intrusive assessment is necessary at this site in the form of a Stage 1, Tier 2 investigation, with a view to fully understanding the risks at the site and what remediation and validation may be necessary.
- 7.96 The Environmental Protection team has therefore recommended the full suite of land contamination conditions to ensure a satisfactory site investigation and to ensure the site would be suitable for its proposed end use.
- 7.97 These conditions have been included in the officer recommendation. There are no other concerns at this stage in respect of contaminated land potential.

Residential Amenity (including noise)

- 7.98 The planning system plays an important role in safeguarding the quality of life of residents of the area. New development of any type is required to be located and designed with regard to the amenity of both existing and future residents to avoid generating significant harmful effects. Harmful effects can include those arising from overlooking, loss of privacy, noise, odour and light pollution and overbearing development.
- 7.99 Residential amenity can be affected by individual developments or as a result of cumulative impacts. There is a need to consider impacts on the development as well as from the development.
- 7.100 The alterations and extensions to the PH are single storey in nature and do not raise concern in respect of loss of privacy, overlooking, loss of outlook, loss of daylight/sunlight or overshadowing. A new acoustic fence is also proposed on the eastern boundary adjacent to London Villa to mitigate against the above and noise from use of the beer garden and car park.

7.101 The agent has confirmed that the distances from plot one (being the closest new dwelling), to the existing dwellings on St Peters Close are as follows:

Distance between new dwellings (at closest point to boundary) and no.2 St Peters Close:

- Plot 1 - front 13.6 m (approx.)
- Plot 1 - rear 8.1 m (approx.)

Distance between new dwellings (at closest point to boundary) and no.4 St Peters Close:

- Plot 1 - front 28.2 m (approx.)
- Plot 1 - rear 19.5 m (approx.)

Distance between new dwellings (at closest point to boundary) and no.6 St Peters Close:

- Plot 1 - front 40.5 m (approx.)
- Plot 1 - rear 31.0 m (approx.)

Distance between new dwellings (rear windows) and no.6 St Peters Close:

- Centre of rear windows Plot 1 31.7 m (approx.)
- Centre of rear windows Plot 2 35.0 m (approx.)
- Centre of rear windows Plot 3 37.2 m (approx.)

7.102 In addition, the single-storey side extension on the side of the PH is approximately 9.5m from London Villa.

7.103 The distances set out above are considered acceptable when assessing potential impacts on neighbouring properties. The development is not considered to result in any loss of light, overlooking, loss of privacy or overshadowing to an extent that would warrant refusal.

7.104 The agent has confirmed that the first-floor terraced area at the rear of the PH is solely to be used by the tenants of the PH. Given that this could provide an elevated position which may result in overlooking of plot 3, details of screening are sought by condition to prevent direct overlooking, particularly on the western side.

7.105 One of the main considerations in respect of the proposed development is the impact of noise on the proposed dwellings.

7.106 The pub premises has existing residential dwellings in reasonable proximity to the pub building (in particular to the east), and there is a new housing development to the north of the pub. It is not uncommon to see residential dwellings close to pub premises, however, it should be noted that in this case the dwellings proposed as part of this site redevelopment would be the closest receptors to the pub, and therefore most exposed to the noise generating activities relating to the parking area, people leaving late in the evening/night, and people using outside garden/terrace areas.

7.107 This scenario represents a high risk of future noise complaints unless the pub premises are run extremely carefully, and this proximity would likely mean the pub premises limiting the scope and extent (times) that activities take place.

7.108 The Environmental Protection Team acknowledge receipt of the Loven Acoustics Noise Impact Assessment (Ref. LA/1740/02R/ML) dated 10 May 2021. This report provides an

indication only of what the potential noise impacts may be on noise sensitive receptors (existing and proposed dwellings).

- 7.109 The assessment scenarios described are therefore fairly generic, based on typical noise levels and the mitigation measures that might minimise noise impacts. Noise impacts are therefore described, but not quantified at this stage. As the consultant does not have details of any of the new fixed plant items to serve the pub and its kitchen, they are not able to undertake a BS 4142:2014+A1:2019 assessment to the nearest noise sensitive receptor (in that case London Villa to the East).
- 7.110 There is a new kitchen extract system, new refrigeration plant, and new air handling equipment proposed. When the details of these plant items and their locations are known, a noise assessment is necessary, and therefore it has been recommended that a condition is imposed to ensure an appropriate assessment and noise mitigation scheme as required once these details are known.
- 7.111 The kitchen extract ventilation system will also need designing to ensure a suitable level of odour control for the protection of receptors around the pub.
- 7.112 In terms of vehicle noise from use of the car park, and noise from people using the beer garden/external terrace, these activities and sources have to be accepted to an extent when someone chooses to live in close proximity to a public house. That said, this provides no protection to the operators of the pub against complaints of noise nuisance.
- 7.113 The addition of the proposed new residential dwellings will mean that the pub operator is going to have a higher duty of care, and need to manage external activities very carefully, as these will be much closer than any other residential receptors have been in the past.
- 7.114 The proposed new dwelling at Plot 3 in particular is extremely close to the proposed terrace area for the public house, and residents of this dwelling will regularly be exposed to close vehicle pass-bys and car park activity, and clearly hear the terrace activity. The likely use of the beer garden and terrace area will coincide with afternoons and evenings (particularly in spring and summer) when the new residents will also want to be outside enjoying their gardens. Noise levels and character (laughing, shouting etc) will be clearly detectable in these gardens.
- 7.115 Other than the pub controlling the hours of use of their outside areas (which in turn may result in the public house becoming less viable the more it is restricted), it is only acoustic barriers or masonry walls as suggested around the new residential gardens and car parking area that will reduce noise levels a modest amount.
- 7.116 Noise from the parking area and beer garden/terrace are very likely to be clearly audible within bedrooms and other habitable rooms at night. It should be noted that at first floor level, residents' only option to reduce that noise would be to close windows which would not be particularly desirable on warmer days. It is noted that the report therefore refers to the potential provision of mechanical ventilation to the first-floor bedrooms in order to achieve both ventilation requirements and noise mitigation; details of glazing and ventilation requirements for the dwellings are therefore set out on the proposed floor plans for the dwellings. On balance it is considered that is an acceptable trade-off for proximity to the public house.

- 7.117 It is also noted that the estimates of noise impacts in the report are based upon no activities at the public house premises beyond 23:00 hours to ensure minimal risk in the more sensitive night-time period to residential amenity. This is considered to be essential for activities/sources including the beer garden/terrace, kitchen extract system, and any musical entertainment within the pub (excluding background music).
- 7.118 Opening hours for the public house have not been set out as part of this application. Whilst many PHs tend to set their own opening hours and closure days, officers have included a condition to limit the use of the PH between 09:00 – 23:00 Monday – Sunday, including bank holidays. Should the applicant wish to apply for later opening periods, they could seek to vary this condition at a later date, however the 23:00 closure seems appropriate for the rural setting, without impeding on the viability of the proposal.
- 7.119 Refrigeration and other plant may be required to operate at night, and therefore this should be reflected in the BS 4142 assessment necessary.
- 7.120 The Environmental Protection Team cannot justify a recommendation of refusal based on noise impacts, however did seek a detailed noise assessment which more accurately assesses likely impacts, which in turn should then inform the noise mitigation measures needed. This was not provided during the application, as the manufacturers specifications of the equipment to be installed are not known as this time. As such, and as recommended by the Environmental Protection team, a final noise mitigation scheme detailing the boundary treatment of the car parking areas and new residential garden areas will be required to be submitted to the Local Planning Authority by condition.
- 7.121 A condition has been recommended for the details of any fixed plant or machinery to be submitted prior to its installation to ensure that any noise from the equipment achieves a noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) at the nearest noise sensitive receptor. All extract ventilation is required to be vented by a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises, details of which shall be submitted and agreed prior to installation.
- 7.122 The Environmental Protection Officer has also advised that it will be necessary to provide an odour and noise risk assessment in accordance with the updated current guidance: ‘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.’ The risk assessment will need to identify potential sources of odour/noise, pathways and receptors and make recommendations regarding the level of mitigation needed.
- 7.123 Officers have been advised that the construction hours shall be within the hours of 08:00 until 18:00 Monday to Friday and 08:00 until 13:00 Saturdays, with no working on Sundays or Bank Holidays. A condition has been included to this effect.
- 7.124 In addition to construction hours, a Construction Management Plan (CMP) has been requested which must contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties; this is in addition to the CMP requested by the Highways Authority.

7.125 For the reasons given above, the proposed development is therefore considered to accord with SCLP11.2.

Archaeology

7.126 Local Plan Policy SCLP11.7 states that an archaeological assessment proportionate to the potential and significance of remains must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains.

7.127 Suffolk County Council Archaeological Services has reviewed the proposed development and advised that there would be no significant impact on known archaeological sites or areas with archaeological potential. Therefore, have not objected to the development and do not believe any archaeological mitigation is required.

7.128 The development therefore accords with SCLP11.7.

Legal Obligations (section 106 agreement)

7.129 The applicant is conscientious in their approach to the comprehensive site and is proposing to link the implementation and financing of the housing development and pub renovation/extensions.

7.130 The applicant has proposed to enter into a Section 106 agreement in order to ensure that the alterations and extensions to the pub are completed in their entirety before any of the proposed dwellings are first occupied.

7.131 This would avoid the risk of the development being completed and the pub remaining closed, without the implementation of the promised works and to no benefit to the pub or the community.

7.132 As noted above, the contribution towards Suffolk RAMS will also be included within the Section 106 agreement.

8. Conclusion

8.1 The application hereby considered offers provisions to this 'small village' which are of merit; additional housing and a refurbished and extended pub. The long-term viability of the pub has been a concern over at least the last five years, with previous closures and changes of ownership. Consistently there have regularly been approaches regarding development of the site, though these have previously been found contrary to the development plan.

8.2 Since the refusal of C/09/1434 the site's surroundings have become more urbanised with the development of 20 houses to the north. The addition of three houses on the site frontage is no longer considered to erode the semi-rural character as the units are of a more appropriate scale and layout than the previously refused scheme. The proposed housing development is well designed and compatible with its location.

- 8.3 The proposed housing also falls within the settlement boundary for Charsfield, where there is a presumption in favour of development. In the event that the current ACV on the whole site expires without investment into the public house, it is possible that the site could be subdivided and sold off for housing development which would not have any benefit in restoring the PH.
- 8.4 The opportunity should therefore be taken to provide housing on this land whilst there is a realistic offer proposed to direct substantial benefits to the pub from that development. The proposals for the pub seek to transform it into a viable key facility in this village and this is a worthy public benefit from the development. The applicant's desire to implement the works to the pub ahead of the housing development being occupied and to agree to this being secured by a Section 106 agreement is reassuring.
- 8.5 None of the objections received have specifically objected to the proposed works to the public house, only the potential loss of the ACV and all land associated with it. However, the proposed development seeks to retain the PH and whilst the proposed housing would reduce the site area, officers do not consider that this will reduce the likely viability of the PH being successful, as it will still have suitable car parking provision and outdoor space for a proportionate amount of external seating and covers in good weather. This compromise is being made to provide the funding to undertake the works to bring the PH back into use for the community and surrounding area, that should be given significant weight.
- 8.6 The public benefits of the application proceeding as proposed are acknowledged along with some of the application's shortfalls, although these are limited, and where raised as a concern can be mitigated by condition (noise for example). On balance the consideration of the application falls in its favour and it should therefore be approved.

9. Recommendation

- 9.1 The recommendation seeks: AUTHORITY TO APPROVE subject to the completion of a Section 106 Agreement to ensure the completion of all extensions and alterations to the pub prior to the occupation of the dwellings and the provision of a contribution towards Suffolk RAMS.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following Drawing Nos:

Received 14 February 2024:
21/001/S/A - Section A-A
21/001/S/B - Section B-B

Received 20 September 2023:

21/001/BP/P G - Block plan
21/001/C/1 - Proposed ground floor plan (dwellings)
21/001/C/3 B - Proposed front elevation (dwellings)
21/001/C/4 B - Proposed side elevation (dwellings)
21/001/C/2 B - Proposed first floor plan (dwellings)
21/001/C/5 B - Proposed rear elevation (dwellings)

Received 23 June 2023:

21/001/P/3 C - Proposed floor plans (public house)
21/001/P/4/C - Proposed elevations (public house)

Received 30 November 2022:

21/001/SLP - Site location plan

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

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

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

4. No development shall commence until full details of the proposed levels have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved levels.

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

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

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

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

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

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact

Assessment (D F Clark Contractors, December 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

8. No works to the roof structure, cavities within existing walls and/or weatherboarding of the public house shall commence until a survey for protected species has been undertaken by a suitably qualified ecologist and submitted to the Local Planning Authority for approval, within one month of the survey being undertaken. The report shall include, but not be limited to, the results of this survey and details of any avoidance or mitigation measures implemented. In the event that any protected species are encountered works must cease immediately and further advice must be sought from a suitably qualified ecologist. The development shall be carried out in accordance with the avoidance and mitigation measures identified in the approved survey.

Reason: To ensure that protected species are adequately protected.

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

a) A desk study and site reconnaissance, including:

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

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

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

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

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

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

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

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

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

11. Prior to any occupation or use of the approved development the RMS approved under condition 10 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

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

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

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

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

14. Noise from fixed plant or machinery (e.g., heat pumps, compressors, extractor systems, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment shall therefore be submitted prior to the installation of any fixed plant or machinery which include all proposed plant and machinery and be based on BS4142:2014+A1:2019. A noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) should be achieved at the nearest noise sensitive receptor. Where the noise rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

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

15. Following the submission and approval of the Noise Assessment a final Noise Mitigation Scheme detailing the boundary treatment of the car parking areas and new residential garden areas shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out in accordance with the approved Noise Mitigation Scheme.

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

16. All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details of -
- i) The proposed filtration plant;
 - ii) Its ducted route through the building, and
 - iii) Its final discharge point at least 1 metre above roof level;
- shall be submitted to and approved in writing by the Local Planning Authority. 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: In the interests of amenity and the protection of the local environment.

17. Hours of working during the construction phase of both the public house and the dwellings shall be -
- Monday to Friday 08:00 until 18:00 hours
Saturday 08:00 until 13:00 hours
Sundays & Bank Holidays none
- Unless otherwise agreed with the Local Planning Authority.

Reason: To prevent noise pollution to adjacent residential properties.

