



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, 28 May 2024 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/-IUtAKliB48?feature=share>.

Members:

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

An Agenda is set out below.


Part One – Open to the Public		Pages
1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the minutes of the meeting held on 23 April 2024.	1 - 16
5	East Suffolk Enforcement Action - Case Update ES/1957 Report of the Head of Planning and Coastal Management.	17 - 33
6	DC/21/5550/FUL - Land at Park Farm, Loudham Hall Road, Loudham, Woodbridge, IP13 0NW ES/1958 Report of the Head of Planning and Coastal Management.	34 - 82

Part One – Open to the Public		Pages
7	DC/21/2710/OUT - Land north of Conway Close and Swallow Close, Felixstowe ES/1959 Report of the Head of Planning and Coastal Management.	83 - 117
8	DC/23/3717/FUL - Walk Farm, Old Felixstowe Road, Stratton Hall, Ipswich, IP10 OLR ES/1960 Report of the Head of Planning and Coastal Management.	118 - 130
9	DC/24/0110/FUL - Portakabin rear of car park, Ordnance House, 1 Garrison Lane, Felixstowe, IP11 7SH ES/1961 Report of the Head of Planning and Coastal Management.	131 - 138

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.

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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, 23 April 2024 at 2.00pm.**

Members of the Committee present:

Councillor Seamus Bennett, Councillor Tom Daly, Councillor Mike Deacon, Councillor John Fisher, Councillor Colin Hedgley, Councillor Mike Ninnmey, Councillor Mark Packard, Councillor Rosie Smithson

Other Members present:

Councillor Deborah Dean

Officers present:

Katy Cassidy (Democratic Services Officer (Regulatory)), Danny Clarke (Senior Development Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Elliott Dawes (Development Programme Manager), Heather Fisk (Head of Housing), Marianna Hall (Principal Planner (Development Management, South Area Lead)), Phil Harris (Strategic Communications and Marketing Manager), Andy Jarvis (Strategic Director), Matt Makin (Democratic Services Officer (Regulatory)), Danielle Miller (Principal Planner (Major Sites)), Bethany Rance (Senior Planner - Energy Projects), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Isabella Taylor (Assistant Planner), Ben Woolnough (Interim Joint Head of Planning)

Announcement

When opening the meeting, the Chair announced that he had reordered the agenda and that item 9 would now be heard after item 6 and before items 7 and 8.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Debbie McCallum. Councillor Deborah Dean attended the meeting as Councillor McCallum's substitute.

2 Declarations of Interest

Councillor Seamus Bennett declared an Other Registerable Interest in the planning application being considered at item 9 of the agenda, as a member of Felixstowe Town Council.

3 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

4 Minutes

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

RESOLVED

That the minutes of the meeting held on 26 March 2024 be agreed as a correct record and signed by the Chair, subject to the following amendment:

Page 4, paragraph 3, first sentence to read “The Committee was advised that four trees on the site's frontage were subject to Tree Preservation Orders (TPOs) and the Council's **Landscape and Arboriculture** team had not objected to their removal.”

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1928** of the Interim Joint Head of Planning, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 20 March 2024. At that time there were 17 such cases.

The Chair invited the Assistant Enforcement Officer (Development Management) to comment on the report. The Committee was advised that an appeal had been lodged in respect of case A.4 (88 Bridge Road, Lowestoft) and that since the report had been written, an enforcement notice had been served on the Queen public house in Brandeston, relating to unlawful use.

There being no questions to the officers, on the proposition of Councillor Deacon, seconded by Councillor Hedgley, it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 20 March 2024 be noted.

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

The Committee received report **ES/1929** of the Interim Joint Head of Planning, which related to planning application DC/23/4469/VOC. The application sought retrospective planning permission to retain the dwelling 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 application was initially considered by the Committee at its meeting on 27 February 2024, where the Committee resolved to defer the application in order to carry out a site visit to view the situation as built. The site visit was undertaken on 23 April 2024 at 10.30am, prior to the meeting.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The Principal Planner provided updates in responses to queries raised during the site visit; the planning history on the site was outlined and it was confirmed that the parcel of land to the rear of the site was owned by 8 Doric Place.

The Committee was shown photographs taken during the site visit demonstrating the following views:

- Looking towards 6 Doric Place from the flat roof area of 32 Thoroughfare.
- Planting to the rear of the garden of 32 Thoroughfare.
- Looking out from the downstairs cloakroom window at 6 Doric Place.
- Looking out from the first floor bedroom window at 6 Doric Place.
- Looking out from the first floor bathroom window at 6 Doric Place.
- Looking towards 32 Thoroughfare from the rear garden of 6 Doric Place.

The site's location was outlined and the Committee was shown an aerial photograph of the site which demonstrated its proximity to residential properties in Doric Place, Brook Street, and Jacobs Way.

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 flat roof.
- 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.

The Committee was shown drawings of the approved block plan and both the approved and proposed elevations. The Committee was also shown a photograph from the supporting statement demonstrating views from the flat roof and photographs provided by a third party objector showing the garden design of 6 Doric Place. The Principal Planner displayed the approved landscape plan.

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. In response to a question on setting a precedent and undermining previous decisions of the Committee, the Interim Joint Head of Planning said he understood the concerns of members but advised that the Committee was required to determine the application before it in a fair and open way.

The Interim Joint Head of Planning appreciated the Committee's frustration with the retrospective nature of the application but was clear that it must judge the application before it on its merits and noted that there was an opportunity to assess what overlooking has been caused.

In response to further concerns from another member of the Committee regarding the retrospective nature of the application and the precedent approving it may cause, the Interim Joint Head of Planning highlighted there had been a number of planning enforcement cases in the district following the refusal of retrospective planning permission where the refusal had been upheld on appeal, and that these sites had been required to be restored. The Committee was advised that applications cannot be penalised for being retrospective and this was an option available to applicants, albeit a high risk one.

A member of the Committee asked if there had been any scope for enforcement action to have been taken on the site during development. The Principal Planner noted that the development not being in accordance with the approved plans had been highlighted by Planning Enforcement and that an application to make a non-material amendment had been made and refused. The Principal Planner said that as with all enforcement cases, the applicants had the right to submit an application to rectify breaches of planning permission.

A member of the Committee referred to the changes being made as a result of Building Control issues and questioned if the breaches should have been identified at this point. The Principal Planner explained that although the Council provided Building Control services, developers were entitled to use an approved inspector and this had been the case with this development.

The Committee was informed that although changes could be recommended by Building Control as part of a separate regime, any such changes must be approved as part of the planning process. The Interim Joint Head of Planning added that the Council's Building Control team was proactive and constructive working with the Planning team to identify any planning breaches, and that in this instance had no input on the site.

The Chair invited Ms Sue Key-Burr, who objected to the application, to address the Committee. Ms Key-Burr thanked the Committee for visiting the site and hoped it had seen how oppressive the development was for her home, and how much worse it would be if the applicant was able to use the flat roof as a balcony terrace.

Ms Key-Burr said that the vegetation screening installed by the applicant was not permanent and suggested it could be removed in the future. Ms Key-Burr highlighted that the applicant had breached the approved planning permission, noting the planning history on the site and said that the development had not been halted when ordered to do so. Ms Key-Burr stated that the applicant had sought to rectify the breaches with

a non-material amendment which was refused, but this was not included in the officer's report.

Ms Key-Burr said she was being continually reported to the Police by the applicant but had been told she had done nothing wrong, and highlighted the applicant's behaviour at the Committee's meeting on 27 February 2024. Ms Key-Burr was of the view that the use of the flat roof as an amenity space would be detrimental to her home's residential amenity and pointed out that Woodbridge Town Council maintained its objection to the application.

Ms Key-Burr considered that the removal of condition 8 of the extant planning permission did not accord with policy SCLP11.2 of the Suffolk Coastal Local Plan and said that users of the public car parks adjacent to the site would also object to the overlooking from the flat roof. Ms Key-Burr urged the Committee to refuse the application.

The Chair invited questions to Ms Key-Burr. A member of the Committee asked if the development resulted in a loss of light to her cloakroom window. Ms Key-Burr confirmed that it did and noted that the utility room and kitchen window were also affected.

In response to a query regarding the first-floor bathroom window, Ms Key-Burr said that the glass was not frosted, having not been replaced due to the historic nature of the window, but that a film had been applied to reduce the window's transparency. Ms Key-Burr advised that when the bathroom light was on, the room's interior was visible through this film.

The Chair invited Ms April Groen, the applicant, to address the Committee. Ms Groen was accompanied by Ms Liz Beighton, her agent. Ms Groen thanked the Committee for visiting the site and observing the relationship between her property and 6 Doric Place. Ms Groen said that she had never intended to make a retrospective application and reiterated that the changes to the scheme had been a result of issues raised by Building Control during the development.

Ms Groen pointed out that the report recommended approval of the application; she noted the planning history on the site but said that none of these applications had benefitted from a site visit as the dwelling had not been constructed at that point. Ms Groen considered that the Committee would have observed there is no significant overlooking of 6 Doric Place and the two dwellings could co-exist harmoniously. Ms Groen advised that the windows of 6 Doric Place affected by the development were not primary windows and gave examples of a similar scheme being allowed in Felixstowe.

Ms Groen said that she had engaged with her neighbours at 4, 5 and 6 Doric Place and had made changes to the initial design of the property in response to feedback from Ms Key-Burr; the house had been designed to provide a six-metre gap from the bathroom window of 6 Doric Place and Ms Groen said that the Committee would have observed this, which challenged Ms Key-Burr's comment that there was only a one-metre gap.

Ms Groen highlighted that the dwelling had a high energy rating and that she and her husband were quiet neighbours. Mrs Groen considered that she had created a high quality home that did not adversely impact on their neighbours and hoped that tensions would dissipate after the application was determined.

A member of the Committee referred to Ms Groen's comments at the Committee's meeting on 27 February 2024 about having experience of developing properties, and queried why she had chosen to disregard the conditions of the extant planning permission. Ms Groen said that although she had experience with self-build properties, she was not a housing developer and reiterated that it had not been her intention to mislead anyone.

Ms Groen explained that the change to include bifold doors onto the flat roof was required as part of the heat release system and this in turn required the balustrade for safety reasons. Ms Groen said that she had attempted to resolve this as a minor amendment initially, noting the significant opposition to the scheme from neighbours and reiterating the circumstances that had led to the retrospective application.

Another member of the Committee sought clarity from Ms Groen on the comments relating to the distance between properties. Ms Groen explained that the initial design of the dwelling had been amended to curve the building away from 6 Doric Place in response to concerns raised about the impact, and was now six metres away at its nearest point.

Ms Groen confirmed that if approved, the flat roof terrace would be used for minimal leisure activity, such as sitting out and having a drink in the evening. Ms Groen said there was no great intention to use the terrace area but she wanted to be confident to be allowed to get onto it and water any plants.

A member of the Committee questioned at what point Ms Groen had identified the planning breaches to the Council. Ms Beighton, speaking for Ms Groen, confirmed that a certain level of access had always been intended and that the breaches would have first been brought to the Council's attention when the non-material amendment application was made.

Another member of the Committee asked if Ms Groen and Ms Beighton concurred that the development had created overlooking of 6 Doric Place. Ms Beighton reminded the Committee that it was not considering the principle of development, including the impact of windows, as this position had been endorsed by the Council when it granted the extant planning permission. Ms Beighton said that the Committee was specifically considering the impact of the use of the flat roof terrace and if it caused significant overlooking and a significant loss of amenity. Ms Beighton noted that the site was located in a built up urban area where overlooking already existed.

In response to a query on if a transparent balustrade had been required, Ms Groen said there had been no specification on this element and what had been chosen was based on similar balustrades in the area. When asked by a member of the Committee if she had considered that an alternative balustrade would have reduced overlooking, Ms Groen commented that she had not and highlighted that her property was overlooked by the bathroom window of 6 Doric Place.

A member of the Committee questioned the need to go outside to close the bifold doors. Ms Groen explained that this due to the design of the doors.

In response to queries from a member of the Committee on any recent consultation with neighbours and if the balustrades could be made opaque, Ms Groen said she had recently discussed the application with neighbours and advised that the balustrade could be made opaque where it faced 6 Doric Place, and was willing to do so if this addressed Ms Key-Burr's issues.

A member of the Committee sought clarity from officers on the intent of the flat roof in the approved application. The Interim Joint Head of Planning clarified that there was no indication on the approved plans that there would be access onto the flat roof and confirmed that the introduction of the bifold doors and balustrade was in conflict with the extant planning permission.

Another member of the Committee asked what conditions, if any, could be applied to the balustrade. The Interim Joint Head of Planning advised the Committee that it was required to determine the application that was before it and did not have the power to redesign the scheme. The Interim Joint Head of Planning explained that although it was possible to impose conditions on balconies in respect of privacy, it was more difficult to achieve this on a retrospective application; the Committee was advised that a time-limited condition could be added by way of recommendation.

In response to a further question from the Committee about restricting the use of part of the flat roof, the Interim Joint Head of Planning was hesitant to advise this course of action as it would be a material change to the proposed scheme.

The Chair invited the Committee to debate the application that was before it. A member of the Committee expressed his concern about the use of the flat roof terrace; he acknowledged the applicant's assurance that it would be used for low-level amenity activities but cautioned this could change in the future. The Member considered that the site visit demonstrated there was overlooking from the flat roof terrace to the amenity space of 6 Doric Place and was of the view it was therefore difficult to approve the application. The Member stated his frustration with the retrospective nature of the application and said he was unable to support it.

Another member of the Committee referenced the site visit and considered that although there was overlooking, there would not cause a significant impact and this would lessen as the screening planting established itself. The Member was more concerned about the impact of any noise emanating from the use of the flat roof terrace and suggested that should the application be granted, noise levels be restricted by condition.

Other members of the Committee spoke on the application, citing the issue of overlooking and how this could be solved by making part of the balustrade opaque and/or higher. One member of the Committee queried the applicant's choice of a transparent balustrade.

During debate, it became apparent that the majority of the Committee were minded to refuse the application and no proposal for the officer's recommendation was forthcoming; the Chair indicated an intention to propose a motion to refuse the application. The Interim Joint Head of Planning advised that, based on the issues raised by the Committee by debate, it could resolve to refuse the application on the grounds it was contrary to policies SCLP11.2(a) (privacy/overlooking) and SCLP11.1(e) (impact on the amenity of the wider environment) of the Local Plan, along with paragraph 135 of the National Planning Policy Framework (NPPF) in respect of the impact of the amenity of existing users.

Following further debate to formulate a recommendation to refuse the application, it was on the proposition of Councillor Packard, seconded by Councillor Smithson, and by a majority vote

RESOLVED

That the application be **REFUSED** on the grounds that it is contrary to policy SCLP11.2(a) of the Suffolk Coastal Local Plan and paragraph 135 of the National Planning Policy Framework, in that the development causes overlooking between both the proposed development and the neighbouring development at 6 Doric Place.

NOTE: following the conclusion of this item the Chair adjourned the meeting for a short break. The meeting was adjourned at 3.23pm and was reconvened at 3.35pm.

9 DC/24/0773/VOC - Former Deben High School, Garrison Lane, Felixstowe

The Committee received report **ES/1932** of the Interim Joint Head of Planning, which related to planning application DC/24/0773/VOC. The application sought a range of design changes to the residential development at the former Deben High School site on Garrison Lane in Felixstowe through the variation of Conditions 4 and 9a of permission DC/23/0539/VOC, granted on 10 August 2023. These variations sought to change some of the materials for the dwellings and amend the approved plans to reflect changes to the elevations of the apartment buildings and houses and revisions to the site layout and parking.

The application was before the Committee for determination, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution, as the Council was both the applicant and the landowner.

The Committee received a presentation from the Principal Planner (Development Management, South Area Lead), who was the case officer for the application. The Committee was apprised of the planning history on the site and was shown the approved site layout plan.

The Principal Planner displayed aerial photographs of the site showing views from prior to the demolition of the former Deben High School, after the demolition, street views of the site from Garrison Lane, and a drone photograph of the development as of 8 April 2024; the Principal Planner noted that development had commenced under the extant planning permission.

The Committee was shown examples of the proposed elevation changes across the development, including drawings showing changes to Block A (south-west and north-east elevations), Block B (north-east elevation), and house type 02. The Principal Planner also displayed drawings of the proposed amendments to house type 01 and identified the location of these units on the site. The Committee was informed that a root protection area had been discovered to be larger than anticipated and to mitigate any impact two of the house type 01 blocks had been relocated and some parking allocation had been redesigned.

The Committee was shown comparisons of the approved and proposed amendments to the elevations of house type 01 and details of the amendments to building heights, showing the table of changes contained within the report. The Committee was advised that the height increases were not considered to raise significant amenity issues relative to the approved scheme.

The Committee was also shown a site section (north-east to south-east) demonstrating the amendments to the building heights. The Principal Planner explained that the approved plans had assumed a flat, level site and noted that the illustration displayed demonstrated that the finished levels of Block D were lower relative to Block C.

The Principal Planner detailed other layout changes across the site to accommodate increasing parking space sizes, which resulted in some reduction in soft landscaping. The Committee was informed that the changes to the parking provision resulted in reduced parking along the access road and would provide two drop-off spaces and a blue badge visitor space. The Principal Planner added that minor changes were also proposed for the siting of the substation, ball court, bin stores, and cycle stores.

The Committee was provided with computer-generated images comparing images of what the site would look like when completed as approved and as proposed, demonstrating views of house type 01 and Block B, house type 02 and the existing Assembly Hall, house type 03 (as seen from Garrison Lane), Blocks A-D (as seen from the cricket field), and an image of Blocks B and C (as seen from the courtyard) as proposed.

The recommendation to approve the application, as detailed in the report, was outlined to the Committee.

The Chair invited questions to the officers. The Vice-Chair noted that one of the computer-generated images suggested that a roof terrace had not been removed and sought clarity on this issue. The Principal Planner detailed that this was a balcony for one of the apartments and it was proposed to remove the roof terraces from house type 01.

A member of the Committee highlighted the loss of roof terraces and soft landscaping and in particular the apparent loss of amenity space demonstrated by the comparison of the two computer-generated images showing house type 02 and the Assembly Hall; the member sought clarity on the parking standards that required the reconfiguration of the parking provision and why green space was being lost to accommodate it.

The Principal Planner explained that in the case of the computer-generated images of house type 02 and the Assembly Hall, the image showing the site as proposed was developed from a different viewpoint than the one showing the site as approved, and that the proposed amenity space in that area was unchanged by the new proposals.

The Interim Joint Head of Planning added that the new computer-generated images showed more realistic planting and highlighted the examples on the images of house type 03. The Interim Joint Head of Planning explained that the size of car parking spaces were dictated by the Highways Authority's guidance for parking standards, which sets a minimum standard size to accommodate modern vehicles.

Another member of the Committee queried how much green space was being lost as a result of the changes. The Principal Planner said she did not have a figure to hand but highlighted on the plans where green space was being lost.

It was confirmed to a member of the Committee that the relocation of the two dwellings and the reconfiguration of parking had not created additional parking spaces. In response to another member of the Committee, who queried if the changes related to cost savings, the Interim Joint Head of Planning advised that significant work had been undertaken on the amendments to balance quality design with the changes required for the development to meet the passivhaus standards for energy efficiency and that a compromise had been met between the two factors.