18. No development shall commence until a detailed method of construction statement has been submitted to and approved by the Local Planning Authority. The statement should as a minimum contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and in the interests of residential amenity.

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

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

20. Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 21/001/BP/P, Rev. G with an X dimension of 2.4 metres and a Y dimension of 43 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

21. No other part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in accordance with Suffolk County Council's standard access drawing DM03, with a minimum entrance width of 4.5 metres for a shared access. and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

22. Prior to the first use of the hereby permitted development, the upgraded vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

23. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

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

24. The gradient of the access drive shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

25. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The submitted scheme shall include multiple drainage points along the access. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

26. The use shall not commence until the area(s) within the site shown in Drawing No. 21/001/BP/P, Rev. G for the purposes of manoeuvring and parking of vehicles, including electric vehicle charging infrastructure, has been provided, and thereafter, that area(s) shall be retained and used for no other purposes.

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

27. The use shall not commence until the area(s) within the site shown in Drawing No. 21/001/BP/P, Rev. G for the purposes of secure cycle storage has been provided, and thereafter, the area(s) shall be retained, maintained, and used for no other purposes.

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

28. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 21/001/BP/P, Rev. G shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

29. Before the development is commenced, details of the footpath on the site frontage and connecting the site to the existing development to the north, including layout, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety prior to the first use.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

30. Prior to the occupation of the dwellings, details of the means to prevent users of the public house using the residential parking area (such as informative signage) shall be submitted and approved in writing. The approved details shall be installed and maintained thereafter.

Reason: To ensure that the residential parking is reserved solely for the use of residents of the dwellings and to prevent cars from parking on the highway.

31. No external lighting shall be installed without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels). There after only the approved lighting scheme shall be installed and maintained in that form.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

32. The public house shall only be open to the public between 09:00 and 23:00 Monday to Sunday, including Bank Holidays. The approved development shall be closed to the public at all other times, unless otherwise agreed in writing by the Local Planning Authority.

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

33. No external equipment for the amplification of sound and/or the playing of music shall be operated from the site at anytime, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of the amenity of neighbouring residents.

34. In respect of the hereby permitted dwellings, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting the said Order, no development of any kind specified in Part 1, Classes A, AA, B, C, D, E, F and Part 2 Class A of Schedule 2 of the said Order shall be carried out unless planning permission has been granted for such.

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

35. Prior to the commencement of development of the new dwellings, details of the retaining walls to be erected within the car park areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the retaining walls are acceptable, as no information has been provided as part of the application.

36. Prior to the first use/reopening of the public house, details of the screening to be provided on the first floor terraced area at the rear of the public house shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall be installed in accordance with the approved details prior to the terraced area being brought into use, and shall thereafter be retained in its approved form.

Reason: In the interests of residential amenity.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges

please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

3. This permission is subject to the completion of a Section 106 legal agreement.
4. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
5. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

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

Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information, go to:

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

Suffolk County Council drawings DM01 - DM14 are available from:

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

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

Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

Background information

See application reference DC/22/4714/FUL on [Public Access](#)

Map



DO NOT SCALE AC0000814647

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Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South – 26 March 2024

Application no DC/23/3237/ARM

Location

Land adjacent to Reeve Lodge
High Road
Trimley St Martin
Suffolk

Expiry date 11 December 2023

Application type Approval of Reserved Matters

Applicant Bellway Homes Limited (Essex)

Parish Trimley St Martin and Trimley St Mary

Proposal Approval of reserved matters (appearance, landscaping, layout and scale) of DC/20/5279/OUT

(and details reserved by Conditions: 4 (internal access); 10 (archaeology); 12 (details of estate roads and footpaths); 14 (EV charging); 15 (parking provision); 16 (cycle storage); 17 (off-site highway improvements); 18 (refuse/recycling); 22 (surface water drainage scheme); 24 (sustainability and energy statement); 28 (M4(2)/(3)); 29 (arboricultural impact assessment); 32 (landscaping scheme); 34 (landscape management plan); 35 (LEMP); 38 (ecological enhancement); 39 (HRA mitigation measures); 47 (noise assessment); and 51 (boundary treatment))

Case Officer Ben Woolnough

Ben.woolnough@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks permission for reserved matters detail (defined as appearance, landscaping, layout and scale) in relation to outline planning permission ref. DC/20/5279/OUT. The Outline planning permission was described as an *Outline planning application with some matters reserved (access to be considered) for a phased scheme for the erection of up to 139 new homes (including provision of up to 46 affordable homes), land for a two-form entry primary school with pre-school, open space, SUDS, meadow and informal path on land south of Gun Lane, and all associated infrastructure provision*. The application also seeks the discharge of a number of conditions, although due to the technical nature of many of these and their delegated status, they are not a focus of this report.

Reason for committee

- 1.2. In accordance with the scheme of delegation, the Head of Planning & Coastal Management has requested that the application is deferred to Members, due to the scale of development, its significances as an allocation for housing and education infrastructure and comments from the two Parish Councils covering the site.

Recommendation

- 1.3. Authority to approve subject to concluding technical highway considerations with confirmations of 'no objection' from the Highway Authority. Informal feedback from the Highway Authority has confirmed that remaining considerations/comments are unlikely to affect the overall layout and design hereby considered. This may be updated through the update sheet which will be available on 24th March.

2. Site description

- 2.1. The site is located to the south west of Trimley St Martin, with a portion of land to the south that falls within Trimley St Mary. Both settlements are identified as a 'large villages' under Policy SCLP3.2, due to their wide range of facilities including shops, a primary school and a community hall. The site is located close to the A14 and Felixstowe, providing access to a wider range of services, facilities and employment opportunities.
- 2.2. The site is arable farmland and is bordered on the west to open countryside with the railway line beyond, and to the east by High Road and existing properties. A railway line (running from Felixstowe to Ipswich) lies to the west, with a recent scheme of 66 new homes to the north, which includes a mixture of terraced, semi-detached and detached properties and also includes some 2.5-storey buildings.
- 2.3. The main site area lies north of Gun Lane and measures approximately 7 hectares, with a parcel of land to the south of Gun Lane that measures approximately 1.5 hectares. These two parcels are intersected by a restricted byway known as Gun Lane (RB3), which runs roughly east to west from High Road. A second Public Right of Way, Footpath 4, crosses the northern corner of the site.

- 2.4. The site is located within Flood Zone 1. It is not located within any Air Quality Management Area; is not covered by any statutory environmental designations; and contains no Tree Preservation Orders (TPO) or other landscape designations.
- 2.5. The nearest listed properties are located on High Road, approximately 45 metres to the east of the site. The nearest statutory site is the Orwell Estuary, which is located 1.4km west and comprises the following statutory designations: Stour and Orwell Estuaries Ramsar site, designated mainly for wetland birds and also saltmarsh vegetation and species; Stour and Orwell Estuaries Special Protection Area (SPA), and Orwell Estuary Site of Special Scientific Interest (SSSI).

3. Planning history

Relevant planning history for the site includes the following:

- DC/20/5279/OUT - Outline planning application with some matters reserved (access to be considered) for a phased scheme for the erection of up to 139 new homes (including provision of up to 46 affordable homes), land for a two-form entry primary school with pre-school, open space, SUDS, meadow and informal path on land south of Gun Lane, and all associated infrastructure provision – Approved 28 July 2023
- DC/20/5239/EIA - EIA screening opinion for outline planning permission (all matters reserved except access) for the erection of up to 139 new homes (including provision of up to 46 affordable homes), land for a two-form entry primary school with pre-school, open space, SUDS and all associated infrastructure provision.

It was concluded that the proposed development is not considered to result in likely significant effects on the environment over and above that that can be controlled and managed through the planning application process and therefore an Environmental Statement is not required.

4. Proposal

- 4.1. This application seeks permission for reserved matters detail (defined as appearance, landscaping, layout and scale) in relation to outline planning permission ref. DC/20/5279/OUT for 139 homes *(including provision of up to 46 affordable homes), land for a two-form entry primary school with pre-school, open space, SUDS, meadow and informal path on land south of Gun Lane, and all associated infrastructure provision*].
- 4.2. This reserved matters application does not cover the reserved matters detail for the school site as that will be determined as a standalone application to be submitted by the County Council. This application also does not cover the seven custom/self-build plots. Those will be submitted for reserved matters approval at the point that they have a plot purchaser who will be the custom/self-builder for their individual home.

5. Consultees

5.1. **One third party response** was received. It was submitted as an objection; however, it appears to be a comment only, highlighting the importance of incorporating swift bricks within homes.

5.2. Full consultation responses are available to view on Public Access.

5.3. **Parish/Town Council**

The area of the site to be developed for housing and a primary school falls within Trimley St Martin and the area of the site to be provided as a natural open space falls within Trimley St Mary.

Consultee	Date consulted	Date reply received
Trimley St Martin Parish Council	18 September 2023	6 October 2023
<p>Summary of comments:</p> <p>Trimley St Martin Parish Council object with the plans going ahead as they are. The Parish Council have grave concerns regarding the ongoing management of the development and protection of the open spaces. This would seem to be another version of a "Leasehold" arrangement of which Government legislation tightened up on some years ago. Management companies are unregulated with no real control on annual costs which would be an unnecessary additional financial burden on top of Mortgage and other statutory costs for house purchases especially for the "affordable" types.. Assuming the Community Orchard and Communal Areas will be owned and managed by a management company, the Parish Council would like to know what protection this area will have to ensure it is not built on at a later date. The Parish Council would also like to raise the question of who will maintain these areas and how often will this maintenance be carried out?, It is understood that the roads will not be adopted by the local council and will be owned and managed by the management company of which the residents of the development will pay a charge for but will pay rates as well. As far as we are aware management companies of this type are unregulated so this may affect those residents purchasing a property in the new estate. Further information on this would be welcomed, a copy of the scope and terms of the management option if available would also be of help. This also leads to the question of this fee for those moving into the affordable housing on the site who will be paying these fees? With so many questions still unanswered Trimley St Martin Parish Council object to this application in its current form and would only reconsider if the whole of the development including the community open spaces are adopted by the council rather than passing this responsibility on to a management company and walking away from the core values of local government and statutory services.</p>		

Consultee	Date consulted	Date reply received
Trimley St Mary Parish Council	18 September 2023	2 October 2023
<p>Summary of comments: “Trimley St Mary Parish Council planning committee would like it noted that the play area, orchard etc is within the boundary of Trimley St Mary and not Trimley St Martin. The Parish Council request that there is a substantial fence between this area and Trimley St Mary allotments on Great Field. Trimley St Mary Parish Council would like reassurance that management and costs of maintaining the green areas within the Parish of Trimley St Mary do not fall to the Parish Council. The Parish Council would like to understand the benefits to parishioners of Trimley St Mary.”</p>		

Consultees

Consultee	Date consulted	Date reply received
SCC Highways Authority	18 September 2023 18 October 2023 8 November 2023	No response 13 November 2023 No response
<p>Summary of comments: Holding Objection remains. Previous responses have raised holding objections and some of the commentary is now out of date as a result of amendments made. No response has yet been received to the latest plans, however informal feedback has confirmed that there are no fundamental issues with the reserved matters proposals. A final response has been requested ahead of the Planning Committee meeting and will be included in the update sheet.</p>		

Consultee	Date consulted	Date reply received
Natural England	10 November 2023	12 December 2023
<p>Summary of comments: “NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED We consider that without appropriate mitigation the application would have an adverse effect on the integrity of: • Stour and Orwell Estuaries Special Protection Area (SPA) • Stour and Orwell Estuaries Ramsar • Deben Estuary Ramsar • Deben Estuary SPA • Sandlings SPA • Orfordness-Shingle Street Special Area of Conservation (SAC) • Alde-Ore Estuary SPA • Alde-Ore Estuary Ramsar In order to mitigate these adverse effects and make the development acceptable, the mitigation outlined in the Landscape and Ecological Management Plan (LEMP) and the Ecological Impact Assessment should be secured. Natural England’s further advice on designated sites/landscapes and advice on other natural environment issues is set out below.”</p>		

Consultee	Date consulted	Date reply received
SCC Rights of Way	18 September 2023	31 st January 2024

Summary of comments:

As recognised by the applicant, there are public rights of way (PROW) within the proposed site: Trimley St Martin Public Footpath 4; and Trimley St Mary Restricted Byway 3 (Gun Lane). We OBJECT to this proposal for the following reasons: Gun Lane Clarification is required on how the development will link to Gun Lane. The links at the very southern edge of the site in plans (drawing numbers: 9072/03; 9072/04; PR241- 01) all appear to fall sort of the lane. This is unacceptable as it will leave an unsurfaced gap in the linkages impacting negatively on the user experience accessing and leaving the site. All links need to be accessible and suitable for year-round use. Effective links to Gun Lane are essential to ensure people can access and leave the development and connect with local places of interest, facilities, schools, services, and the wider public right of way network for walking, cycling, and accessibility. Below are repeated comments made on 8 January 2021 and again on 3 September 2021 regarding the s106 and relative importance of Gun Lane to this site. £59,000 under a s106 agreement for the surfacing of RB3 – the rationale for this is as follows: This development will create high levels of use of RB3 towards the new rail crossing. The new rail crossing has been designed to be accessible by all including on foot, on cycle, and by horse riders. RB3 forms a section of a proposed new off-road cycling route linking NCR51 and Felixstowe which is being looked at by a partnership of East Suffolk Council, Suffolk County Council, and local councils. This new off-road route would provide a safe alternative to cycling along Trimley High Street which in sections lacks adequate cycling facilities. This route will provide off-road and direct access to the countryside for health and wellbeing benefits. It is likely to be a very popular dog walking route. This route will provide an off-road commuting route into Felixstowe, and especially towards Felixstowe Docks. Footpath 4 The diversion of Footpath 4 to the south side of the SUDs is acceptable but the diverted route must be surfaced 3m wide. The reason for this is to future-proof linkages westward should there be further development and ensure future connectivity between developments is effective and deliverable. Any planting beside FP4 must be a minimum of 2m from the edge of the public right of way to allow for side growth

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	18 September 2023	25 September 2023

Summary of comments:

Existing conditions for DC/20/5279/OUT should be sufficient unless further conditions are required to secure the remaining portion of archaeological mitigation (the area of SuDS) as set out in the submitted WSI.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	18 September 2023	31 October 2023

Summary of comments:

“Noise

The noise report submitted with the outline application reference 20.134.1.R2 acknowledged that part of the site could expect high noise levels but stated that: ‘subject to good acoustic design being integrated into the developing masterplan, then acceptable external and internal noise levels will prevail in noise-sensitive areas of the proposed new homes. The predicted noise levels in garden areas can accord with the guidance presented in BS8233:2014 through the use of good acoustics design or installation of barriers for and dwelling located close to High Road.’ However, the noise report submitted with reserved matters reference 81197-SRL-RP-YA-01-S2-P3, appears not to fully accord with the guidance. The site has been designed so that external and internal noise guidelines have been breached. There is no clear justification for this choice of layout, despite having given assurances in at the outline stage. I therefore request clarity in this regard please.”