The Chair invited Lord Charles Banner KC, representing the applicant, to address the Committee. Lord Banner was accompanied by Mr Chris Coultas and Mr Mike Durrant of Kier, and Mr Simon Pask of HBS, who were present to answer any questions the Committee had.

Lord Banner advised he would be brief as the Committee had the benefit of a comprehensive report, which provided a legal and sound rationale for the approval of the application. Lord Banner drew the Committee's attention to paragraphs 8.3 and 8.5 of the report, which stated that the proposed scheme would ensure the development remained of high quality and in accordance with the Council's development plan.

Lord Banner said that Planning was not a beauty contest and that the Committee needed to determine if the proposed changes were in accordance with the Council's development plan. Lord Banner advised that the proposed changes were not cost driven but were changes to the design to create a workable scheme that would meet the passivhaus standard.

Lord Banner referred to paragraph 7.5 of the report and confirmed that the application was not retrospective in nature; he said that as soon as the developer had identified that changes were required all work on the site stopped and the application was made.

The Chair invited questions to Lord Banner and his colleagues. A member of the Committee sought assurance that the proposed changes were not a result of needing to reduce the cost of the development and would not alter the overall look and feel of the site. Lord Banner reiterated the points at paragraphs 8.3 and 8.5 of the report, acknowledging that despite some minor architectural downgrades the development,

overall, would be a high quality scheme. Lord Banner said the changes were not driven by costs but by a need to meet the passivhaus standards.

Another member of the Committee considered the parking standards as recommendations and asked why green space was being lost to make room for larger car parking spaces. Lord Banner advised that the number of car parking spaces being provided would not change but said that cars were getting bigger and the spaces needed to be changed to meet the current parking standards set by the Highways Authority.

Lord Banner said that the parking standards were a material planning consideration and that there needed to be a good justification to depart from them; he said the parking on the site needed to be fit for purpose and that it appeared this was not the case as approved. Mr Durrant confirmed that the parking space size would increase for 2.4 x 4.8 metres to 2.5 x 5 metres.

A member of the Committee asked if something like a living wall could be created to counter the loss of the roof terraces. Mr Durrant advised that there would be a 30% biodiversity net gain on the site and that rooftop planting would be retained and enhanced.

In response to a query regarding plans for a management company for the development once completed, Mr Pask explained that until this application had been determined any planning for this element could not be addressed, but noted that discussions had taken place with East Suffolk Services regarding taking on the management of the site. When asked by a member of the Committee how residents would have a voice in respect of site management, Mr Pask explained that a residents committee would be formed and this would be done in a tenure blind way to ensure fair representation.

Following a question on how the properties would be sold, Mr Pask advised that there would be a mix of open market properties, both leasehold and freehold, and social housing. At the invitation of the Chair, the Licensing Manager and Housing Lead Lawyer confirmed that the social housing would be added to the Council's housing stock.

The Interim Joint Head of Planning, at the Chair's invitation, advised that there was a need to achieve the right balance of parking provision on the site and said that what was proposed by the application was consistent with the provision in the approved scheme. The Committee was advised that there had been concerns in the community that parking would spill out from the site into adjacent roads and this had informed the provision proposed for the site.

The Interim Joint Head of Planning said that whilst minimising parking at sustainable locations should be pursued where possible, what the Committee was being asked to determine was not an opportunity to redesign the whole site but the application that was before it. The Interim Joint Head of Planning noted that car sizes were increasing and that there was an aging population in the area that would need spaces that could safely accommodate larger vehicles.

The Chair invited the Committee to debate the application that was before it. Several members of the Committee spoke in support of the application and considered it positive that the proposed changes were not being applied for retrospectively and were being made to meet the high standards required for passivhaus certification.

A member of the Committee, who was also ward member for Western Felixstowe, considered that the housing the site would provide was much needed in particular the Council housing stock that would be created. The Member expressed some disappointment with the visual changes to the development, being of the view that the development would now be less attractive than what was approved, but stressed it was important that a much-needed site be delivered. The Member also reiterated earlier comments about concerns regarding on-street parking and the need for sufficient provision on-site.

Another member of the Committee, who had queried the changes to meet parking standards, expressed his support for the application but held some reservation about the enlargement of the parking spaces. The Member agreed with the number of spaces provided but was concerned at the loss of green space to increase their size.

A member of the Committee expressed some concern about leasehold sales on the site and management company charges, and the impact these elements would have on future residents.

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 Dean, it was by a unanimous vote

RESOLVED

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

- Time limit for commencement of residential development (with full planning permission).
- Time limit for the commencement of development (with outline permission).
- Time limit for the submission of reserved matters (for development with outline permission).
- Dwellings to be constructed in accordance with approved materials.
- Removal of permitted development rights for extensions and alterations, roof alterations and outbuildings in respect of the residential development.
- Removal of permitted development rights for walls and fences.
- Removal of permitted development rights for additional windows above ground floor level.
- Requirement for windows above ground floor level serving bathrooms to be fitted with obscure glazing.
- Development to be carried out in accordance with the approved plans and documents.
- Provision of storage areas for bins.

- Development to be carried out in accordance with approved scheme for provision of affordable housing.
- Details of external lighting to be agreed.
- Construction hours to be limited to 7.30am to 6pm Mondays-Fridays, 8am to 1pm on Saturdays and no construction work to take place on Sundays and Bank Holidays.
- Protective fencing for existing trees to be implemented as approved.
- Noise assessment to be submitted.
- Requirement for a minimum of 5% of car parking spaces for staff/visitor use to be provided with EV charging points (development with outline permission).
- Requirement for all dwellings with off-street parking and a minimum of 10% of spaces in private communal parking areas to be provided with EV charging points.
- Site investigation in respect of land contamination to be carried out (development with outline permission).
- Remediation method statement (RMS) in respect of land contamination to be submitted.
- RMS to be completed prior to occupation of the development.
- Validation report in respect of land contamination to be submitted.
- Landscaping scheme to be submitted for approval.
- Management plan for maintenance of communal areas to be submitted for approval.
- Residential development to be carried out in accordance with the approved drainage strategy including construction surface water management plan.
- Strategy for disposal of surface water to be submitted for approval (development with outline permission).
- Details of implementation, maintenance and management of the strategy for the disposal of surface water to be submitted for approval (development with outline permission).
- Surface water drainage verification report to be submitted for approval.
- Construction Surface Water Management Plan detailing how surface water and storm water will be managed on the site during construction to be submitted for approval (development with outline permission).
- Southern-most balconies at first and second floor levels on apartment Block D to be fitted with an obscured glazed privacy panel on their southwest elevation to a height of 1.7m from balcony floor.

Informative:

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

7 DC/24/0456/FUL - Stones Throw Cottage, 19 Station Road, Woodbridge, IP12 4AU

The Committee received report **ES/1930** of the Interim Joint Head of Planning, which related to planning application DC/24/0456/FUL. The application sought planning permission for the construction of a single storey extension at Stones Throw Cottage, 19 Station Road, Woodbridge. The application had been submitted in tandem with an

application for Listed Building Consent (DC/24/0457/LBC) as the property was a Grade II listed building, which was on the meeting agenda for determination later in the meeting.

The application was before the Committee for determination as the applicant was an elected member of the Council, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Assistant Planner, who was the case officer for the application, on both this and the linked application DC/24/0457/LBC. The site's location was outlined and the Committee was shown the existing and proposed elevations, existing and proposed floor plan, proposed block plan, and drawings comparing the proposed scheme to the one which was approved in October 2023.

The Committee was shown several photographs looking into the site from a range of vantage points on the boundary, and several images from within the site.

The material planning considerations and key issues were summarised as residential amenity, heritage, and design. The recommendations to approve each application, as detailed in the report, were outlined to the Committee.

There being no questions, public speaking or debate on the item, 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 Packard, seconded by Councillor Hedgley, 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 works hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents:

- The proposed plans and location plan- 631-03- received 06.02.24

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

3. Prior to commencement of any works, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) Details of the external materials to be used for the extensions.

(ii) Details of roof/wall junctions of the extensions with the existing building to show method of attachment and flashings.

(iii) Details of all new windows to include: appearance; position within opening; method of opening; materials and finish; heads and cills; type of glazing; glazing bar profiles; and ironmongery.

(iv) Details of all new external and internal doors to include: appearance; materials and finish; frame and architrave; type of glazing; panel profiles; and ironmongery.

(v) Details of proposed services, including new openings. The work shall be carried out in accordance with the approved details.

(vi) Details of the exact size and specification of the roof light.

Development must then be undertaken in accordance with the approved details.

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

8 DC/24/0457/LBC - Stones Throw Cottage, 19 Station Road, Woodbridge, IP12 4AU

The Committee received report **ES/1931** of the Interim Joint Head of Planning, which related to planning application DC/24/0457/LBC. The application sought listed building consent for the construction of a single storey extension at Stones Throw Cottage, 19 Station Road, Woodbridge, and had been made in conjunction with an application for planning permission (DC/24/0456/FUL), which had been determined earlier in the meeting.

The application was before the Committee for determination as the applicant was an elected member of the Council, in accordance with the scheme of delegation set out in the East Suffolk Council Constitution.

The Committee had received a presentation on both this and a linked application DC/24/0456/FUL determined earlier in the meeting, and is recorded at item 7 of these minutes.

There being no questions, public speaking or debate on the item, 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 Packard, seconded by Councillor Hedgley, 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 hereby permitted shall be completed in all respects strictly in accordance with the following approved plans and documents:

- The proposed plans and location plan- 631-03- received 06.02.24

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

3. Prior to commencement of any works, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) Details of the external materials to be used for the extensions.

(ii) Details of roof/wall junctions of the extensions with the existing building to show method of attachment and flashings.