Consultee	Date consulted	Date reply received
East Suffolk Ecology	18 September 2023	14 March 2024

Summary of comments:

I have reviewed the information submitted with regard to the Reserved Matters application and consider that this, and the relevant planning conditions included as part of the Outline planning permission, adequately avoid or mitigate any potential ecological impacts which may arise as a result of this development.

Comments on specific ecological enhancement measures, landscape and ecological management plans and Habitats Regulations mitigation measures are provided separately in relation to the Outline planning permission conditions which secure them.

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	18 September 2023 ----	18 September 2023 13 November 2023

Summary of comments:

18 September 2023

“The application under reference DC/20/5279/OUT has an associated planning obligation dated 27 July 2023. The planning obligations previously secured under the first planning permission must be binding on this application if East Suffolk Council make a resolution to approve and grant a new planning permission.”

13 November 2023

“A consultation response was previously submitted by way of letter dated 18 September 2023. The application under reference DC/20/5279/OUT has an associated planning obligation (Deed) dated 27 July 2023. The planning obligations previously secured under the first planning permission must be binding on this application if East Suffolk Council make a resolution to approve and grant a new planning permission. An important element of the scheme is the delivery of a new primary school with an early years setting – the land arrangements are secured and set out in the Deed. It is essential that the access (pedestrian, cycling and vehicular) arrangements to the school land are agreed as part of the reserved matters application.”

Consultee	Date consulted	Date reply received
Disability Forum	18 September 2023	15 January 2024

Summary of comments:

In addition to the comments made by the Suffolk Coastal Disability Forum on the 31.8.21 to DC/20/5279/OUT, with regard to the application for outline planning permission, the Suffolk Coastal Disability Forum would wish to remind the applicant that the whole development should be inclusive and fully accessible.

All dwelling should be visitable and meet Part M4(1), and at least 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2).

Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm.

All dropped kerbs should be absolutely level with roads/pavements for ease of access.

All surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used.

We presume that the only wheelchair accessible car parking spaces provided are for the bungalows in the development given the very low level of provision.

The play equipment described in the application is not wheelchair accessible and therefore excludes children with disabilities. We object to this lack of provision for children with disabilities.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	18 September 2023	14 March 2024
<p>We have reviewed the following submitted documents and we recommend approval of the reserved matters element of this application and refusal to discharge conditions 22 (surface water drainage scheme).</p> <p>A holding objection remains on Condition 22 (surface water drainage scheme) and that is focussed on final technical information which will not affect the reserved matters details and that condition is not for determination as part of this report.</p>		

Publicity

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

Category	Published	Expiry	Publication
Major Application	21 September 2023	12 October 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Major Application In the Vicinity of Public Right of Way Date posted: 26 September 2023 Expiry date: 17 October 2023
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6. Planning policy

- 6.1. The National Planning Policy Framework (NPPF) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant, this includes the presumption in favour of development. If decision takers choose not to follow the NPPF, where it is a material consideration, clear and convincing reasons for doing so are needed.
- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the development plan are listed in the section below and will be considered in the assessment to follow:
- SCLP5.8 - Housing Mix (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
 - SCLP5.9 - Self Build and Custom Build Housing (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

- SCLP5.10 - Affordable Housing on Residential Developments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP8.2 - Open Space (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP9.7 - Holistic Water Management (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.65 - Land adjacent to Reeve Lodge, High Road, Trimley St Martin (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- Affordable Housing Supplementary Planning Document (East Suffolk Council, Adopted May 2022)

- Sustainable Construction Supplementary Planning Document (East Suffolk Council, Adopted April 2022)
- East Suffolk Cycling and Walking Strategy (East Suffolk Council, Adopted October 2022)
- Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (East Suffolk Council, Adopted May 2021)

7. Planning considerations

Principle of Development

- 7.1. It is first of all important to recognise that this application site has planning permission. It is also an allocated site in the development plan. The consideration of Reserved Matters is therefore a component of the consenting process and a necessity to complete the full design process. Through this application, the principle of development is therefore not up for consideration.
- 7.2. It is also important to recognise the infrastructure delivery role of this site. It includes land for the delivery of a two-form of entry primary school. The land is to be transferred to the County Council as an established obligation of the Section 106 agreement. It is anticipated that the County Council will be progressing the school design process very soon and a Reserved Matters application for the school will also be available for consideration soon. The school land will be made available to the County Council at no cost prior to the occupation of 50 dwellings. The delivery of this school is essential to the needs of this wider community and that would only be possible with the approval of this reserved matters application. This development will also deliver the roads and walking and cycle routes to the school and ensure it is a fully serviced site.
- 7.3. The development can achieve 139 homes, which is slightly lower than the approximately 150 homes set out in the allocation policy. It is important for this development to maximise on the number of homes it can achieve given the school land provision as a requirement for this developer to provide. Overall, subject to the conclusions on design in this report, this submission should complete the design considerations of this development, ensuring that plan-led homes and infrastructure are delivered.

Housing Mix

- 7.4. The Housing mix has been agreed through the prior discharge of condition 8 under a Housing Mix Strategy included within the Design Brief. This has ensured that the layout of the reserved matters proposal is led by an appropriate housing mix. The site delivers a good mix of smaller homes, and this includes the full affordable housing expectation of 1 in 3 homes as affordable tenures established in the outline consent and secured by the s106 agreement.
- 7.5. Policy SCLP5.8 (Housing Mix) states that new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms).

7.6. The Local Plan sets out the District wide need as the following mix:

Number of bedrooms	Percentage of District wide need ⁴²
1	12%
2	29%
3	25%
4+	33%

7.7. The proposed development would provide the following mix across all tenures.

Unit Type	Quantity
1 Bedroom House	14 (10.6%)
2 Bedroom House	46 (34.8%)
3 Bedroom House	60 (45.5%)
4 Bedroom House	12 (9.1%)
Total	132 (100%)

7.8. Overall it therefore delivers a similar amount of smaller 1 and 2 bed homes at 45.4% of units compared with 54.6% of homes which would be larger 3 and 4 bed family sized homes. This is suitably comparable to the Local Plan expectations.

7.9. The affordable housing mix comprises of the following mix made up of 50% affordable rent, 24% shared ownership and 26% discount home ownership:

Unit Type	Affordable Rent	Shared Ownership	First Homes	Total
1 Bedroom House	7	4	3	14
2 Bedroom House	9	5	6	20
3 Bedroom House	6	2	3	11
4 Bedroom House	1	0	0	1
Total	23	11	12	46

7.10. This is consistent with Local Plan expectations and delivers a positive provision of affordable housing for the area. The Section 106 agreement also gives priority to those with a local connection.

7.11. SCLP5.8 also addresses the need for accessible homes. This is in the form of Building Regulations Part M and the policy requires at least 50% of homes to meet Part M4(2) which ensures homes are more accessible and adaptable. This development will deliver 73 homes (55%) as Part M4(2) compliant. It also includes two affordable rent bungalows which are step further in accessibility as Part M4(3) compliant, meaning that they are 'Wheelchair user dwellings'. Overall, this is a good outcome bringing higher quality policy compliant housing benefits to the development.

Design quality

- 7.12. The design of this development has progressed through pre-application stages and a number of iterations of plans over the duration of the application process. Pivotal in the design of this development has been the conditioned approval of a 'Site Wide Design Brief' through the discharge of condition 5 of the Outline consent.
- 7.13. Normally such a Design Brief is beneficial when there is a more prolonged period between Outline and Reserved Matters applications. It provides a chance to better address the design needs which might come forward at the detailed stage later on and often it may be produced by a site owner/promoter to inform the sale of a development site to a housebuilder and influence design quality expectations. In this case, it was quite unusual that Bellway purchased the site prior to the Outline consent being issued, and they were then keen to bring this reserved matters applications forward swiftly. The Design Brief therefore had less of a purpose as it has been developed alongside Reserved Matters discussions, but now that it has been approved it sets clear parameters and principles of what this application should achieve.
- 7.14. The design submitted for reserved matters is not unexpected as it has a large degree of consistency with the illustrative masterplan of the Outline consent, which also received a good degree of attention.
- 7.15. The Committee Report for the Outline application included the following statement *"While there are elements of the proposal that require further detail through reserved matters applications, the fundamental components relating to the outline application, including access and the approximate quantum of housing, do not make the detail or the principle of development objectionable"*.
- 7.16. Given the needs and constraints of the site, such as the school land, parcel shape, road alignments, drainage and rights of way which heavily informed the Outline consent. This application is therefore very focussed on the detailed plot arrangements, house designs and landscape design, rather than the wider arrangement of the site, which is already well established.
- 7.17. The design process for the detail of this application has been as a result of some collaborative input from Design and Landscape Officers also working alongside Highways officers. A large degree of focus has been on road and pedestrian and cycle route design. As is often the case, these functional engineering elements to influence the space and arrangements of plots. Efforts have been made to ensure that engineering does not dominate. Given the fact that open spaces and landscaping for the site is largely segregated to two areas to the east and west of homes, the core housing area is rather dense in its built form. That is acceptable given the spaces around and the enclosure the school site provides.
- 7.18. The elevational design of homes is not remarkable, it is of a standard house-type nature, but it also is not objectionable in this context. It's recognised that a major housebuilder will need to follow standard house types most of the time and it is apparent from the already approved Design Brief, that a good level of attention has been given to design influences and attempts to add character to corners, routes and mews style spaces. Overall, the design is acceptable for approval.

- 7.19. One aspect of this development which will be subject to future reserved matters applications is the area for seven custom/self-build plots. The parameters for this will be informed by a 'plot passport/design code' to be discharged by condition separate to but parallel with this submission. The location of the plots accords with the outline consent and the plots are of suitable size for the necessary detached homes to be achieved. They will need to integrate with some consistency with the overall development in terms of materials and design approach, but they will also offer some freedom to custom/self-build developers.

Landscape and Play

- 7.20. Policy SCLP12.65: Land adjacent to Reeve Lodge, High Road, Trimley St Martin states that the development of this site will be expected to include (inter alia) open space for people of all ages. Open space can be provided as green open space and/or equipped play space. For large sites, a mixture of both types of open space is likely to be ideal in order to meet need arising from the development. This has been achieved on this site by providing a large standalone area on the opposite side of Gun Lane. This addition complements a relatively dense housing area with a large accessible natural space and the recreational, amenity and biodiversity functions of the drainage basin area, also as a focus for play, ensures this site is enclosed by green infrastructure provision.
- 7.21. The Senior Landscape Officer has been involved throughout the Reserved Matters process and has shaped amendments made to the with attention to planting, play provision, boundary treatments and street furniture and lighting. The more recent plans have accommodated changes, especially in respect of the natural open space area and drainage basin. Careful attention has been given to the opportunity to include street trees balanced with road additions and hard surfaces and this will require extra attention to tree pits and planting implementation. Suitable native planting, including community orchard and wildflower meadow is included within the natural open space area, also ensuring that this achieves the component of recreational mitigation it needs to deliver.
- 7.22. Across the site, space is limited, and as such tree species with upright and 'streetwise' forms have been specified. More recently requests were made for more native species rather than cultivars and feature trees with a large mature size, such as oaks. It was also requested that where smaller trees/shrubs, such as hazel, are proposed, they should be located in groups to create more substantial pockets of planting.
- 7.23. In response the applicant has proposed some further tree planting, varieties of native trees changed to standard native trees, Hazels grouped together in the natural open space, Oak trees added/substituted in the natural open space. This has addressed the final requests of the Senior Landscape Officer.
- 7.24. A slightly more unique inclusion is a focus on tree planting in rear gardens. Typically, it is very difficult for planning permissions to secure and maintain tree planting in rear gardens as planting implementation and retention conditions are challenging to enforce when homes are sold and become privately owned. Following discussions to achieve planting, especially in areas of back-to-back properties, Bellway have proposed a 'time for trees' proposal. This will place control of such planting with new homeowners, allowing them a choice over planting, increasing their engagement when first moving in and allowing them to be a part of the planting process. By offering choice and ownership of this, it will provide a much better chance of the homeowners becoming more attached to those trees,

increasing the likelihood of planting success and long term retention. This will aid landscape quality and biodiversity of rear garden areas which can be very prominent between homes, but less so from public areas.

- 7.25. An area of much negotiation has been the play area which has been subject to positive contributions from the Council's Leisure team, the Parish Councils and the Disability Forum. The applicant has listened to these local desires and accommodated a suitable level of accessible play, including a wheelchair accessible roundabout and trampoline. The see-saw and swing have accessible features also and all of these elements of equipment can be enjoyed by all ages and abilities. More recent changes have also improved surfacing between the elements of equipment and added extra and inclusive seating facilities. The play provision is suitably aimed at primary school age children and toddlers which is appropriate given the proposed adjacent primary school. It is likely this will be well used at the end of the school day and by the community at all other times. The play area is next to the drainage basin, but this is designed with shallow side slopes which is a safe solution, and the play area will be fenced. It will be easily accessed off the primary road for pedestrians and cyclists. The play area will be well observed by opposite homes which will help to avoid anti-social behaviour.

Drainage

- 7.26. The site is identified as being in Flood Zone 1, where there is less than 0.1% annual probability of river or sea flooding. As described within the report, the assessed flood risk from surface water is considered very low, although there are some areas highlighted as being at medium risk. This means that each year these medium risk areas have a chance of flooding of between 1% and 3.3%. The flood risk assessment identifies that this risk can be suitably mitigated by using the proposed Sustainable Drainage System (SuDS) features to accommodate the volume from these areas by increasing the storage capacity of the proposed drainage system.
- 7.27. At Outline stage this was focussed on drainage basin provision in the location currently proposed. This reserved matters application has enabled a focus on the design and landscaping of the basin and its integration as part of a public open space. In its proposed form it will contribute to achieving the four pillars of SuDS of water quality, water quantity, amenity and biodiversity. The Lead Local Flood authority have accepted the level of detail for the purpose of reserved matters approval.

Ecology

- 7.28. A significant amount of ecology considerations were addressed at Outline stage. This included surveys for any protected species and securing that mitigation, Habitats Regulations Assessment in respect of recreational effects and securing that mitigation and any recommend ecological enhancements to be achieved through conditions. The proposal very much accords with the Outline consent and especially through its delivery of the natural open space which is for recreational mitigation as a component of dog walking routes and as Skylark mitigation. The overall development has to accord with approved a biodiversity enhancement strategy, a landscape and ecological management plan and a biodiversity lighting strategy and the plans are consistent with those which will be fully reviewed by our Ecologists through the discharge of condition process.

- 7.29. The Principal Ecologist has reviewed the information submitted with regard to the Reserved Matters application and consider that this, and the relevant planning conditions included as part of the Outline planning permission, adequately avoid or mitigate any potential ecological impacts which may arise as a result of this development. Comments on specific ecological enhancement measures, landscape and ecological management plans and Habitats Regulations mitigation measures are provided separately in relation to the Outline planning permission conditions which secure them.
- 7.30. It should be noted that although Biodiversity Net Gain was introduced nationally on 12th February for Major developments, it does not apply to applications which had already been submitted on that date.

Sustainable construction

- 7.31. The homes on this development will need to meet at least the 2023 updated building regulations, which includes Part L, focussed on increased conservation of fuel and power. This therefore means that properties need to include solar panels, increased insulation and air tightness and electric vehicle charging. All proposed homes will include solar panels.
- 7.32. The Outline planning permission also has the following condition applied to it. Prior to first occupation/use of each phase of development, evidence of energy performance and water efficiency standards shall be submitted to and approved in writing by the local planning authority. This application is accompanied by an Energy Statement which concludes that a fabric first approach is being taken to improve insulation, reduce thermal bridging and air leakage and reduce CO₂ emissions. It confirms that homes will meet Part L of the Building Regulations and water efficiency will be included to meet 110 litres per occupier per day.

Environmental quality and amenity

- 7.33. Matters related to environmental quality in respect of noise, contaminated land, odour and air quality were thoroughly considered under the outline application and are conditioned accordingly. One area which does require a more detailed assessment at Reserved Matters stage is noise experienced by some of the new homes.
- 7.34. The noise report submitted with the outline application reference 20.134.1.R2 acknowledged that part of the site could expect high noise levels but stated that: 'subject to good acoustic design being integrated into the developing masterplan, then acceptable external and internal noise levels will prevail in noise-sensitive areas of the proposed new homes. The predicted noise levels in garden areas can accord with the guidance presented in BS8233:2014 through the use of good acoustics design or installation of barriers for and dwelling located close to High Road.'
- 7.35. It is important to note that the Outline Illustrative masterplan and the later approved Design Brief expect this development address High Road in a positive way ensuring that the development maintains the road fronting character of this street. There is a very established relationship of homes all along High Road being close to the highway and directly interacting with it. There is also established road noise that they experience in that relationship. It is a 30 mph road and in this location it is close to a roundabout where speeds should be lower. There is however a level of noise in this proximity that this development will experience. In design terms it would be undesirable for the development to set homes back significantly from the road to avoid this or to screen the homes with an

acoustic fence or bund. That would be at odds with the prevailing character and it would inefficiently use the site, reducing the number of homes (which are necessary to ensure this viably delivers the housing and infrastructure benefits). The homes on this edge will need to incorporate increased noise mitigation in their fabric but overall the level of amenity affecting proposed homes would not be unacceptable.

- 7.36. Given the arrangement of open spaces and adjacent land uses, this site has very limited interaction with nearby residential properties and no existing homes would be impacted in their residential amenity significantly by the development. The layout and scale of all homes proposed has also been assessed in respect of residential amenity between proposed properties and this is considered acceptable, especially in respect of any overlooking/loss of privacy opportunities which can be present in some new developments.

Highways

- 7.37. The general road layout of this development was established at outline stage and therefore this reserved matters application focusses on the more detailed design. It also requires consideration of the layout of pedestrian and cycling routes and parking provision. Overall, the site meets the County Parking standards across all house sizes with suitable private, on-plot parking. Given this a fairly dense development, through necessity to accommodate the school on the site, there are areas where parking is quite dominant. This includes the longer secondary street running NW-SE through the site. Attempts have been made to break this up with street trees and the street is well enclosed by the housing to ensure that the built form is equally prominent.
- 7.38. Final comments are awaited from the Highway Authority and should be presented within the Committee Update Sheet. However there has been extensive Highway Authority involvement in the design process and the most recent amendments to plans have largely been as a result of advice from the Highway Authority.
- 7.39. The site provides for clear cycling routes through the main entrance and also across the top of the site on the Public Right of way alignment, where a mews style arrangement is proposed. These ensure that the new school will be well connected to the community for cycling. These are also walking routes and the plans have also been enhanced recently for walking by adding pavement routes for better pedestrian protection over previously proposed shared surface roads.
- 7.40. The Outline permission secured funding to improve Gun Lane and this development, and the proposed open space will connect onto that. There is some disagreement over whether this development can immediately abut and deliver those connections, as Bellway has identified that they believe there is an unregistered strip of land beside the byway. It does however remain possible to ensure the connections and this can still be addressed and secured with condition on this reserved matters approval for a connection scheme.
- 7.41. The public footpath which runs along the north of the site is proposed to be realigned to run along the northern boundary of the school to allow the drainage basin to be accommodated. It will have an improved surface, contributing to walking routes into the countryside. Discussion has taken place over whether it should be 2 metres or 3 metres wide. A 2 metre width is appropriate for a footpath but space for it to be widened to 3

metres is shown to be available if it was upgraded in the future and widened to accommodate cycling.

8. Conclusion

- 8.1. This reserved matters application successfully delivers upon the expectations of both Policy SCLP12.65 which allocated the site and the Outline Planning Permission. The application has progressed alongside a detailed Design Brief ensuring collaboration and clear purpose in the design approach.
- 8.2. Subject to the final confirmation of no objection from the Highway Authority, which is expected, the design is considered to be suitably laid out with the arrangement of streets, routes and parking of an acceptable form for all users. The design and scale of homes is compatible with the outline consent and its location and the development delivers some good quality landscaping and play provision. Whilst the school is not a part of this application, the development is well laid out to accommodate the school, particularly with walking and cycling route and enabling two vehicular access routes into the school.
- 8.3. In conclusion the design, detail and environmental attention in this application is acceptable, policy compliant and suitable for approval.

9. Recommendation

Authority to approve subject to concluding technical highway considerations with confirmations of 'no objection' from the Highway Authority.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with the listed plans and documents, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority: *to be listed when concluded.*

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

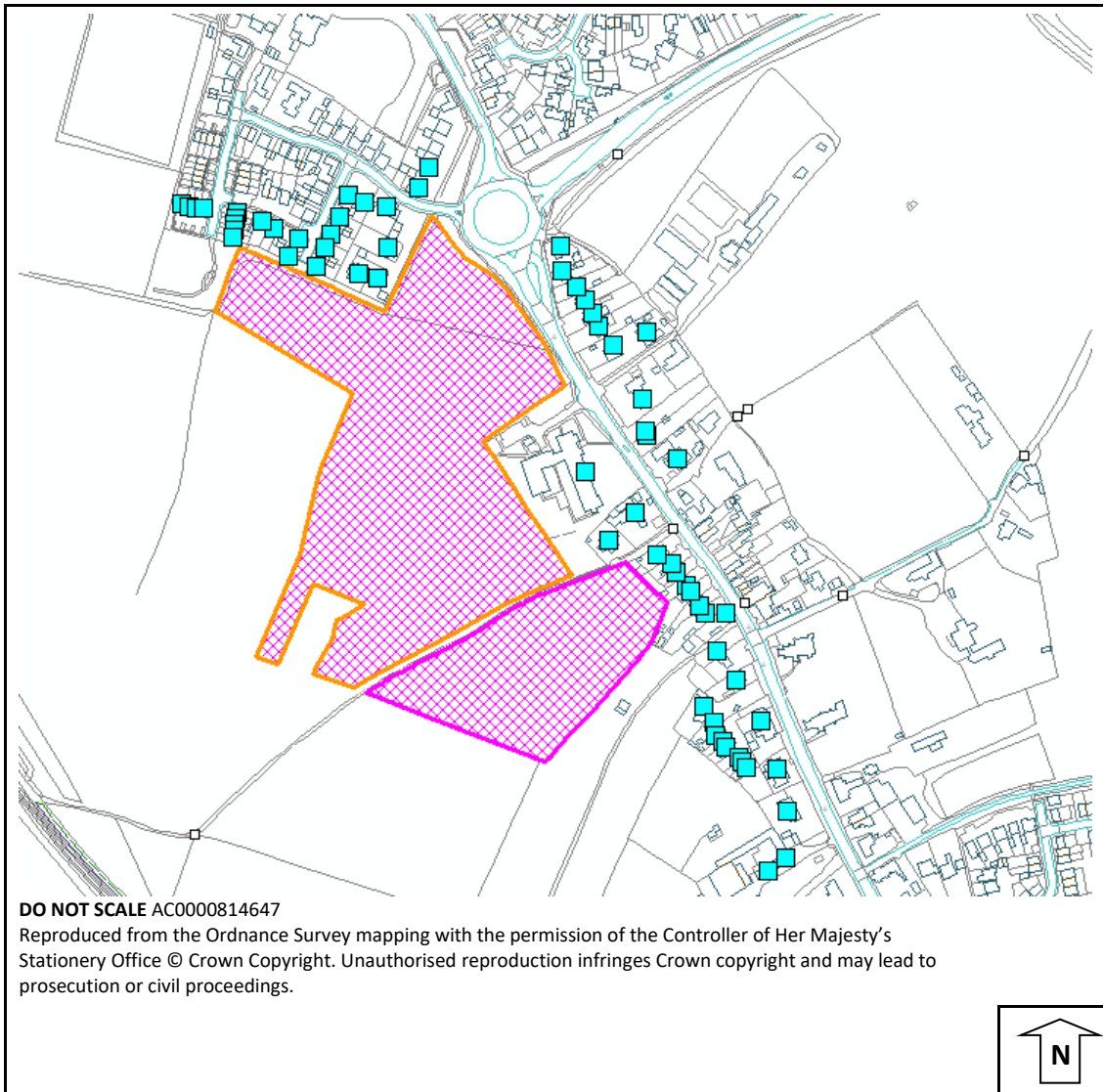
2. Prior to the construction of any dwelling above slab level, a scheme shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council, for formalisation and construction of paths and surfacing over the site boundary with Byway 3 (Gun Lane).

Reason: To ensure that the Section 106 funded surface improvement works (to be delivered by the County Council) are suitably coordinated with the construction of the development to enable pedestrian and cycle connections in a timely manner.





Background information

See application reference DC/23/3237/ARM on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 26 March 2024

Application no DC/23/4590/FUL

Location

51 The Street
Brandeston
Suffolk
IP13 7AA

Expiry date 23 January 2024

Application type Full Application

Applicant Ellen and Madeleine Hutson

Parish Brandeston

Proposal Construction of new 2 bedroom one and a half storey dwelling

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

1. Summary

- 1.1. This application seeks the construction of a new two-bedroom, one and a half storey dwelling on land adjacent to 51 The Street, Brandeston, IP13 7AA.
- 1.2. This application was presented to the referral panel on 12 March 2024 as officers are 'minded to' approve contrary to the objection received from the parish council. The referral panel considered that there were material planning considerations which warranted consideration by the Planning Committee.
- 1.3. Brandeston Parish Council's objection is as follows:

"1. In terms of the size and scale of proposed dwelling, the PC consider the footprint of the design to be too large and too wide for the area of land in which it is to sit.

2. *The roof height is nearly 1.5m above that of no.51 The Street, although no.51 is not a listed building the location is within a conservation area with a mix of older more traditional houses.*

(Although the house to the left of no.51 has a roof line above that of the rest of the street, the longterm parishioners suggest the it was built taller than permitted. It is not kind to the eye so the PC do not wish this mistake' to happen again.)

3. *Referring to comments nos. 1 & 2, the PC would look more favourably on a design with a smaller narrower footprint, a lower roof-line, set-back from the line of no.51. In summary, a dwelling subservient to no.51.*

4. *The Brandeston PC HNS identified a need for accessible 2 bed dwellings.*

5. *The Ecology report is missing.*

6. *The PC want to understand the actual details of the materials of the finish, the location being in a conservation area. (Colour, windows etc.)*

7. *Any design should make provision for surface water run-off/ flooding, there is an issue with water run-off in this area of Brandeston, the houses opposite can flood.”*

- 1.4. The application is considered to accord with Local and National Policies and the concerns raised by the Parish Council are considered to be adequately addressed below such that the recommendation is to approve planning permission.

2. Site Description

- 2.1. Brandeston is identified as 'Small Village' in the settlement hierarchy of the Local Plan (SCLP3.2). The site is located within the settlement boundary shown on the policies maps (SCLP3.3 and Map 09). This also shows that the site is within the Brandeston Conservation Area.
- 2.2. The host dwelling is not listed and there are no listed buildings within the immediate surroundings of the site.
- 2.3. There are a number of ponds within the vicinity of the site. There appears to be an existing vegetated boundary to the west, although it is unclear whether the planting here is within the ownership of the applicants or neighbouring dwelling (Willow Lodge).
- 2.4. The site is not located within flood zones 2 or 3 and is at low risk of surface water flooding.

3. Proposal

- 3.1. The proposed dwelling is a one and half storey dwelling. The existing garage building on the site frontage would be removed to accommodate the plot. The existing shed to the rear would be retained as part of the new dwelling's curtilage.
- 3.2. Both the existing and proposed dwellings would have their own parking/access and amenity areas. Some vegetation will need to be removed to provide the access, with additional trees within the site (some fruit trees) to be removed for the dwelling.
- 3.3. The dwelling would comprise of a living room, kitchen/dining area, utility and W.C on the ground floor, with two bedrooms and a family bathroom at first floor. The dimensions of the dwelling are a depth of 11.607m by 9.196m in width, ridge height of 6.954m (3.6m to the

eaves) on the one and a half storey section and 5.154m (2.55m to the eaves) on the single-storey section.

- 3.4. Material finishes for the dwelling have not been provided at this stage although are indicated to be a light colour render above brick plinth with pantile roof on the proposed street scenes; material specifications are therefore sought by condition.