(iii) Details of all new windows to include: appearance; position within opening; method of opening; materials and finish; heads and cills; type of glazing; glazing bar profiles; and ironmongery.

(iv) Details of all new external and internal doors to include: appearance; materials and finish; frame and architrave; type of glazing; panel profiles; and ironmongery.

(v) Details of proposed services, including new openings. The work shall be carried out in accordance with the approved details.

(vi) Details of the exact size and specification of the roof light.

Development must then be undertaken in accordance with the approved details.

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

The meeting concluded at 4.42pm.

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Chair



Planning Committee South

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

28 May 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 24 April 2024. At present there are 17 such cases.

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

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

The cases are organised into categories based upon current status:

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

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *7 current cases*

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *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 24 April 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/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.2

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 19/03/2024 – Extension of time given until May, due to ground conditions.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24.05.2024

A.3

LPA Enforcement Case Reference	ENF/22/0038/DEV
Location / Address	The Queen The Street Brandeston
North or South Area	South
Date of Report of Breach	11.02.2022
<u>Nature of Breach:</u> Change of use for the property from public house with ancillary accommodation to an independent residential dwelling.	
<u>Summary timeline of actions on case</u> 11/04/2024 -Enforcement notice served. Comes into effect on the 11/05/2024	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	11.05.2025

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
<u>Nature of Breach:</u> Artificial hedge, support structure and fencing which is over 2m in height	
<u>Summary timeline of actions on case</u> 28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance 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.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.4

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

B.6

LPA Enforcement Case Reference	ENF/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
Nature of Breach: Siting of mobile home	
Summary timeline of actions on case 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.	
Current Status/Position Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/23/0129/USE
Location / Address	88 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	28.04.2023
Nature of Breach: Residential property split into two flats and used for holiday use	

<u>Summary timeline of actions on case</u>	
19/03/2024 - Enforcement Notice served. Comes into effect on the 19/04/2024	
11/04/2024 – Appeal submitted.	
<u>Current Status/Position</u>	
Awaiting appeal start date.	
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. Site visit to be undertaken	
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
Nature of Breach:	
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</p> <p>08/02/2010 - Appeal received</p> <p>10/11/2010 - Appeal dismissed</p> <p>25/06/2013 - Three Planning applications received</p> <p>06/11/2013 – The three applications refused at Planning Committee.</p> <p>13/12/2013 - Appeal Lodged</p> <p>21/03/2014 – Enforcement Notices served and became effective on 24/04/2014</p> <p>04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</p> <p>31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</p> <p>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.</p> <p>10/11/2015 – Informal hearing held</p> <p>01/03/2016 – Planning Appeal dismissed</p> <p>04/08/2016 – Site re-visited three of four Notices have not been complied with.</p> <p>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.</p> <p>19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</p> <p>14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</p> <p>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.</p> <p>27/06/2018 – Compliance visit conducted to check on whether the 2010.</p> <p>06/07/2018 – Legal advice sought.</p> <p>10/09/2018 – Site revisited to check for compliance with Notices.</p> <p>11/09/2018 – Case referred back to Legal Department for further action to be considered.</p>	

<p>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><u>Current Status/Position</u> 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>	

<p>17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <p>13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use</p> <p>16/06/2020 – Submission of Appeal Statement</p> <p>11/08/2020 - Appeal dismissed with some amendments.</p> <p>11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action.</p> <p>25/03/2021 - Further site visit undertaken. Notices not complied with, file passed to Legal services for further action.</p> <p>2022 - Application for an Injunction has been made to the High Court.</p> <p>06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.</p> <p>08/03/2023 - Site visit conducted; injunction not complied with therefore matter passed to legal for further action.</p> <p>30/03/2023 - appeal submitted to High Court against Injunction – awaiting decision from Court.</p> <p>10/07/2023 -Injunction appeal failed, 2 weeks given to comply with Injunction by 10am on 24th July.</p> <p>25/07/2023-Site Visit conducted; injunction not complied with. Information sent to legal team.</p> <p>22/02/2024 -Site visit conducted, required by the Legal Team.</p>	
<p><u>Current Status/Position</u> With Legal Team to take further action under the TCPA 1990.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>24th July 2023</p>

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
<p><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)</p>	
<p><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.</p>	

<p>25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action.</p> <p>19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30th January 2023.</p> <p>30/01/2023- Court over listed and therefore case relisted for 27th March 2023</p> <p>27/03/2023- Defendant did not attend, warrant issued, awaiting decision from court.</p> <p>31/07/2023- Defendant attended court, plead guilty to all charges and was fined £5134.78 in total.</p>	
<p><u>Current Status/Position</u> Considering legal options under the TCPA 1990, following court appearance</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Depending on legal advice</p>

F.4

<p>LPA Enforcement Case Reference</p>	<p>ENF/21/0441/SEC215</p>
<p>Location / Address</p>	<p>28 Brick Kiln Avenue, Beccles</p>
<p>North or South Area</p>	<p>North</p>
<p>Date of Report of Breach</p>	<p>29.09.2021</p>
<p><u>Nature of Breach:</u> Untidy site</p>	
<p><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 24th February 2023 to comply with notice. 10/03/2023- Site visit conducted, notice not complied with. Matter passed to Legal for further action. 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. 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

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023 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 11 th January 2024. 15/01/2024 - Site visited, notice not complied with, case has been passed to the legal team to make a decision on what further action should be taken under the TCPA 1990.	
<u>Current Status/Position</u> With Legal Team	
Date by which Compliance expected (or prosecution date)	Depending on legal advice

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
<p><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.</p>	
<p><u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains</p>	
<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.</p>	

Date by which Compliance expected (or prosecution date)	31/12/2024
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Committee Report

Planning Committee South - 28 May 2024

Application no DC/21/5550/FUL

Location

Land At Park Farm
Loudham Hall Road
Loudham
Woodbridge
Suffolk
IP13 0NW

Expiry date 11 March 2022

Application type Full Application

Applicant BSR Energy

Parish Pettistree

Proposal Erection of a solar photovoltaic (PV) array, with a total export capacity of up to 21 MW. Each of the solar panels will be mounted on a fixed panel system. The panels are covered by high transparency solar glass with an anti-reflective coating which minimises glare and glint, while aiding in the maximum absorption of the available sunlight. The panels are dark grey/blue in colour and are mounted on a frame of anodized aluminium alloy and galvanized steel.

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

1. Summary

- 1.1 This application seeks planning permission for a 21-megawatt solar farm comprising ground mounted solar PV panels, vehicular access from Loudham Hall Road with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including inverter and substation buildings on land at Park Farm, Pettistree.
- 1.2 The application is being presented to Planning Committee South for determination at the request of the Head of Planning and Coastal Management given the scale of development and level of local interest. Members of Planning Committee South carried out a site visit on 25 April 2024 in advance of their formal consideration.
- 1.3 The application proposes renewable energy which, in principle, is supported by both national and local policy. The impacts of the proposed development are such that they can be adequately mitigated against and therefore the application is recommended for approval, subject to controlling conditions.

2. Site Description

- 2.1 The application site comprises an area of approximately 37.08 hectares and is situated within the countryside to the south east of Wickham Market and east of Pettistree. It lies within the Parish of Pettistree and shares its western boundary with the A12. The site consists of agricultural land with a tree copse to the centre of the site (which is outside of the red line site boundary). Two sets of electricity pylons run diagonally through the site. The site would be accessed off Loudham Hall Road, immediately to the south.
- 2.2 There is a permissive path from the northern corner of the site along the western boundary with a PRoW running from approximately halfway down the western boundary in a south easterly direction to Loudham Hall Road. This PRoW also crosses the A12 and joins up with Chapel Lane leading into Wickham Market. Further from the site, the wider PRoW network includes a route to the north of the site (approx. 120m away at its closest point) and also to the east (approx. 240m at its closest point).
- 2.3 The surrounding area is mainly rural, consisting of agricultural land separated by boundary hedgerows, areas of woodland located close to the eastern and adjacent to the south western edges of the site, and a number of small farms and isolated houses.

3. Proposal

- 3.1 The proposal involves the installation of a 21MW solar farm. Each of the solar panels will be mounted on a fixed panel system.
- 3.2 Also included as part of the layout are:
 - Substation Area
 - Private Switch
 - Distribution Network Operator (DNO)
 - POC

- Transformer Stations
- Transformer Access Track
- DNO Access Track
- Aux Transformer
- Fencing and CCTV Cameras
- Landscaping Works

3.3 In regard to the design of the array, each of the solar panels will be mounted on a fixed panel system. The panels are covered by high transparency solar glass with an anti-reflective coating which minimises glare and glint, while aiding in the maximum absorption of the available sunlight. The panels are dark grey/blue in colour and are mounted on a frame of anodized aluminium alloy and galvanized steel. The DNO, Aux Transformer, Private Switch Gear, Welfare Unit and 2 Spare Containers will be located to the south western corner of the site. These will be accessible off the DNO Access Track to the south of the site off Loudham Hall Road. Transformer Stations will be positioned at intervals throughout the site and an antenna mast will be located along the western flank, towards the south western corner of the site. The proposed Solar PV array will be connected to the Grid via an onsite, 33kV Overhead Line. The Overhead Line travels from north east to south west over the site.