4. Consultees

Third Party Representations

- 4.1. A total of nine representations were received which object to the application on the following grounds;

- The new dwelling would be approximately 1.5m higher than the existing thatched cottage;
- Overdevelopment/too wide for the plot;
- Harm to the street scene;
- Design is bland;
- Single-storey dwelling would be more in-keeping / meet housing needs;
- The dwelling does not provide adequate living accommodation on the ground floor;
- Material finishes have not been confirmed;
- Contrary to SCLP5.2 / SCLP5.7;
- Impact on heritage asset/listed building/conservation area;
- Position of building is unclear as contradictory information in submission;
- Overshadowing;
- Loss of trees;
- Impact on wildlife;
- Impact on ponds;
- Surface water flood risk - houses to the north have flooded.

- 4.2. In addition to the above, two representations of support were received from 51 The Street and The Queen, Brandeston. A further two representations of support were also received from outside of the district, which commented in favour of a new smaller sized family home in the village.

- 4.3. The above is a summary of comments received. Full comments can be viewed on the Council's website.

Parish/Town Council

Consultee	Date consulted	Date reply received
Brandeston Parish Council	6 December 2023	20 December 2023
<p>Summary of comments: Brandeston PC Object to the application.</p> <p>1. In terms of the size and scale of proposed dwelling, the PC consider the footprint of the design to be too large and too wide for the area of land in which it is to sit.</p> <p>2. The roof height is nearly 1.5m above that of no.51 The Street, although no.51 is not a listed building the location is within a conservation area with a mix of older more traditional houses. (Although the house to the left of no.51 has a roof line above that of the rest of the street, the longterm parishioners suggest the it was built taller than permitted. It is not kind to the eye so the PC do not wish this mistake' to happen again.)</p> <p>3. Referring to comments nos. 1 & 2, the PC would look more favourably on a design with a smaller narrower footprint, a lower roof-line, set-back from the line of no.51. In summary, a dwelling subservient to no.51.</p> <p>4. The Brandeston PC HNS identified a need for accessible 2 bed dwellings.</p> <p>5. The Ecology report is missing.</p> <p>6. The PC want to understand the actual details of the materials of the finish, the location being in a conservation area. (Colour, windows etc.)</p> <p>7. Any design should make provision for surface water run-off/ flooding, there is an issue with water run-off in this area of Brandeston, the houses opposite can flood.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Natural England	6 December 2023	18 December 2023
<p>Summary of comments: Unable to access information via public access.</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	6 December 2023	21 December 2023
<p>Summary of comments: Holding objection; more information required in respect of visibility splays.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	6 December 2023	8 December 2023
Summary of comments: Recommends a condition for the unexpected discovery of land contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	6 December 2023	21 December 2023
Summary of comments: Conditions recommended.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	6 December 2023	20 December 2023
Summary of comments: No objection - condition recommended to secure the tree protection measures and working methods.		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	12 December 2023
Summary of comments: Informative information about access to water and fire fighting facilities, including advisory note on the installation of sprinkler systems.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 February 2024	21 February 2024
Summary of comments: Holding objection removed. Conditions recommended		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	19 December 2023	8 January 2024
Summary of comments: No further comments		

Consultee	Date consulted	Date reply received
Natural England	19 December 2023	11 January 2024
Summary of comments: No objection subject to securing RAMS contribution/mitigation.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	19 December 2023	28 December 2023
Summary of comments: Development will not have a significant detrimental impact on the local landscape or the character of the Conservation Area in arboricultural terms. No objections and recommend that any granted permission includes a condition to secure the tree protection measures and working methods.		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area	14 December 2023	9 January 2024	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 16 December 2023 Expiry date: 10 January 2024
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5. Planning policy

National Planning Policy Framework 2023

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

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

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

SCLP5.2 - Housing Development in Small Villages (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

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

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

6. Planning Considerations

- 6.1. 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. The Development Plan for the district (former Suffolk Coastal area) consists of "The East Suffolk Council - Suffolk Coastal Local Plan (adopted 23 September 2020)".

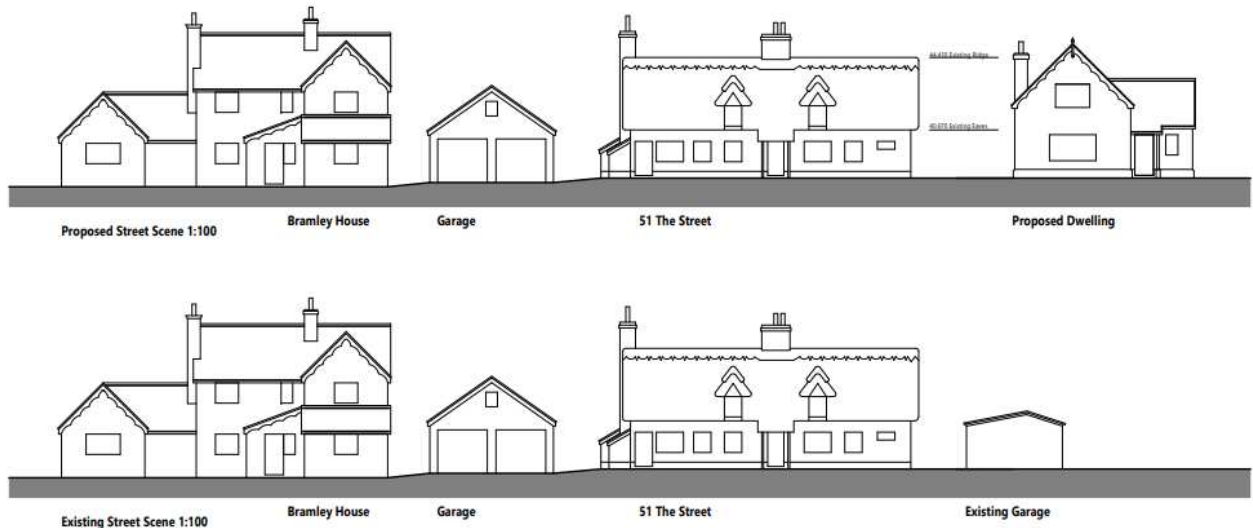
Principle of Development (including Conservation Area Impact):

- 6.2. Brandeston is identified as 'small village' in the settlement hierarchy of the Local Plan (SCLP3.2). The site is located within the settlement boundary shown on the policies maps (SCLP3.3 and Map 09).
- 6.3. In accordance with SCLP5.2, residential development will be permitted within defined settlement boundaries where it is either a small group of dwellings of a scale appropriate to the size, location and character of the village or infill development (in accordance with Policy SCLP5.7). Therefore, subject to compliance with other plan policies it is considered that the principle of development is acceptable.
- 6.4. Infill development is that which takes place in a gap between existing buildings. Garden development is that which takes place in the garden of an existing dwelling, often to the rear. The Local Plan policies provide for infill development in certain circumstances, and

notes that infill developments provide a valuable contribution to housing supply and the mix and type of housing delivered.

- 6.5. Infill development can have the potential to harm the character of a streetscape if not carefully designed or if it takes place on unsuitable sites such as those which are too small. In addition, development of backland or garden plots can impact on the landscape if they encroach into the countryside or can raise amenity issues within built up areas. This issue is recognised in the National Planning Policy Framework which states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.6. Therefore, in accordance with SCLP5.7, proposals for infill development or residential development within existing gardens will be supported where:
- a) The scale, design and materials would not result in harm to the street scene or character of the area;*
 - b) The proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site;*
 - c) There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;*
 - d) Existing and proposed dwellings have sufficient curtilage space; and*
 - e) The proposals are otherwise in accordance with the housing policies of the Local Plan.*
- 6.7. The Brandeston Conservation Area Appraisal makes specific reference to the western end of The Street: "The western part of The Street has a linear form and an interesting mix of traditional building types and styles. The centre piece is one of the most attractive groups of vernacular buildings in the whole District. The grade II listed rendered timber-framed cottages on the north side of The Street, numbers 33-43, with their steeply pitched long straw thatched roofs (some in replacement reed) and their attractive detailing are the highlight of the village. The western end of the Conservation Area, like the eastern end, is marked by a traditional farm complex at Red House Farm. The buildings here, being located close to the road, enclose the village street more and mark a positive and appropriate edge to the built-up part of the village."
- 6.8. The proposed development is not considered to undermine the western approach into the village, with the development located within the existing 'bookends' of the village. The proposed dwelling has given consideration to architectural detailing found on adjacent properties. Whilst material finishes have not yet been confirmed the indicative finishes are considered to be in-keeping with the surrounding development form. Whilst there is a relatively continuous building line, there are examples of some dwellings having a slight set back along The Street. The dwelling is also of similar design to other dwellings in close proximity to the site.
- 6.9. Concern has been raised over the height of the proposed dwelling, being higher than that of no. 51. It is noted that Bramley House is slightly taller than no.51 within the streetscene. Whilst it is noted that preference is for the proposed dwelling to be lower in scale than no.51, Bramley House does set some precedent in respect of building height.

6.10. The proposed dwelling is also shown to be lower than the building line of Bramley House, a full two storey dwelling as opposed to the one and a half storey dwelling proposed here. Submitted drawing 03A shows that the proposed dwelling will have a height at 6.95m at the highest point. This indicates that the proposed dwelling would be 800mm above that of no.51 as shown below:



6.11. With the varying buildings heights along the street, the new dwelling would not look out of place. This, in addition to the set back behind no.51 and no visible bulk fronting the highway due to the 'gable-on' orientation, is not considered to be contrary to the aspirations of SCLP11.1 which seeks to ensure that the height and massing of developments should be well related to that of their surroundings.

6.12. The agent has advised that consideration was given to the design of a bungalow, but the scale of the plot and the style of other properties along the street lends itself to a cottage style property. This proposal is in keeping with the style of cottages in the area including the roof pitch which, if lowered, would not look as appealing, and wouldn't function as a one and a half storey property due to the headroom required.

6.13. Both the existing and proposed dwelling would have sufficient curtilage space, which provides both with private amenity space and space for parking and turning.

6.14. It is noted that the supporting statement refers to the dwelling being located behind an existing fir tree which would be retained on the site frontage. The submitted Arboricultural Impact Assessment (AIA) also shows this tree to be retained. A number of other trees on the site are proposed to be removed, although these are small, low quality trees and the loss of these are not considered to have an adverse impact on public amenity. The Council's Arboricultural Officer is satisfied with the submitted AIA and confirmed that the tree protection measures and working methods contained within the report will safeguard against undue harm. Compliance with these will ensure that the development will not have a significant detrimental impact on the local landscape or the character of the Conservation Area in arboricultural terms. A condition is recommended for the development to be

undertaken in accordance with the tree protection measures and working methods set out in the AIA.

- 6.15. The development has no windows on the side elevations, thus would not result in any direct overlooking to neighbouring dwellings. Setting the dwelling back slightly within the plot also has the advantage of not impacting the side ground floor windows of no.51 The Street. Due to the set back, distance between dwellings and existing vegetation, the dwelling would not result in any loss of light, privacy, result in overshadowing or be overbearing such that permission should be refused. The use of the site for residential use, will not have any additional noise or odour issues beyond that of a residential dwelling post construction. Details of boundary treatment are however sought by condition, with particular regard to the boundary with no.51 The Street.
- 6.16. Following the submission of further details in respect of visibility splays, Suffolk County Council as Highways Authority has not objected to the proposal on highways safety grounds, rather they have recommended conditions to be included with any grant of permission.
- 6.17. In accordance with the above, the development is considered to accord with SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.7, SCLP7.2, SCLP11.1, SCLP11.2 and SCLP11.5.

Ecology & RAMS:

- 6.18. The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal (JP Ecology, December 2023, Rev 1) and is satisfied with the conclusions of the consultant. Conditions have been recommended in the event that permission is granted.
- 6.19. In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. This has been secured prior to the application being determined in accordance with SCLP10.1.

7. Conclusion

- 7.1. For the reasons given above the proposal is considered to accord with SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.7, SCLP7.2, SCLP10.1, SCLP10.4, SCLP11.1, SCLP11.2 and SCLP11.5.

8. Recommendation

- 8.1. Approve planning permission, subject to the conditions set out below.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's LDA-367-03A, LDA-367-02B, LDA-367-01 received 28 November 2023, LDA-367-06 received 20 December 2023 and LDA-367-07 received 31 January 2024.

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

3. No development shall commence above slab level until details of the roof, wall materials and finishes to be used have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Within three months of the commencement of development, details of all proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved means of boundary treatment shall be implemented prior to the first occupation of the dwelling and retained thereafter.

Reason: In the interests of visual and residential amenity.

5. No development shall commence, or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.

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

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting the said Order, no development of any kind specified in Part 1, Classes B and C of Schedule 2 of the said Order shall be carried out unless planning permission has been granted for such.

Reason: In order that the Local Planning Authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment.

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the submitted Preliminary Ecological Appraisal (JP Ecology, December 2023, Rev 1).

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

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

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

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

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

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

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

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. LDA-367-07 with an X dimension of 2.4 metres and a Y dimension of 43 metres (tangential to the nearside edge of the carriageway) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order with or without modification, no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

10. No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County Council drawing no. DM01; with an entrance width of 3 metres. Thereafter, it shall be retained in its approved form.

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

11. Prior to the development hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with

details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

12. The use shall not commence until the area within the site shown on drawing LDA-367-07 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

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

13. Before the development is commenced details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2023.

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

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2023.

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

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

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

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

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

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity, particularly given the loss of frontage hedgerow and garden fruit trees.

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

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

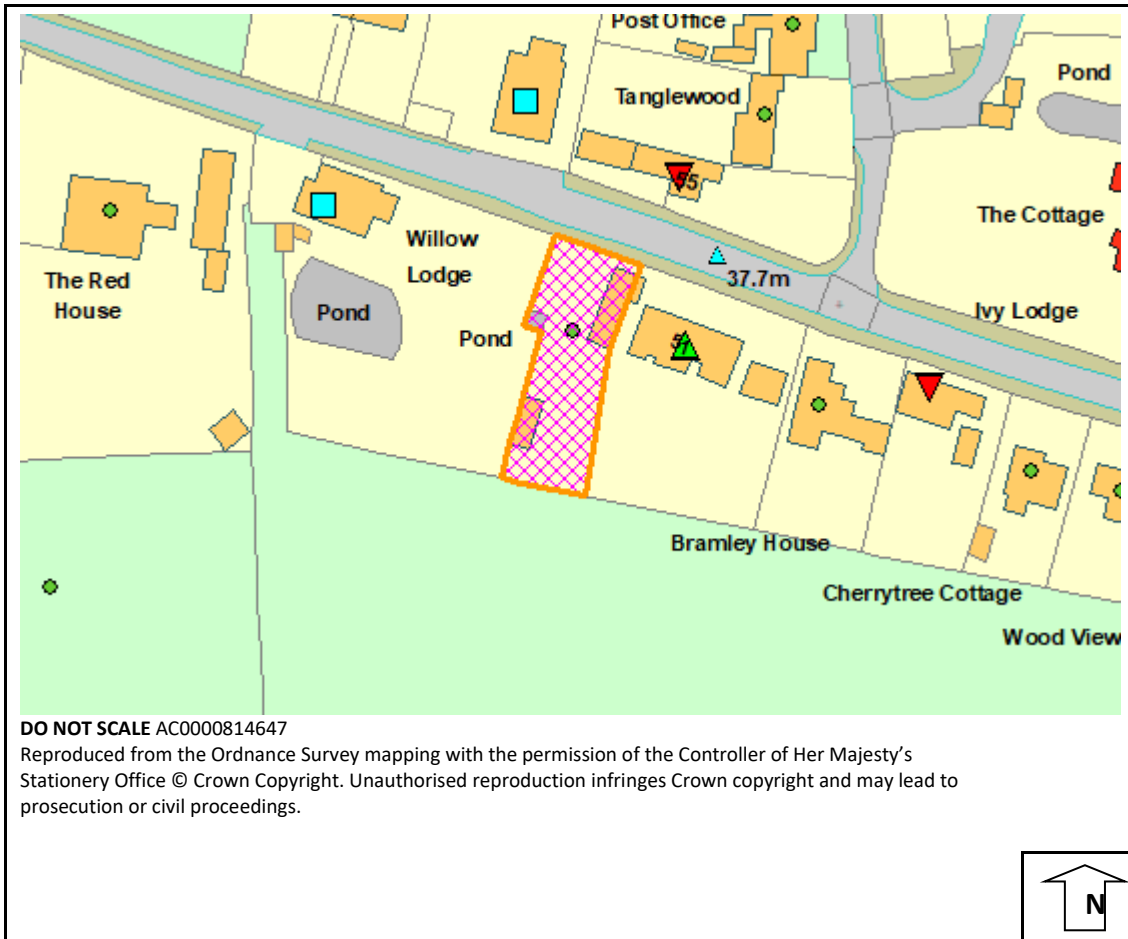
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk
3. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.





Background information

See application reference DC/23/4590/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 26 March 2024

Application no DC/23/4805/FUL

Location

The Promenade
Sea Road
Felixstowe

Expiry date 16 February 2024

Application type Full Application

Applicant Paul Hedges

Parish Felixstowe

Proposal Proposed ongoing seasonal erection of the Observation Wheel attraction
From February to October.

Case Officer Danielle Miller
07799 071744
danielle.miller@eastsoffolk.gov.uk

1. Summary

- 1.1. The application seeks permission to use the land to site an observation wheel attraction (Ferris Wheel) between the months of February to October on a permanent basis.
- 1.2. The application is being presented to Planning Committee for determination solely because the Council is the landowner. The Town Council do not object to the proposal and there are no objections from any Statutory Consultees. The application would not normally have triggered the Referral Panel process.
- 1.3. The application is recommended for approval. The proposal is considered to add to the offer of tourism facilities in the resort and the previous temporary consent allowed the operator and landowner to assess the suitability and success of the attraction, which has proved to be successful in this locality. The temporary consent (DC/22/0103/FUL) was permitted with an agreement that the sea front garden area shall be returned to its previous state on expiration of the planning permission and/or license. The long term landscaping of this area has been the main consideration of this application, as there is not

the option to return the area to its previous state during the off-season period as the area would not recover in that short term period. A new landscaping scheme is therefore recommended to ensure that the site is left in an attractive manner and provides a continuity of the gardens along the promenade for use during the off-season. Where the landscaping scheme is implemented, there would be no long-term impact as a result of the proposal.

2. Site Description

- 2.1. The application site formed what was previously part of the grassed area immediately behind the promenade and adjacent to Sea Road. The area has been used under a temporary consent for the same Ferris Wheel last year, and as such the grass has since been removed and the area is currently laid to shingle. These remaining garden areas along this stretch of promenade have not been maintained to a high standard in recent years, but still provide an attractive and useable space away from the sea front and away from the vehicle dominated Sea Road.
- 2.2. The site is located opposite the commercial offer of the south sea front resort facilities where the amusement arcades and refreshment outlets dominate. Immediately to the south of the site is one of the seaside shelters with the land immediately to the north of the site being similar in character and appearance to the application site, currently providing paths through the grassed areas, parallel with the promenade to the east and Sea Road to the West.
- 2.3. The site lies within Flood Zone 2 and is sea ward of the existing flood defences.
- 2.4. Permission has recently been granted for the siting of a temporary observation wheel for a maximum of six months, reference DC/22/0103/FUL, this application has since expired.

3. Proposal

- 3.1. The application seeks permission for the continued use of the land on a permanent basis to site the observation wheel between the months of February to October.
- 3.2. The proposed wheel would be sited on a raised metal base off the ground and be supported by four columns on loading pads. The wheel would be a maximum height of 34.5 metres and be 32.6 metres long and 13.7 metres wide. It would take up the entire width of the existing garden area behind the promenade. It would have 24 'pods' for passengers to ride in, each with a maximum capacity of six persons.
- 3.3. The previous consent involved the partial removal of areas of the wall and hedge along the back of the promenade to enable access to, and around the wheel. This has not been reinstated, and as such the area would remain as existing with the loss of the wall and hedge in this area. Two three metre sections of this wall/hedge would have been removed. The raised grassed area in the centre of the site has also been removed to accommodate the wheel under the previous consent and has not been reinstated.
- 3.4. The application is made to site the observation wheel on a permanent basis, and a license agreement will be required between the applicant and the Council's estates department.

4. Consultees

Third Party Representations

- 4.1. A total of 19 letters from third parties have been received in response to this application. Five of these letters are objections and 14 letters are in support.

Objections:

- Objection to the duration the Wheel will be operational. Nine months does not give the area time to recover. A more appropriate period would be March – September.
- The scale of the structure is intrusive on local properties.
- The lights are not static, creating light pollution and amenity issues to neighbouring properties.
- Site not large enough to accommodate wheel.
- Not safe in flood plain.
- Environmental pollution from operation.
- Submission inconsistent on operation hours – operation hours considered to be too long.
- No queue control measures. Queues would be better through gardens and not on promenade.
- Land not returned to previous condition as required as part of previous consent.

Support:

- The wheel was a great success last year and beautiful, making the town more attractive.
- Additional tourism brought to the town.
- No anti-social behaviour experienced.
- No traffic issues.
- Wheel is quiet.
- Well organised.
- Positive social media presence.

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	5 January 2024	24 January 2024
<p>Summary of comments: Committee recommended APPROVAL. We welcome this application for the observation wheel on a permanent basis. However, Committee had the following concerns: We would ask for a more efficient queuing system to be introduced to avoid obstruction to the promenade. We also believe that the proposed finish time of 23:30 is excessive and we would ask for a condition that its use on Friday, Saturday, Sundays and Bank Holidays finish at 23:00.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	24 January 2024	13 February 2024
Summary of comments: No objection to the proposed development providing that you have taken into account the flood risk considerations which are your responsibility.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	5 January 2024	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Felixstowe Society	5 January 2024	31 January 2024
Summary of comments: The Felixstowe Society fully supports this application.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	5 January 2024	31 January 2024
Summary of comments: Due to the location within the existing built environment it is considered unlikely that there would be any potential impacts on protected species and UK Priority habitats and species. Based on the available information the proposed development appears unlikely to result in any significant adverse impacts on designated nature conservation sites, protected species or UK Priority habitats or species (under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))		

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	5 January 2024	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	24 January 2024	14 February 2024

Summary of comments:

Overall, the proposed development is in keeping with the seafront setting and would complement adjacent commercial and leisure uses. There would be some visual impact as a result of the development during part of the year, however, vertical structures are not uncommon in this part of the estuary, and in a way the structure mirrors the cranes at Felixstowe Port to the west. Considering this is to be a permanent fixture on the seafront, a scheme should be put into place to provide useable POS during the off-season. This should include an attractive bound surface with seating, and should retain the central footpath which links the site to the wider seafront linear park. The bound surface should have a high-quality finish, such as a resin-bound gravel, and be of a colour suitable for the seafront setting. Due to the potential for flooding at the site, appropriate drainage will need to be installed to ensure that water does not stand on the surfacing for long periods. Seating should be incorporated into the gabion retaining walls by installing a timber bench top; this will also cap off the sharp edges. A more permanent and attractive solution is also required to replace the boards either side of the existing wall.

Consultee	Date consulted	Date reply received
East Suffolk Estates Asset Management	24 January 2024	6 February 2024

Summary of comments:

Asset management as representative of the Council as landowner are supportive of the proposed development as described however we do feel the proposed times of opening are excessive and would therefore not approve any use after 10.30pm or potentially slightly earlier if recommended by yourselves.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	5 January 2024	9 January 2024

Summary of comments:

The Environmental Protection Team has no comments to make.

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 9 January 2024

Expiry date: 30 January 2024

5. Planning policy

National Planning Policy Framework 2023

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Planning Considerations

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's Development Plan in the context of this application consists of the East Suffolk Council - Suffolk Coastal Local Plan (Local Plan), adopted September 2020. The National Planning Policy Framework (2023) is also a material consideration in the determination of the application.

Principle of Development

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

Design and Layout

- 6.6. The height of the proposed wheel would result in a significant visual impact, not just in the locality but also in many wider views from within the wider area. The design of the wheel is unobjectionable insofar as it is clear what it is and while it would be a new and

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

- 6.7. The boundary of the Felixstowe South Conservation Area is located approximately 250 metres to the north of the site. While the wheel would be visible in views to and from the Conservation Area, it would not detract from its significance or importance due to its physical separation, and that the special interest of the Conservation Area is based around the Victorian and Edwardian built form that the wheel is clearly not trying to compete with or replicate in its design or appearance.
- 6.8. The nearest Listed Building is Martello Tower located over 500 metres to the south of the site in Martello Park. While the proposed wheel would be visible from the tower, the distance between the structures and intervening land uses means that the proposed development would not adversely affect the setting of the Listed Building. The proposal would therefore not result in any harm to the heritage asset.
- 6.9. The proposed development is in keeping with the seafront setting and would complement adjacent commercial and leisure uses. There would be some visual impact as a result of the development during part of the year, however, vertical structures are not uncommon in this part of the estuary, and in a way the structure mirrors the cranes at Felixstowe Port to the west.
- 6.10. The previous temporary consent sought minor works to the existing layout of the garden area. This included regrading some of the raised grass bed areas (to enable a flat surface for the base of the wheel) and the removal of two sections of wall and hedge at the rear of the prom to enable access and egress for visitors. This has resulted in a change of appearance of an otherwise uniform appearance of the garden areas in the vicinity of the site. It is understood that the terms of the license granted by the Council as landowner require full reinstatement on its cessation. A condition is therefore suggested for inclusion requiring the appearance of the site to be returned to its original appearance on expiration of the licence. This would ensure that the continuity of the garden's areas remain when the wheel is no longer in situ.
- 6.11. Considering this is to be a permanent fixture on the seafront, a scheme has been put forward to provide useable public open space during the off-season. This should include paving either side of the retained central footpath which links the site to the wider seafront linear park. Due to the potential for flooding at the site, appropriate drainage will need to be installed to ensure that water does not stand on the surfacing for long periods. Seating has also been considered and has been incorporated into the gabion retaining walls by installing a bench top; this will also cap off the sharp edges. The timber boards which are used during the off-season have been considered appropriate for the location and have been used in other areas along the promenade; as such it is considered these are a suitable solution to retain.
- 6.12. Some lighting is proposed on the wheel and wider site; however, a condition is proposed to limit this to low level security lighting only outside of the operating times of the wheel to ensure that any light spillage is minimised and not excessive. It is however noted that

the wheel is situated in an area where there are other illuminated signs and businesses operating, as well as street lights along Sea Road and the prom, either side of the proposed wheel, such that additional low level lighting would not be out of keeping with the wider area.

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

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

- 6.14. The siting of the wheel will result in a small loss of open space and require slightly different movement patterns for pedestrians while the wheel is operational. This, however, is within an area with good levels of public open space along the sea front gardens, promenade and more recent development at Martello Park. The quantitative loss of space is therefore only a small proportion of the open space available in the vicinity, and the open space would not be completely lost insofar as the new attraction would be open for the public's use/benefit and it would be transient in nature, with a period of time that the wheel is completely removed from the site. There is also the added benefit to the wider economy of this additional investment/attraction to the resort. The proposal is therefore considered to be in accordance with SCLP8.2.
- 6.15. A landscape and drainage scheme is required for this permanent presence. Given the applicant has been very aware of the need for attention to the siting and landscaping since prior to the previous temporary consent, it is unfortunate that the necessary information has not accompanied this submission. However, given this has previously benefited from a temporary consent, it is acceptable for these details to be submitted within the first three months of installation and for the works to be carried out in the next out of season period.

Amenity

- 6.16. The nearest residential property to the proposed wheel is approximately 90 metres to the north, on St. Edmunds Road, and there are intervening commercial premises between the site and the nearest residential properties in all directions. The Council's Environmental Protection Team have made no comment on this application. It is not however considered that the wheel would cause significant noise and disturbance beyond that currently audible from the nearby highway and other commercial premises. The application states that the operation of the wheel is silent and electric powered. The operator would still be required to deal with any statutory noise complaints arising in the shorter term. No statutory noise complaints were received during the temporary consent.

Highways/Parking

- 6.17. The application site does not include any parking areas. It is recognised that in peak periods there is high demand for parking in this area. Having said this, there are public car parks nearby, on-street parking is available, and Felixstowe is served by public transport. While it is anticipated that the attraction would bring in some visitors to the town, many of these trips are likely to be linked with visits to other attractions in the town. While it cannot be quantified, it is not considered that the development would cause significant impacts on the local highway network such that permission should be refused on this basis.