4. Consultees

Parish Council

Consultee	Date consulted	Date reply received
Pettistree Parish Council	4 January 2022 19 February 2024	21 January 2022 11 March 2024
<p>21 January 2022 Pettistree Parish Council do not object to this application. Pettistree Parish Councillors have considered the application and do not find it necessary to make any adverse comment. No adverse comments have been made to us by Pettistree residents.</p> <p>11 March 2024 Pettistree Parish Council objects to this development. This overturns the council's previous decision of 2022. Assessment Overall impact on villages, Pettistree and Loudham, as primarily residential, agricultural and countryside: The proposal will have a significant impact on Loudham, its countryside landscape, river valley and the setting of historical assets: Ashe Abbey and Loudham Hall. There are few properties directly affected but the solar park will change a large area of agricultural land and its flora into industrial use. We note that the water meadow has been removed from the revised plan but the impact of the solar park on river valley views remains a concern. The land is not flat in its entirety and despite screening the panels will be seen on the higher parts of the site.</p>		

Neighbouring Parish Councils

Consultee	Date consulted	Date reply received
Wickham Market Parish Council	24 January 2024 19 February 2024	14 February 2022 29 February 2024

14 February 2024

Wickham Market Parish Council objects to this application as we believe that the development would contravene Policies SCLP9.1 Low Carbon and Renewable Energy, SCLP10.1 Biodiversity and Geodiversity and SCLP10.4 Landscape Character.

Mitigations do not enhance biodiversity and the application had an adverse impact on badgers and deer.

29 February 2024

This letter of objection was drafted in January 2022 as the Wickham Market Parish Council Planning Committee response to Planning Application DC/21/5550/FUL Erection of a solar photovoltaic (PV) array application. In the event a significantly shorter response was given using the Planning Portal. The Parish Council are aware that this planning application is still awaiting a decision. In addition, it is noted that ADAS Planning, in a letter dated 12 Sep 22 titled "Rebuttal Letter", has attempted to address our objections along with the objections of others. It is our view that the Rebuttal Letter does not fully address the detail of our objections and hence the Parish Council had decided to submit the original objection letter in full. The letter has also been updated to reflect some of the significant additional information that is now available on the Planning Portal.

The Rebuttal Letter indicates that documents that have already been submitted address the issues we have raised. One such document, the LVA, states:

"The Landscape and Visual Assessment (LVA) has also been submitted which fully assesses the impacts, both individually and cumulatively with other solar developments, of the development on the surrounding landscape character, residential receptors and viewpoints, and views from PRow running through or adjacent the site,"

However, the LVA is a subjective document which clearly states:

"It is also not within the scope of this report to determine whether the identified effects should be considered acceptable; the latter is a planning balance decision by which the determining planning authority considers all matters relating to the proposed development."

Wickham Market Parish Council object to the Planning Application DC/21/5550/FUL Erection of a solar photovoltaic (PV) array, with a total export capacity of up to 21 MW At Park Farm Loudham Hall Road Loudham Woodbridge Suffolk IP13 0NW

The reason for our objection is that the application is contrary to three policies in the ESC Local Plan.

In addition, Wickham Market PC is concerned about the poor way that this planning application was publicised by ESC and the Applicant. If planning applications are not correctly publicised the possibility of arriving at the wrong decision is increased. The reasons for our concern regarding ESC are:

- a. The application concerns a development that abuts our parish boundary and the development will be clearly visible to a number of houses and all parishioners who walk in the Deben valley, despite this we were not consulted by ESC until we brought this omission to their attention.
- b. Some key documents were not placed on the planning portal initially. Three key documents, which were appendices of the Landscape Visual Appraisal, were not added until we brought this omission to the notice of the ESC Planning department. It took a reminder from us before they were placed on the planning portal on 1 Feb 22. The date shown on the planning portal incorrectly states that they were posted on 26 Jan 22.
- c. The closing date for comments was not extended to allow for consideration of these documents.
- d. We were only able to find one planning notice posted to inform the public. It is felt that these notices should have been more widely distributed.

Regarding the Applicant the Design and Access statement for the application states that the development was widely publicised, but Wickham Market Parish Council were not informed at any stage until we requested to review the application. The Statement of Community involvement is a key document as it shows that Wickham Market was deliberately left off the area where leaflets were distributed.

The proposed development is in the Deben River valley which used to be classed as a Special Landscape Area. This classification protected the Suffolk river valleys from inappropriate development. This designation has now been removed, but the Landscape Appraisal which supports the local plan makes it very clear that the Deben Valley, along with other Suffolk river valleys, should be afforded a degree of special protection.

At the end of the section on the Deben River valley in the Landscape Appraisal, it gives Strategic Objectives to be followed. Of the seven objectives four apply to the area concerned. They are:

- a. Protect the fine grained enclosure patterns and drainage ditch networks and provide sympathetic management for ecological benefits.
- b. Manage land use in the floodplain in favour of traditional management practices such as grazing by cattle or sheep, and resist conversion to equestrianism, intake to domestic curtilage.
- c. Manage the reversion of arable land back to pasture in the lower reaches via agrienvironment schemes.
- d. Plan for any future expansion of Wickham Market or Ufford to be highly sympathetic to landscape character.

These objectives have translated into policies in the Local Plan. Having considered the application we believe that the development would contravene Policies SCLP9.1 Low Carbon and Renewable Energy, SCLP10.1 Biodiversity and Geodiversity and SCLP10.4 Landscape Character.

As there are no Solar Farms planned in the Local Plan SCLP9.1 states:

The Council will support Neighbourhood Plans in identifying suitable areas for renewable and low carbon energy development, particularly where they relate to developments that are community-led. In identifying suitable areas, consideration should be given to the criteria listed below:

- a. They can evidence a sustainable and, ideally, local source of fuel;
- b. They can facilitate the necessary infrastructure and power connections required for functional purposes; and
- c. They are complementary to the existing environment without causing any significant adverse impacts, particularly relating to the residential amenity, landscape and visual impact, the natural beauty and special qualities of the AONB, transport, flora and fauna, noise and air quality, unless those impacts can be appropriately mitigated.

We believe that this development will cause significant adverse impact in relation to point “c.” above, particularly regarding both Landscape and Visual Impact and flora and fauna. The proposed scheme occupies sloping valley sides which is visible from many vantage points both within and across the valley and only offering hedge screening is totally inadequate. Concerning the second point there is an array of panels shown that are located right next to the river and these panels are planned to be on piled foundations and installed at a raised level to mitigate flooding issues. The height of these solar panels has been increased following the extensive floods of both last and this year. It is worth noting that this field is a superb wetland habitat which would be seriously compromised if the application is approved. The panels will be visually intrusive and damage the flora and fauna adjacent to the river.

Policy SCLP10.1: Biodiversity and Geodiversity states:

Development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats, such as wildlife corridors and habitat ‘stepping stones’. 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. Adherence to the hierarchy should be demonstrated. Proposals that will have a direct or indirect adverse impact (alone or in-combination with other plans or projects) on locally designated sites of biodiversity or geodiversity importance, including County Wildlife Sites, priority habitats and species, will not be supported unless it can be demonstrated with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss. New development should provide environmental net gains in terms of both green infrastructure and biodiversity. Proposals should demonstrate how the development would contribute towards new green infrastructure opportunities or enhance the existing green infrastructure network as part of the development. 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. Where compensatory habitat is created, it should be of equal or greater size and ecological value than the area lost as a result of the development, be well located to positively contribute towards the green infrastructure network, and biodiversity and/or geodiversity and be supported with a management plan. 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. If present, the proposal must follow the mitigation hierarchy in order to be considered favourably. Any proposal that adversely affects a European site, or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission. Any development with the potential to impact on a Special Protection Area, Special Area for Conservation or Ramsar site within or outside of the plan area will need to be supported by information to inform a Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).

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. Depending on the size and location of the development, additional measures such as Suitable Alternative Natural Green Spaces (SANGS) may be required as part of development proposals.

The Biodiversity Net Gain document submitted with the application covers the processes followed in detail but does not take into account the Landscape Appraisal and hence the conclusions drawn are perhaps flawed. It is our view that the proposed development most certainly does not demonstrate that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats, such as wildlife corridors and habitat 'stepping stones'. The proposal accepts that development will cause harm and consequently offers a Landscape Mitigation Plan which is described in the Design and Access statement. The measures proposed are set out below:

- a. Retention of existing hedgerows and trees within proposed layout and allow to grow to a height of 3 to 4m. The tree copse to the centre of the site has been excluded from the site for the purposes of this planning application and will be retained in its current form.
- b. Native hedge planting along a proportion of the northern boundary (eastern, western, and central section).
- c. Native hedge planting along the central part of the site along the PRoW.
- d. Species rich grassland and winter stubble area managed for foraging opportunities for bird species.
- e. Creation of a wet shrubland habitat adjacent to the ditch along the eastern boundary of the site.
- f. Creation of a scrub with grassland habitat in the central section of the site.
- g. Improve the block of woodland in the central part of the site to increase biodiversity value.
- h. Existing ditches retained and enhanced for biodiversity.
- i. Bird and bat boxes placed on existing mature trees within proposed site.

Whilst these measures do go in some way to mitigate the impact it is felt that they are totally inadequate for a development of some 32Ha in area.

Finally, the aspects of policy Policy SCLP10.4: Landscape Character that apply to this development are:

Proposals for development should be informed by, and sympathetic to, the special qualities and features as described in the Suffolk Coastal Landscape Character Assessment (2018), the Settlement Sensitivity Assessment (2018), or successor and updated landscape evidence. Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and enhance:

- a. The special qualities and features of the area;
 - b. The visual relationship and environment around settlements and their landscape settings;
 - c. Distinctive landscape elements including but not limited to watercourses, commons, woodland trees, hedgerows and field boundaries, and their function as ecological corridors;
 - d. Visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features; and
 - e. The growing network of green infrastructure supporting health, wellbeing and social interaction.
- Development will not be permitted where it will have a significant adverse impact on rural river valleys, historic park and gardens, coastal, estuary, heathland and other very sensitive landscapes. Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network.

The development most certainly does not protect or enhance the area in any way. Around the proposed site there are numerous Public Rights of Way which enable the public to enjoy the picturesque Deben Valley. As most of this development is on raised ground it will be very

clearly visible from all angles around the site.

Wickham Market Parish Council therefore object to Planning Application DC/21/5550/FUL for the reasons listed above.

Consultee	Date consulted	Date reply received
Ufford Parish Council	N/A	27 January 2022
	9 August 2022	23 August 2022
	N/A	17 January 2024
	19 February 2024	20 March 2024

Summary of comments:

27 January 2022

Although the above application is outside of the parish boundary of Ufford, Ufford Parish Council wish to raise concerns over the above application, as set out below:

1. Impact on the Landscape

We are greatly concerned at the impact this Array will have on the visual enjoyment of this part of Pettistree. The height of the panels (necessary due to the sloping nature of the land) will result in these panels towering above existing hedge lines and would have the effect of changing a rural landscape to an industrial one. The quite vast array of solar panels and the ancillary service buildings, with surrounding security fences are certainly not of rural character.

The present view of the site from the junction of PROW 8 and Loudham Hall Road is shown below: The array will be visible across 75% of the horizon from this point and there will be a major negative impact on the character of the landscape of the Deben river valley. This is contrary to the policy in the Local Plan SCLP 10.4 concerning Landscape Character, particularly clause:

d) Visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features;

Followed by:

Development will not be permitted where it will have a significant adverse impact on rural river valleys,

Undoubtedly the walk along the PROW Pettistree 7, which crosses the fields of the application site, and other well-used linking footpaths such as PROW 8, would lose all the beauty of views of surrounding countryside and landscape.

2. Agricultural Land

Although the Design and Access Statement claims the land as being 'part Grade 3b and Grade 4' (moderate/poor quality), we can find no mention of this in the Ecological Appraisal. This land is in present day use, producing arable crops such as sugar beet and maize in recent years. Our own review of the Natural England criteria for assessment of agricultural land suggests that the land is either Grade 3a or 3b; using the definition below:-

Grade 3 – good to moderate quality agricultural land:

Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2.

Subgrade 3a – good quality agricultural land:

Land capable of consistently producing moderate to high yields of a narrow range of arable

crops, especially cereals, or moderate yields of crops including cereals, grass, oilseed rape, potatoes, sugar beet and less demanding horticultural crops

Subgrade 3b – moderate quality agricultural land:

Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass, lower yields of a wider range of crops and high yields of grass which can be grazed or harvested over most of the year.

Source:-

<https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

We are concerned that the installation of these solar panels will take away this valuable land at a time when the country is trying to become more sustainable rather than reliant on importing food for our population or animal feedstuffs. Whilst the UK seeks to develop green energy sources, this should not be at the expense of agricultural production.

3. Public Right of Way: Pettistree Footpath 7

We would support the comments submitted by the PROW Team at SCC Highways in that PROW 7 Pettistree be kept fully open and as accessible as it is presently. It must also be protected from any glint or glare from the solar panels.

4. Archaeological Survey

We would strongly support the following statement from Rachael Abraham of the SCC Conservation Team:

“...the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of any planning application submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined (and which are still currently unknown).”

23 August 2022

Ufford Parish Council would like to reiterate its previous comments on this proposed development. Especially our concern for the impact on the visual enjoyment of this part of Pettistree and the major negative impact on the character of the landscape of the Deben River valley. We are also still concerned about the impact on Footpath Pettistree 7 and the glint/glare from the solar panels.

17 January 2024

The above application was discussed for a third time by Ufford Parish Council at their meeting on 16th January 2024. In addition to our previous two letters (available on the Portal), we would like to raise the following additional concerns:

1. Effect on the Landscape Character

The proposed solar farm is to be situated in the River Deben valley and the siting of the array of panels will have a devastating effect on the landscape character of the area. The sheer scale of the development would dominate the rural valley views from both the Campsea Ashe and Loudham sides of valley. The proposed application will be a contradiction of Policy SCLP10.4 of the current Local Plan; this specifically states that "development will not be permitted where it will have a significant effect on rural river valleys...". This is a particularly pretty area of the Deben Valley and these solar panels and their associated hardware will completely dominate and spoil the area.

20 March 2024

With reference to the above proposed development, Ufford Parish Council would firstly like to support the comments made recently by both Wickham Market and Pettistree Parish Councils in very comprehensive letters to you. We note that the site appears to have been reduced in one are, but altered in another, so as to retain the enormous scale

We would also like to re-iterate our previous correspondence (logged on the Portal) that we object to this proposal on the grounds of:

1. Impact on the Landscape
2. Loss of Agricultural Land
3. Effect on the Public Right of Way through the site and
4. The need for a full Archaeological Survey

Consultee	Date consulted	Date reply received
Campsea Ashe Parish Council	N/A	16 February 2022
	9 August 2022	31 August 2022
	19 February 2024	N/A

16 February 2022

We refer to above application, to which we would like you to register our objection. Campsea Ashe PC in principle totally supports the effort to increase the generation of renewable energy.

We like to express our grave concern, that Campsea Ashe, as a parish immediately affected by this development has not been officially consulted nor even informed by your department on a proposal that affects our residents.

With regards to the application, we totally support the effort to increase the generation of renewable energy.

1 However, we do feel that ESC Planning are missing many opportunities to establish that goal, especially by not encouraging the use of brown field sites (i.e. such as Nottcutts site in Ufford, Bentwaters, ..) or more importantly, by not compelling new build to include (compulsory inclusion) of solar technology, and thus avoiding major environmental impacts and loss of habitats and agricultural land, projects like this inherit. If both of these low impact policies would be enshrined in a truly strategic approach to Net Zero, the need for such projects would reduce immensely, creating a long term benefit to our area.

2 The Deben Valley is a highly valued landscape, having - somehow - lost its SLA status in the last Local Plan. It forms a highly valued and beautiful setting, being used constantly as an amenity by our residents. The proposed solar park will have a huge impact on the valley.

3 The lower parts of the fields in the proposal, sloping down towards the valley will have the largest visual impact for walkers, especially with those panels requiring to be lifted higher off the ground. There could be an argument for only the upper field to be developed in such a way, already to a degree shielded by hedges and trees from the south and north / east.

4 As the Suffolk Preservation Society points out, the in part very high elevation of the panels implies, that the land is not appropriate for the purpose. In general, our concerns are mirrored in the letter of objection sent to you by the Suffolk Preservation Society.

31 August 2022

Campsea Ashe PC wishes to re-iterate their original concerns and objection. Whilst noting that

changes have been made with regards to planting and widening of the footpath along the proposed site, we remain concerned about the major visual impact this development will have on the Deben river valley landscape. We wish to state again, that such development and it's inherent loss of environmental assets as well as agricultural land would be unnecessary, if a more co-ordinated and joined-up planning approach to renewables would be in place.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Rights Of Way	4 January 2022 9 August 2022 19 February 2024	10 January 2022 No reply No reply
Summary of comments: The proposed development has been accepted subject to the PROW Position Statement.		

Consultee	Date consulted	Date reply received
SCC Highways Department	4 January 2022 N/A 6 October 2022 N/A N/A	24 February 2022 8 August 2022 20 October 2022 5 December 2022 8 February 2023
<p>24 February 2022 Comments regarding access, details of ducting and their routes to be addressed prior to an approval.</p> <p>8 August 2022 Comments regarding access, details of ducting and their routes to be addressed prior to an approval.</p> <p>20 October 2022 The previous comments dated 24th February 2022 have not been fully addressed and therefore still apply.</p> <p>5 December 2022 No objections. A number of controlling conditions are recommended.</p> <p>8 February 2023 No objections. A number of controlling conditions are recommended.</p>		

Consultee	Date consulted	Date reply received
Natural England	4 January 2022 9 August 2022 19 February 2024	24 January 2022 27 August 2022 27 February 2024
<p>24 January 2022 NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.</p>		

27 August 2022**NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

27 February 2024

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	24 February 2022	28 February 2022
	9 August 2022	25 August 2022
	4 April 2023	25 April 2023
	13 June 2023	4 July 2023
	19 February 2024	12 March 2024

28 February 2022

Holding Objection.

A holding objection is necessary because whilst it is acknowledged that the impacts of solar farms on natural hydrology are limited, the impacts do still require some more detailed consideration. Attached is a report on the topic. SCC LLFA are also aware of local guidance issued by Essex County Council for such work and are in the process of developing our own guidance. In the absence of this guidance being published, SCC LLFA encourage applicants for solar array applications to actively engage with us to agree a suitable way forward.

25 August 2022

The following submitted document has been reviewed and we recommend a holding objection at this time:

- RSK, Flood Risk Assessment, 882198-R1(02)-FRA, 06/12/2021

A holding objection is necessary because whilst it is acknowledged that the impacts of solar farms on natural hydrology are limited, the impacts do still require some more detailed consideration.

25 April 2023

The following submitted documents have been reviewed and the LLFA recommends a holding objection at this time:

- Figure 7: Landscape Masterplan 1051074-BSR9001-TOW-L-007
- Flood Risk Assessment 882198-R1(02)-FRA Rev.02 (06-12-21)

A holding objection is necessary because the applicant should provide further technical details.

4 July 2023

We have reviewed the following submitted documents and we recommend approval of this application subject to conditions.

12 March 2024

We have reviewed the following submitted documents and we recommend approval of this application subject to conditions.