Hours of Operation

- 6.18. The planning statement seeks the continued operational times to be 10am – 10pm Monday to Thursday and until 11.30pm Friday – Sundays (including bank holidays). The Council's asset team and a number of third parties have suggested that these hours are unsuitable, and a more appropriate finish time would be 10.30pm. The temporary consent restricted the hours to Monday - Friday 10.00 - 21.00; Saturday 10.00 - 22.00; Sundays and Bank Holidays 10.00 - 21.00, and these hours were considered to be more in keeping with the operation hours of the attractions nearby including the arcades and facilities in the area. In terms of meeting the requirements of the applicants and ensuring that the attraction is not detrimental to local residents' amenity, officers are recommending that the hours of operation are changed to 10am – 9pm Monday to Thursday and 10am - 10pm Friday – Sundays (including bank holidays). This seems reasonable to achieve the requirements of the applicant and so not to attract further visitors later into the evening in what are usually expected to be times when local residents may be able to expect quieter periods.

Flood Risk

- 6.19. The application site lies within the Environment Agency's Flood Zone 2 and is seaward side of the existing sea defences. The Environment Agency does not object to the proposal however requires the Local Planning Authority to consider the flood risk. The Environment Agency has also indicated that they would require a Flood Risk Activity Permit. This has previously been granted for the temporary use and would need to be in place prior to operation of the site, but this lies outside of the planning remit.
- 6.20. In relation to flood risk, the site lies within Flood Zone 3b as identified in the Strategic Flood Risk Assessment and given its location seaward of the defences and its proximity to the sea, is at risk from tidal flooding events. The proposed development is considered to be at low risk of flooding from pluvial, groundwater and sewer sources. A Flood Risk Sequential Test is not required in this case given the application proposes the change of use of land, not operational development. The proposed wheel would be situated on a low metal platform and not require any ground works. In the event of a flood, there would be very limited water displaced (limited to the volume of the sheets of metal decking).
- 6.21. Uses of land for outdoor sports and recreation are considered to be 'water compatible' as set out in Annex 3: Flood risk vulnerability classification of the National Planning Practice Guidance. A 'water compatible' use is considered to be potentially suitable within Flood Zone 2, and 3b as set out in Table 2 of the Planning Practice Guidance: Flood Zone Vulnerability and Flood Risk 'incompatibility'. The exception test is therefore not required.

A note to the table indicates that within Flood Zone 3b, essential infrastructure that has passed the exception test and water-compatible uses should be designed and constructed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows; and not increase flood risk elsewhere. Although the site would not remain operational in times of flood warning (similar to as would be expected with other outdoor recreational uses), the development would not result in any loss of floodplain storage or impact on water flows or flood risk elsewhere. The proposal is therefore considered to be in accordance with Table 2 within the National Planning Practice Guidance document.

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

License

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

Ecology

- 6.25. The nearest County Wildlife Site (CWS) is Martello Tower - Rare Plant Site, located 448m south. Landguard Common Site Sites of Special Scientific Interest (SSSI) is located 1.2km south and Landguard Common Local Nature Reserve (LNR) is located 1.6km south of the application site. However, due to the separation distance and the habitat within the application site comprising hardstanding and short mown amenity grassland it is considered there will be no impacts to the CWS, LNR or SSSI.
- 6.26. Due to the location within the existing built environment, it is considered unlikely that there would be any potential impacts on protected species and UK Priority habitats and species. The development is not eligible for Biodiversity Net Gain.

- 6.27. Local Plan policy SCLP6.2 (Tourism Destinations) states that “Where necessary, applications for new destinations or the redevelopment or extension/intensification of destinations will need to be subject to screening under the Habitats Regulations. Any destinations which would result in significant adverse effects on European sites which could not be appropriately mitigated will not be permitted”. The closest European designated sites to the application site are the Stour and Orwell Estuaries Special Protection Area (SPA) and the Stour and Orwell Estuaries Ramsar Site, which at their closest point lie approximately 3.8km to the west of the application site. The application is for the siting of an observation wheel (on a seasonal basis) on Felixstowe seafront. Given the scale and nature of the proposal, its location within the existing built environment, and the distance between the application site and the closest European designated sites, it is not considered that there are any impact pathways between the development and features for which the European sites are designated. It is therefore concluded that the proposed development will not give rise to any Likely Significant Effects (LSEs) on the identified designated sites, either alone or in-combination with other plans or projects, and therefore progression to HRA Stage 2 (Appropriate Assessment) is not required. In reaching this conclusion the competent authority took no account of any measures intended to avoid or reduce potentially harmful effects on any European designated site.

7. Conclusion

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

8. Recommendation

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

Conditions:

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance with the following plans and documents:

6088 01 Location Plan
6088 02 Wheel in Season Summer 23
6088 03 Site Out of Season Winter 23
6088 04 Prop in Season 24 And Ongoing
6088 06 In Season Summer 23 Eles
6088 07 Site Winter 23 Eles
6088 08 Wheel in Season Summer 24 Eles
6088 09 Site Winter 24 Eles

6088 10 Landscape Site Plan
Flood risk report
Wheel technical documentation
Ra observation wheel 16619
Planning statement 1.

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. If the observation wheel hereby permitted is not operational for a period in excess of 24 hours, the gaps created within the promenade facing boundary wall for access and egress shall be infilled as indicated on drawing 6088 07.

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

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

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

5. All noisy construction and deconstruction activities (i.e. those audible beyond the site boundary) shall be restricted to the following hours:
Monday - Friday: 7.30-18.00
Saturday: 8.00 - 18.00
Sundays/Bank Holidays: No noisy working.

Construction and de-construction of the wheel and wheel operation shall be carried out entirely in accordance with the Flood risk report; Wheel technical documentation; Ra observation wheel 16619; Planning statement 1. submitted with the application.

The observation wheel shall only operate during the following times:
Monday – Thursday 10.00 - 21.00
Friday – Sunday (including Bank Holidays) 10.00 - 22.00

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

6. There shall be no floodlighting lighting on the site at any time. During the hours of darkness the landward side lights will be switch off. When the wheel is not operational, there shall be no external lighting except for low level security lighting that shall not be positioned above one metre above the proposed platform.

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

7. Within three months of the installation of the wheel a landscape and drainage scheme shall be submitted to and approved by the council.

Reason: To ensure that adequate consideration has been given to the drainage of the site and a suitable surface finish is provided.

8. The landscaping and drainage scheme approved shall be implemented during the first “Out of Season” period (October 2024 – February 2025) during the time that the wheel is removed and retained as such unless otherwise agreed with the Local Authority.

Reason: In the interest of visual amenity of the surrounding area.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant's attention is drawn to the comments from the Environment Agency regarding the need for a Flood Risk Activity Permit.
3. The applicant is advised that this planning permission does not 'trump' any lease or license granted by the Council as landowner (or vice versa) and that all necessary permissions must be in place and complied with in full for the operation to be lawful.

Background information

See application reference DC/23/4805/FUL on [Public Access](#)

Map

DO NOT SCALE AC0000814647

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Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South - 26 March 2024

Application no DC/23/3477/RG3

Location

Land Adjacent The Ferry Boat Inn
The Ferry
Felixstowe
Suffolk

Expiry date 10 November 2023
Application type Deemed Council Development
Applicant Mr Ian Woodford

Parish Felixstowe
Proposal Resurfacing and extension of existing car park
Case Officer Grant Heal
01394 444779
grant.heal@eastsuffolk.gov.uk

1. Summary

- 1.1 Planning permission is sought for the resurfacing and extension of an existing car park on land adjacent The Ferry Boat Inn, The Ferry, Felixstowe.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and all relevant policies of the adopted development plan.
- 1.3 While there are no objections from statutory consultees, the application must proceed to planning committee because East Suffolk Council are the applicant and part landowners.

N.B. East Suffolk Council are currently in the process of purchasing some of the land that forms part of the proposed landscaping and access area within the application site. The red line on the application site location plan has therefore been updated which has triggered the requirement to serve notice on the current owners. If the committee resolve to approve

the proposal, planning permission would not be issued until the 21-day notice period to the third-party owner has expired, as required by Certificate B of the application process.

2. Site Description

- 2.1 The application site comprises an existing public car park accessible off Ferry Road. Vehicular access into the site is shared by the Ferry Boat Inn Public House, as well as several residential properties situated further north on the opposite side of a large public recreation green space. A boat yard is evident on the opposite side of Ferry Road, beyond which lies the sea wall embankment. The Council managed Millenium Green public recreation space also sits opposite the site to the north-east.
- 2.2 The existing car park provides informal parking for approx. 14 vehicles but is in a poor state with uneven and impermeable surfacing which results in the pooling of surface water. Its southern boundary runs parallel to a public footway along Ferry Road, however, there is no physical demarcation between parking and footway areas resulting in inappropriate and unsafe vehicle access/egress over the footway. Inappropriate parking of vehicles also takes place on the surrounding green area.
- 2.3 The site lies within The Suffolk and Essex Coast and Heaths National Landscape (formerly known as an AONB) and Flood Zone 3a.

3. Proposal

- 3.1 This application seeks planning permission for resurfacing improvements and a minor extension of the existing car park, along with associated landscaping.
- 3.2 East Suffolk Council recently acquired the site with a view to updating it, along with the provision of additional spaces, new planting and boundary features.
- 3.3 The proposed pay and display arrangement will formalise the facility and help to secure its long-term use as a car park towards supporting local businesses, including the adjacent Public House, as well as the nearby café, restaurant and tearooms situated further north towards the ferry boat landing. The improvements will also encourage greater use of both the adjacent open green area and Millenium Green public recreation space positioned opposite.
- 3.4 The improved car park would provide 21 car parking spaces, including two disabled badge holder spaces, and it is anticipated that users will be able to purchase 30-minute, 2-hour, 4-hour, and daily ticket options.
- 3.5 Two permit holder resident parking spaces will also be formalised close to the site's entrance where various other improvements to the existing footway and crossing, including tactile paving, would be introduced.
- 3.6 No external lighting or physical barriers are proposed. No new signage is proposed, however, any future signage requirements that may arise will be dealt with separately via the appropriate advertisement consent process.

4. Consultees

Third Party Representations

- 4.1 23 third-party representations of objection have been received which raise concerns relating to potential flood risk, impact on the National Landscape (formerly AONB), access/ highway safety, disabled parking, amenity impacts, drainage and external lighting.
- 4.2 Three third-party representations of support have been received which highlight the importance of regularising the existing car park to effectively control parking within the area in the interest of highway safety and the avoidance of inappropriate parking practice.
- 4.3 Two neutral third-party representations have been received which raise the consideration of amenity impacts, drainage and external lighting arrangements.
- 4.4 A representation from the Felixstowe Ferry Residents Association has also been received which includes a survey undertaken by 36 residents, of which 7 support, 23 oppose and 6 hold a neutral stance on the proposal. Principal issues relate to potential loss of residents parking, use of proposed surfacing materials, access safety issues and the potential negative impact of increased signage.
- 4.5 The Council's Asset Management Team provided the following published response on October 25 2023:

'Asset management are acting for the Council as landowner and not as planning authority. We are keen to improve the area in keeping with the AONB, a landscaping plan has been commissioned as part of the pending application. In response to the comments made the actual land take for the addition parking space is small whilst enabling a number of additional parking spaces, the remainder of open space will remain, and the design will of course reflect the location, the use of tarmac is only on limited areas for exit and egress and for disabled use not the main car park area. The exit will be compliant with highway requirements. The introduction of paid parking will be the mechanism by which these improvements can be made and some of the current misuse can be policed under civil parking legislation, specifically addressing some of the issues like trailers that current exist. No physical height barriers are proposed. Because tarmac is not to be used except for disabled and egress the remaining spaces will not be lined but will be like the parking area in the nearby private car park. Cycle parking is included reflecting requirements identified. We hope these comments go some way to address some of the concerns raised'.

Consultee	Date consulted	Date reply received
Felixstowe Town Council	18 September 2023 7 December 2023 30 January 2024	4 October 2023 10 January 2024 7 February 2024
<p>Summary of comments:</p> <p><u>4 October 2023:</u> Committee recommended APPROVAL. However, we would suggest some appropriate landscaping to soften its appearance in the AONB.</p> <p><u>10 January 2024:</u> Committee recommend APPROVAL but would ask that the plans be amended to provide two disabled parking bays rather than one.</p> <p><u>7 February 2024:</u> Committee recommended APPROVAL.</p>		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	18 September 2023 N/A 7 December 2023 12 January 2024	5 October 2023 10 October 2023 14 December 2023 1 February 2024
<p>Summary of comments:</p> <p><u>5 October 2023:</u> The AONB team has no objection to the proposed works to the parking area adjacent to The Ferry Boat Inn at Felixstowe Ferry. No provision appears to have been made for cycle parking in the car park and this should be addressed. Consideration should also be given to introducing some soft landscaping along the verge frontage to the site to soften its visual impact.</p> <p><u>10 October 2023:</u> Additional comments provided concerning size of proposed parking area, the need for landscaping and the control of external lighting.</p> <p><u>14 December 2023:</u> The reduction in the number of parking spaces, the retention and upgrade of the existing single entrance/exit, the provision for cycle parking and the changes to the surfacing material in the car park are all fully supported. The improvements to the public realm/open space which includes the installation of a knee high railing, soft landscaping and the installation of timber sleepers to define and contain the western edge of the car park are also supported. The overall design approach now being proposed is considered much more sensitive and appropriate than the schemes previously submitted. The scheme as proposed will enable necessary enhancements to be made to the existing car park in a way that will also help to conserve the unique and quirky character of Felixstowe Ferry and this part of the National Landscape. The concerns raised the National Landscape team in our previous response dated 25/10/23 have been fully addressed by the scheme now proposed.</p> <p><u>1 February 2024:</u> No additional comments to see to revisions to the splay lines.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	5 October 2023	6 October 2023
	7 December 2023	11 December 2023
	12 January 2024	19 January 2024
	30 January 2024	13 February 2024
<p>Summary of comments:</p> <p><u>6 October 2023:</u> No objections. I do not consider that the proposals will have any relevant impact on the AONB landscape in which it is located. I agree with the response on the AONB unit that some native species scrub planting around the margins would help assimilate the carpark into the local landscape. This could be secured by condition.</p> <p><u>11 December 2023:</u> I have reviewed the revised plans and noted the inclusion of a cycle parking area, but I can advise that my previously submitted response remains valid and unaltered by the revision.</p> <p><u>19 January 2024:</u> Having reviewed the landscape planting plan dated December 2023, I can confirm that it is acceptable.</p> <p><u>13 February 2024:</u> No comment to make in respect of the revised visibility splay plan.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Design And Heritage	5 October 2023	9 October 2023
	7 December 2023	8 December 2023
<p>Summary of comments: No comment.</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	18 September 2023	9 October 2023
	7 December 2023	No response
	12 January 2024	16 January 2024
	30 January 2024	21 February 2024
<p>Summary of comments:</p> <p><u>9 October 2023:</u> No objection - conditions recommended regarding visibility splays, layout, gradient and surfacing of access, parking layout and drainage.</p> <p><u>16 January 2024:</u> Holding objection based on insufficient information concerning visibility splays and pedestrian access.</p> <p><u>21 February 2024:</u> No objection - conditions recommended regarding visibility splays, highway improvements, licencing, parking layout, cycle storage and drainage.</p>		

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A 7 December 2023	15 November 2023 No response
Summary of comments: No objection on balance, whilst the urbanisation of Felixstowe Ferry is resisted, the proposal would improve facilities to visitors in the area.		