1. Flood Risk Assessment 680695-R1(0)-FRA(15-02-2024)
2. 680695 L03(01) LLFA (12-06-2023)
3. 680695 L02(00) LLFA (16-03-2023)
4. Landscape Masterplan 1051074-BSR9001-TOW-L-007 Rev.04 (25-05-2023)

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	4 January 2022 9 August 2022 19 February 2024	3 February 2022 7 September 2022 27 February 2024
<p>3 February 2022 Thank you for your consultation dated 4 January 2022. We have inspected the application as submitted and have no objection, providing that you have taken into account the flood risk considerations which are your responsibility.</p> <p>7 September 2022 The comments provided in our letter dated 3 February 2022 remain valid.</p> <p>27 February 2024 Thank you for your re-consultation dated 19 February 2024 for the above application. We have reviewed the submitted documents and have no objection to this planning application. We have also provided additional comments on Flood risk</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	24 January 2022 22 February 2022 22 December 2023	6 January 2022 1 March 2022 15 January 2024
<p>6 January 2022 In order to establish the archaeological potential of the site, a geophysical survey will be required in the first instance. The geophysical survey results will be used to make a decision on the timing and extent of trial trenched evaluation which is required at this site.</p> <p>The results of the evaluation should be presented as part of any planning application for this site, along with a detailed strategy for further investigation and appropriate mitigation. The results should inform the development to ensure preservation in situ of any previously unknown nationally important heritage assets within the development area.</p> <p>1 March 2022 Requested the submission of a geophysical survey due to the scale of the development.</p> <p>15 January 2024 There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 211), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	4 January 2022 9 August 2022 19 February 2024	25 January 2022 No reply 11 March 2024
<p>25 January 2022</p> <p>I have read the Preliminary Ecological Appraisal (PEA) (ADAS, June 2021); Wintering Bird Survey (ADAS, July 2021); Breeding Bird Survey (ADAS, July 2021); Badger Non-Licensed Method Statement (ADAS, June 2021); Reptile Non-Licensed Method Statement (ADAS, June 2021); Great Crested Newt File Note (ADAS, April 2021); Information to Inform Habitats Regulations Assessment report (ADAS, August 2021) and the Biodiversity Net Gain report (ADAS, November 2021) and am satisfied with the conclusions of the consultant. The layout of the solar panels avoids the areas of greatest ecological importance on the site (particularly the areas of woodland, hedgerows and scrub) and the development offers the opportunity to secure long term habitat improvements as part of the landscaping scheme. These enhancements and their long term management should be identified and implemented via a Landscape and Ecology Management Plan (LEMP), secured by conditions.</p> <p>11 March 2024</p> <p>Updated ecological assessment of the proposed development is required as field surveys are now outdated. An ecologist should undertake an updated site visit to ascertain if there have been significant changes in habitats present, and usage by protected/notable species. If there has been a significant change, a new Preliminary Ecological Appraisal should be undertaken, and further surveys completed (as required).</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	4 January 2022 8 August 2022 13 June 2023 19 February 2024	21 February 2022 26 August 2022 28 June 2023 28 February 2024
<p>4 January 2022</p> <p>I have reviewed the submitted documents in relation to landscape and tree matters in respect of this proposal to create a solar array at Park Farm, Loudham, and I can advise you as follows.</p> <p>At the Pre-Application stage of the planning of this development, I advised as follows:</p> <p>I suggest that the enquirer's attention is drawn to the following statement included in Local Plan Policy SCLP10.4 Landscape Character which states 'Development will not be permitted where it will have a significant adverse impact on rural river valleys'. The NW sector of the described array would seem to be included in river meadows, and indeed the rest of the array will be set on valley sides, so impacts on these sensitive landscape character areas and types will come under close scrutiny, as will visual impacts from PROWs adjacent to, and running through the site. Where any assessment identifies the need for mitigation measures, these will need to be included with submitted documents and they will need to be shown to be appropriate to the local landscape character, and effective for the purpose of mitigation of identified impacts.</p> <p>This current response will consider whether these issues have been addressed amongst other</p>		

considerations. The submitted LVIA notes the relevance of Suffolk Coastal Local Plan Policy SCLP10.4 Landscape Character and goes on to identify that the application site falls within Suffolk Coastal Landscape Character Assessment' (2018) B7 Deben Valley Landscape Character Area (LCA) with a small southern section of the site falling within N1 Boulge Park and Bredfield Rolling Farmland LCA. The submitted assessment concludes, having considered a range of factors, that the value of the site and its immediate surroundings is Medium in LVIA terms. I agree that it is also not a valued landscape in terms of Para 170 of the NPPF.

The rest of the comments are in the report.

26 August 2022

I note that a revised Landscape Masterplan (Rev E) has been submitted in respect of this application for a new solar farm at Loudham. This latest revision covers an increase to the width of the central footpath corridor to 10 metres before new hedge planting will be planted to screen the solar arrays (which are consequently also set back) for users of the footpath. This revision addresses my previous concern that the mitigation planted as formerly shown could be regarded as adverse in visual impact terms because it would have blocked views over the surrounding landscape that would have previously been freely available. I can advise that this current revised layout is an acceptable solution to resolve this particular issue.

28 June 2023

I have reviewed the latest submitted landscape masterplan in respect of this application for a solar photovoltaic array and which now includes an indicative planting palette in comparison to previous versions. The given plant list is generally acceptable although I would wish to see some additional species in the hedge planting mix (such as Acer campestre, Ilex aquifolium). This needn't be a bar to further progress of the application and can be addressed at discharge of Condition stage should planning permission be granted. Otherwise I'm happy to proceed on the basis of the most recently submitted information.

28 February 2024

An updated arboricultural report has been submitted with the aim of providing further information and clarification on tree management and tree protection measures as required by the proposed development. The document and accompanying plans are intended to be supplementary to the previously submitted tree survey and impact assessment report. There is no change to the previously advised levels of required tree removal (it remains at none apart from a section of a group of trees that needs to be removed to achieve access off Loudham Hall Road). The contents of this report and its accompanying plans are acceptable and should be added to the schedule of approved plans should planning permission be granted. Specifically they are:
Arboricultural Planning Statement dated February 2024 and accompanying Appendices 1-14.

In respect of landscape related matters, the change to the red line boundary is noted and previously submitted comments remain valid.

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	4 January 2022	24 January 2022
	8 February 2022	None received
	19 February 2024	None received
Summary of comments:		

The East Suffolk Economic Development Teams supports the planning application.

Consultee	Date consulted	Date reply received
Ward Councillor	22 February 2022	7 February 2022

Summary of comments:

What concerns me here is that because solar farm applications should follow normal local planning guidelines, this application falls foul of Local Plan Policy SCLP 10.4 which has a presumption against development which will have a 'significant adverse impact on rural river valleys' and this of course is in the Deben river valley. Knowing the area well, I know many of the residents of Wickham Market in particular feel somewhat under siege and understandably so, with the new Hopkins Homes developments including in neighbouring Pettistree and the 'Park and Ride' at the northern end of the village should Sizewell C get the go ahead. This is entirely relevant because a holistic view is needed - a view which the privatisation of energy originating in the 1980's has made extremely difficult because there is very little joined up thinking of energy infrastructure and loss of control of the overall picture both at local and central government levels.

As a Green, I am pro-solar of course but these decisions should not be binary choices in isolation of the other proposed energy projects in the area. It is also especially galling to see new build housing STILL going up with no solar PV on roofs as standard when that should absolutely be happening and on our municipal buildings roofs also FIRST. To damage (which despite anti-glare measures this would) such a special greenbelt landscape is lamentable.

In summary, while not an outright objection, for me, there remain too many unresolved issues at this stage for me to form an outright for or against position. Whilst absolutely pro-Solar, serious thought needs to be given to the above concerns, especially as the same company have also submitted plans to build a similar development just up the road at Kelsale.

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	22 February 2022	14 February 2022
	9 August 2022	6 September 2022

14 February 2022

Objection.

Accordingly, notwithstanding the fact that the site is impacted by large scale infrastructure we object to this application on the grounds of: harm to landscape character and visual impact on the Deben Valley, and loss of amenity for all users of the network of footpaths and bridleway, looking west across the valley at approximately 25m AOD, through, and adjoining the site.

6 September 2022

Objection.

The objection still stands as set out in detail in the previous letter dated 14 February 2022.

Consultee	Date consulted	Date reply received
Water Management Alliance	N/A 19 February 2024	4 October 2022 No reply
<p>Summary of comments:</p> <p>The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.</p> <p>Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	26 September 2022 N/A N/A 21 July 2023 19 February 2024	3 October 2022 6 October 2022 14 October 2022 25 August 2023 21 March 2024

3 October 2022

Thank you for your consultation regarding the proposed development above. The Environmental Protection department has no comments in relation to this application.

6 October 2022

Further to my response of 3rd October, it has come to my attention that noise assessment was carried out in 2021. I propose to view the report and will then provide further comments where necessary.

14 October 2022

I do not currently accept the noise impact assessment and conclusions made. The receptor 'The Lodge' must be investigated with a view to inclusion within a revised assessment report.

The Environmental Protection Team are prepared to consider a noise rating level of 30 dBA at noise sensitive receptors and therefore at this stage we request that a mitigation scheme be considered and submitted for consideration whether that be through relocation of inverter stations, or by attenuation/mitigation of the noise sources contributing to predicted levels at Sand Pit House and 1-2 Mill Lane.

25 August 2023

No Objection.

I am satisfied with the revised and updated noise impact assessment and the outcomes presented. I am satisfied that with full implementation of the noise mitigation measures in accordance with the RSK Acoustics Noise Assessment Report (Ref. 2060448-RSK-RP-001-(01)) dated 11 July 2023, then the scheme would result in a low impact from noise only at noise sensitive receptors.

If there are any changes to the proposed noise mitigation, site layout, positioning of the inverter

stations, or changes to the inverter and transformer station plant items/specification then the noise assessment would need to be further updated to ensure the assessment outcomes remain satisfactory.