Consultee	Date consulted	Date reply received
East Suffolk Estates Asset Management	18 September 2023 7 December 2023	No response No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Head Of Coastal Management	18 September 2023 7 December 2023	19 September 2023 15 December 2023
Summary of comments: <u>19 September 2023:</u> The site location sits within a 30m risk zone and a Level A CEVA has been provided. This is sufficient for this development. <u>15 December 2023:</u> No further comments to make.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 20 September 2023

Expiry date: 11 October 2023

5. Planning policy

National Planning Policy Framework 2023

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

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

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

SCLP12.11 - Felixstowe Ferry and Golf Course (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP8.1 - Community Facilities and Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

SCLP6.3 - Tourism Development within the AONB and Heritage Coast (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

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

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

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning Considerations

Planning history:

- 6.1 E7143 | Use of land as exhibition site for sale of boats and marine equipment also potable office building | Land Adjacent The Ferry Boat Inn, The Ferry, Felixstowe - Permitted 26 June 1962.

Assessment:

- 6.2 The National Planning Policy Framework (NPPF) encourages decisions that ensure the provision of social, recreational and cultural facilities, while providing shared spaces, community facilities and other local services to enhance the sustainability of communities. Importantly, it emphasises the need to guard against the unnecessary loss of valued facilities and services and ensure that established facilities and services are able to develop, modernise, and are retained for the benefit of the community.
- 6.3 The proposal site lies outside the settlement boundary (SCLP3.3), of Felixstowe. It therefore sits within 'The Countryside', as per the Settlement Hierarchy (SCLP3.2) of the adopted Local Plan.
- 6.4 SCLP12.2 (Strategy for Felixstowe) states that the vision for Felixstowe is to retain its role as a thriving coastal resort and major centre with a comprehensive range of services and facilities which support the community of Felixstowe and the neighbouring settlements on the Peninsula. Infrastructure improvements are required over the plan period to meet future needs as well as enhancing the quality of life of existing communities and visitors. With particular relevance to this proposal, it states:
- 'Car parking provision is maintained and enhanced through redevelopment opportunities to serve residents, visitors and tourists'.*
- 6.5 The site also lies within the policy area designated by SCLP12.11 (Felixstowe Ferry and Golf Course) which states:
- 'Felixstowe Ferry is to be protected to ensure that the unique traditional character continues to contribute to the overall tourism offer. Any future development proposals need to be sympathetic to the traditional low-key activities in the area. Views and interactions between the existing buildings, landscape and water need to be retained to maintain the overall setting of Felixstowe Ferry as a small fishing and boat building community...'*
- 6.6 With relevance to this proposal, Policy SCLP8.1 (Community Facilities and Assets) states that:

'Proposals for new community facilities and assets will be supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it serves and would not adversely affect existing facilities that are easily accessible and available to the local community'.

6.7 SCLP8.2 (Open Space) states that there is a presumption against any development that involves the loss of open space or community sport and recreation facilities. Where a loss of such space would result, the policy sets out that development will only be permitted in exceptional circumstances where:

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

b) An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses'.

6.8 Assessed within the context of the above policies, the proposal would help to modernise and enhance the existing parking offering within a small community reliant on year-round footfall to support local businesses and encourage visitors to nearby recreational facilities.

6.9 While the inclusion of a modest extension to the existing car park would result in the loss of a small undeveloped area along the site's south-eastern corner adjacent Ferry Road, it is noted that this area currently comprises a small embankment of only limited usability for recreational purposes. It is therefore found that the provision of additional parking spaces would, along with other proposed landscaping enhancements, provide an overall benefit to visitors to the area without undermining local character and access to recreational facilities. Importantly, the negligible loss of undeveloped space that would result from this application would not undermine the end-user's ability to enjoy the public green area to the west (adjacent the pub) nor to the north at Millenium Green. Indeed, the development would both remain ancillary to and encourage the use of these spaces.

6.10 The application would otherwise support and enhance the area's tourism experience in the spirit of policies SCLP6.1 (Tourism) and SCLP6.2 (Tourism Destinations) and the improvements would assist in the management of the local area towards ensuring its long-term sustainability, as advocated by SCLP6.3 (Tourism Development within the AONB and Heritage Coast).

6.11 In-line with the above assessment, it is therefore judged that, on balance, the planning principle could be considered acceptable, subject to a satisfactory assessment of other material planning matters, as set out below.

6.12 Towards ensuring the proposal would not result in undue impacts on the character of the area, the applicant and Case Officer have worked closely with the Council's Principal Landscape Officer and National Landscape Team.

6.13 The National Landscape Team's comments provides the following assessment of the proposal which has been refined and amended through the application consultation process:

'The reduction in the number of parking spaces, the retention and upgrade of the existing single entrance/exit, the provision for cycle parking and the changes to the surfacing

material in the car park are all fully supported. The improvements to the public realm/open space which includes the installation of a knee high railing, soft landscaping and the installation of timber sleepers to define and contain the western edge of the car park are also supported.

The overall design approach now being proposed is considered much more sensitive and appropriate than the schemes previously submitted. The scheme as proposed will enable necessary enhancements to be made to the existing car park in a way that will also help to conserve the unique and quirky character of Felixstowe Ferry and this part of the National Landscape.

The concerns raised by the National Landscape team in our previous response dated 25/10/23 have been fully addressed by the scheme now proposed'.

- 6.14 Taken together, Officers are content that the proposal would result in the overall visual and operational enhancement to existing facilities and the scheme would not undermine the relevant provisions of the NPPF, nor policies SCLP10.4 (Landscape Character) and SCLP11.1 (Design Quality), in this regard.
- 6.15 The County Council Highway Authority have raised no objection, and the nature of the proposal is otherwise unlikely to present the potential to impact negatively upon existing highway safety or restrict parking provision unduly, when judged against the provisions of the NPPF, or policies SCLP7.1 (Sustainable Transport) and SCLP7.2 (Parking proposals and Standards) of the adopted development plan. Indeed, the inclusion of cycle stands and formalised parking for residents would provide further enhancement for visitors and the community. No new signage or external lighting is otherwise included within this proposal and, therefore, the application does not hold the potential to undermine amenity to a level that could be considered unacceptable, when judged against the relevant provisions of the NPPF and SCLP11.2 (Residential Amenity).
- 6.16 The proposal site lies wholly within flood zone 3a and is at a high risk from tidal flooding. The site is also partially affected by low levels of surface water flooding. The published Flood risk vulnerability classification (Annex 3 of the NPPF) states that car parks are less vulnerable to the risks of flooding and that a 'less vulnerable' development within flood zone 3a is not subject to the sequential or exception tests.
- 6.17 Notwithstanding the proposal site's susceptibility to the risks of tidal flooding, given the site's established use, the less vulnerable nature of development and the existence of protective flood defences, this application is not considered to hold the potential to undermine the provisions of the NPPF or policy SCLP9.5 (Flood Risk) of the adopted development plan. The application of permeable surfacing materials to all parking and access areas would also ensure that existing surface water issues within the site would be improved and, moreover, that the risk of flooding off-site would not be increased as a result of the development, as required by the NPPF and SCLP9.6 (Sustainable Drainage Systems).
- 6.18 The suggestion made within the submitted Flood Risk Assessment that there should be no overnight parking at the site due to the associated risks has been considered by officers. However, it is felt that imposing such a requirement via planning condition would be unnecessary and, moreover, unenforceable without the installation of additional barriers and management apparatus which would result in additional visual clutter within the area.

6.19 The Council's Coastal Management Team have noted that the site location sits within a 30m risk zone and a Coastal Erosion Vulnerability Assessment (CEVA) has been provided which is deemed sufficient for this development. No concerns have been raised in this regard and the application is thus considered to meet the requirements of policy SCLP9.3 (Coastal Change Management Area).

7. Conclusion

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

8. Recommendation

8.1 Authority to Approve the application following the expiry of the 21-day period following the notice that has been served on the other landowner, as required by Certificate B of the application process.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawings:
 - 65206953-SWE-ZZ-00-D-S-0100 Rev. P11 (Proposed car park);
 - 15-12-60 10 Rev. A (Block Plan Site Location Plan);
 - WL 85/01 Rev. B (Felixstowe Ferry, Landscape Plan for Car Park).

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

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

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (see National Planning Policy Framework) and conform with prevailing guidance (including BS8485:2015+A1:2019, BS

10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the review and confirmation in writing by the Local Planning Authority that likely risks have been identified and will be investigated accordingly.

Where remediation is necessary a detailed Remediation Strategy (RS) must be prepared, and is subject to the review and confirmation in writing by the Local Planning Authority as likely to address the risks identified. The RS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The RS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the remediation strategy a validation report that demonstrates the effectiveness of the remediation must be submitted to, reviewed by and confirmed in writing by the LPA as likely to have addressed the risks identified.

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

5. The use shall not commence until the area within the site shown on drawing no. '65206953-SWE-ZZ-00-D-S-0100 Rev. P11' for the purposes of manoeuvring and parking vehicles has been provided and thereafter that area shall be retained and used for no other purpose.

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

6. The use shall not commence until the area within the site shown on drawing no. '65206953-SWE-ZZ-00-D-S-0100 Rev. P11' for the purposes of cycle parking has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2023 to promote sustainable travel.

7. Before any construction materials are brought to site details shall be submitted to and approved by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. Any installed soakaway must maintain 5m clearance from the carriageway and any building. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

8. The approved landscaping and planting works shall be implemented prior to first use of the development (or within such extended period as the Local Planning Authority may allow) and shall thereafter be retained and maintained. Any plant material removed, dying or

becoming seriously damaged or diseased within five years of planting shall be replaced within the next available planting season and shall thereafter be retained and maintained.

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

9. No external lighting shall be installed at the site without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels) submitted to the Local Planning Authority. Thereafter only the approved lighting scheme shall be installed and maintained in that form unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

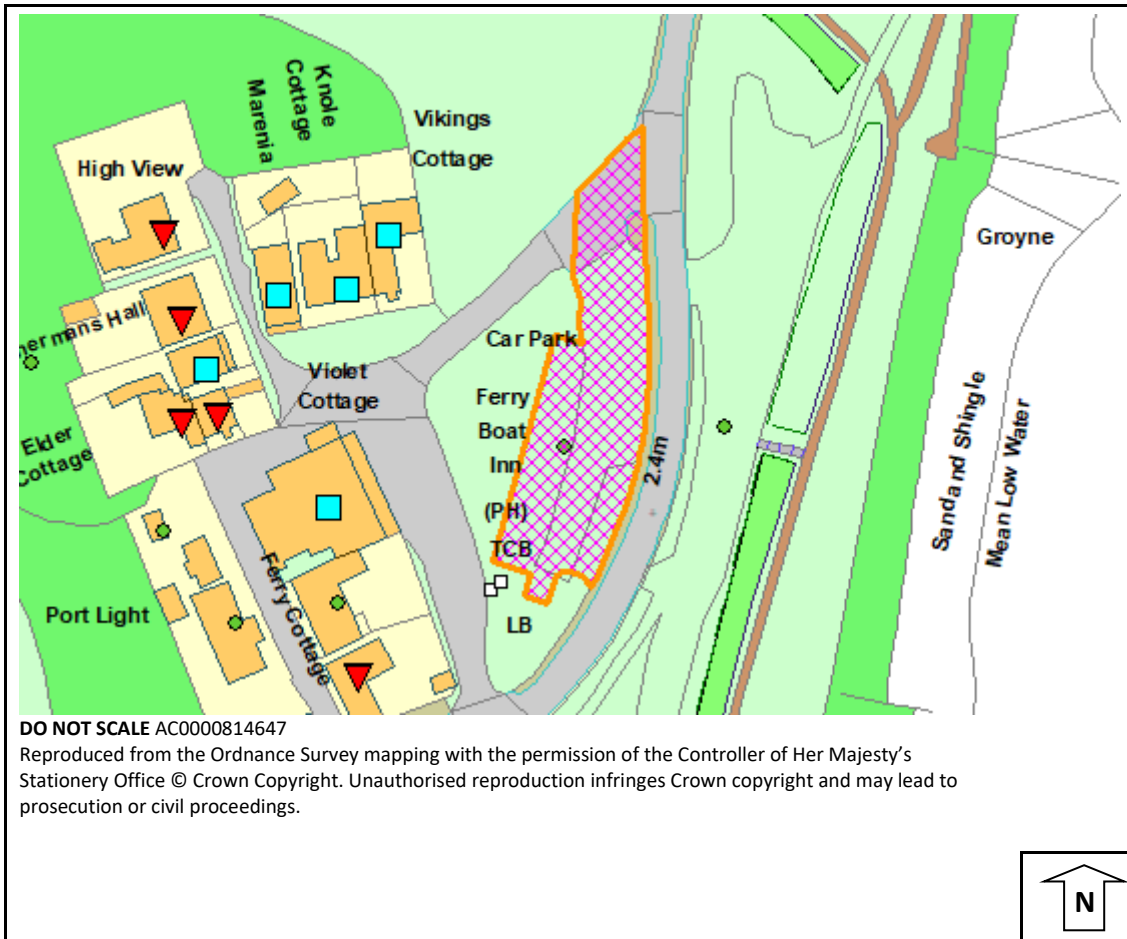
Informatives:

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





Background information

See application reference DC/23/3477/RG3 on [Public Access](#)

Map



Key

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