21 March 2024

In conclusion, I have no objections to the proposed development.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	4 January 2022	No reply
	9 August 2022	No reply
	19 February 2024	29 February 2024
<p>Summary of comments:</p> <p>We welcome the proposed species-specific enhancement; it would be beneficial to see these clearly marked on a landscape plan or similar post-develop map. Detail of specification, installation, purpose, and maintenance should also be included alongside relevant responsibility for installation and maintenance.</p>		

Consultees who have not responded:

Cadent Gas

East Suffolk Council Design and Heritage

Publicity

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

Publication	Published date	Expiry date	Reason
East Anglian Daily Times	6 January 2022	27 January 2022	Public Right of Way Affected Major Application

Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	14 January 2022	4 February 2022	In the Vicinity of Public Right of Way Major Application

6. Third Party Representations

6.1 The main reasons for objection are summarised as follows:

- Impact on Deben River Valley.
- Contrary to SCLP9.1 as the proposal is of very large scale in attractive landscape and special qualities of the upper Deben Valley visible from a number of PRoW which will adversely affect the experience for those walking in the area.
- The mitigation proposals are nowhere near sufficient to reduce visual impact - even more so in winter.

- The proposal is not temporary – 40 years is permanent.
- Loudham Hall Road is becoming increasingly busy with agricultural, commercial and private traffic becoming a "rat run".
- Valley floor is subject to flooding and visited by animals, such as deer and by wading birds.
- Agricultural land should be reserved for the production of food.
- Solar should be provided on brownfield sites or existing buildings. Demonstrates failure in local/national planning policy - if the compulsory inclusion of solar panel for new builds was in place, the demand on green field sites and the subsequent loss of habitat and/or agricultural productive land would be much less.
- Impact of noise on residential amenity of Sandpit House.
- Would result in the industrialisation of a valued landscape, profoundly diminishing the character and beauty of countryside of high environmental and historic value.
- Views would be possible from far afield.
- Rainfall causes run off of water/sand/silt from the site onto Loudham Hall Road and Sandpit House.
- Would not protect the natural beauty and biodiversity of the Suffolk landscape.
- Would open the floodgates to similar planning applications for the Deben Valley.
- No information on how the site will be connected to the National Grid.
- Flood risk could easily change due to climate change.
- Will result in cumulative visual impacts with other developments impacting landscape character.
- Permissive path should become formalised.
- The juxtaposition of Sandpit House to the site and cumulative impact of power lines and pylons with the solar farm is a concern in terms of health implications.
- Needs to be a district or county wide approach to the siting of solar energy installations i.e. a plan led approach.

6.2 Those supporting, or not raising objection to the proposal make the following points:

- Nothing will outweigh the good of the renewable energy development.
- While the views from the rights of way are indeed beautiful, due to trees and hedges, it seems unlikely that they will be interfered with. The view from PROW 7 would be affected but is not particularly appealing at present, passing under a large powerline and the expressway segment of the A12.
- The solar farm would be built on farmland outside of the natural area around the river Deben. While it is good to protect the woodland and other high-quality environments along the river, this farmland does not count as such.
- As the hedgerows and the copse are to be kept, the change of use will be beneficial to local wildlife.
- It would massively reduce the dependence on the National Grid.
- Solar panels emit no emissions.
- The investment in solar is to be applauded but it is also important to retain the existing landscape as much as possible.

7. Planning policy

National Planning Policy Framework 2023

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

SCLP9.1 - Low Carbon & Renewable Energy (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)

SCLP10.3 - 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)

SCLP12.34 – Economic Development in the Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

8. Planning Considerations

Principle of development

- 8.1 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.

- 8.2 Other material considerations to the determination of the application include the National Planning Policy Framework (2023), from herein referred to as the NPPF; the National Planning Practice Guidance (PPG); and the Climate Change Act 2008, which commits the UK government by law to reduce greenhouse gas emissions by at least 100% against the 1990 baseline by 2050.
- 8.3 It is also material that the Council declared a climate emergency at the Full Council meeting on Wednesday 24 July 2019. In doing so, the Council made the following pledges:
- To set up a Cross Party Task Group, to investigate ways to cut the Council's carbon and harmful emissions, with an ambition to be carbon neutral by 2030;
 - To work with Suffolk County Council and other partners across the county and region towards the aspiration of making the county of Suffolk carbon neutral by 2030; and
 - To work with Government to deliver its 25 year Environmental Plan, and increase the powers and resources available to local authorities in order to make the 2030 target easier to achieve.
- 8.4 Turning to the proposed development specifically, the application site is located outside of any settlement boundary, meaning that it is located within the Countryside for the purposes of Policies SCLP3.2 (Settlement Hierarchy) and SCLP3.3 (Settlement Boundaries). Policy SCLP3.3 does not reference developments in the Countryside outside employment, town centre, or residential uses.
- 8.5 Policy SCLP9.1 (Low Carbon and Renewable Energy) states that the Council will support low carbon and renewable energy developments where the following criteria can be met:
- a) They can evidence a sustainable and, ideally, local source of fuel;
 - b) They can facilitate the necessary power connections required for functional purposes; and
 - c) They are complementary to the existing environment without cause any significant adverse impacts, particularly relate to the residential amenity, landscape and visual impact, the natural beauty and special qualities of the AONB, transport, flora, fauna, noise and air quality, unless those impacts can be appropriately mitigated.
- 8.6 Policy SCLP9.1 concludes by stating that when renewable energy developments are no longer operational, there is a requirement for the development to be decommissioned and removed, with the site completely restored to its original condition.
- 8.7 Paragraph 9.2 of the supporting text of SCLP9.1 in the adopted Local Plan says that the former Suffolk Coastal area (within which this site is located) can contribute towards the generation of renewable energy including through solar power schemes. Paragraph 9.7 goes on to state that "Solar panel schemes will generally be supported, particularly in new development. Careful consideration will be given to the visual impact in sensitive locations including through design, siting and, where possible, natural screening."
- 8.8 Like the above legislative and policy objectives, paragraph 157 of the NPPF highlights that the planning system should support the transition to a low carbon future in a changing

climate by, amongst other matters, supporting renewable and low carbon energy and associated infrastructure.

- 8.9 Paragraph 158 of the NPPF sets out the national policy that supports the provision of renewable and low carbon energy and associated infrastructure. Furthermore, paragraph 163 of the NPPF explains that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It goes on to explicitly state that local planning authorities should approve an application for such development if its impacts are, or can be made, acceptable.
- 8.10 The proposal involves the provision of renewable energy and would produce enough renewable electricity to power just over 5000 homes per year. With regards to the principal requirements of Policy SCLP9.1, the proposed development would convert readily available solar energy to electricity, thereby satisfying criterion a) referenced above.
- 8.11 Regarding criterion b), the applicant has stated the connection to the grid is via an overhead line on site. There is sufficient certainty that the necessary connection from the proposed development to the grid can be satisfactorily achieved, fulfilling criterion b).
- 8.12 The remaining requirements set out under criterion c) of Policy SCLP9.1 relate to the environmental impacts of the proposed development which are discussed under the subsequent headings of this report.
- 8.13 The principle of low carbon and renewable energy development is well established within both national and local planning policy and guidance. Applications for renewable energy schemes within East Suffolk must therefore be supported in line with planning policy requirements and local commitments. Appropriate weight has therefore been given to the positive contribution that this development would make towards meeting national and local carbon reduction targets.
- 8.14 It is proposed that the solar farm would have an operational lifespan of 40 years, after which point the development would be decommissioned, removed, and the site completely restored to its original condition in accordance with Policy SCLP9.1. A condition is recommended to secure this requirement.
- 8.15 To summarise, the principle of the proposed development is considered to be acceptable under the provision of Policy SCLP9.1. Likewise, the principle of the proposed development would be consistent with the relevant objectives contained within the NPPF, whilst also contributing towards the achievement of local and national climate change targets.
- 8.16 The Planning Statement notes that grid connectivity is one of the main restrictions when reviewing and assessing a suitable site for solar development, with areas being limited due to available grid infrastructure and capacity, as well as the potential to secure a viable connection. The Statement concludes that the site is in a suitable location in respect of access to grid connections.
- 8.17 The site for this proposed development is greenfield land. The Statement notes that whilst a development of this type on brownfield land would be preferable, there were no

brownfield sites considered to be suitable in this area. The Statement also notes an alternative brownfield site would need to be available for the operational life of 40 years which is commercially difficult given competing land uses for residential and commercial development. The Statement concludes that as a result of the above considerations and restrictions, that the proposed site is in the only viable location in the area.

- 8.18 Further consideration in relation to the suitability of sites is in relation to levels of sunshine. The Planning Statement sets out that the site's open, rural location, and the fact that it is not shaded by any nearby features in the landscape, make it highly suitable for this type of development, being able to generate more electricity than at some other locations.
- 8.19 Notwithstanding the above, whilst the principle of the proposed development is considered to be acceptable, the overall acceptability of the proposed development is dependent on an assessment of the proposed development against the remaining, relevant policies of the Development Plan, which will be discussed further under the respective headings below.

Agricultural Land

- 8.20 Policy SCLP10.3 states that development proposals will be expected to protect the quality of the environment by, amongst other matters, giving consideration to the impacts upon soil and the loss of agricultural land.
- 8.21 Paragraph 180 of the NPPF explains that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Footnote 62 to paragraph 181 of the NPPF advises that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Annex 2 of the NPPF defines best and most versatile (BMV) agricultural land as land within grades 1, 2, and 3a of the Agricultural Land Classification.
- 8.22 The application is accompanied by an Agricultural Land Classification report, prepared by ADAS and dated July 2021, which identifies that the land comprises Grade 3b and Grade 4 agricultural land. Grade 3b land is moderate quality agricultural land, with Grade 4 land comprising poor quality agricultural land. Neither of these classifications fall within the best and most versatile (BMV) agricultural land classifications.
- 8.23 The submitted Planning Statement notes that once decommissioned, the site can be quickly reverted to agricultural use.
- 8.24 Natural England made no objection to the planning application, and did not make detailed comments on BMV agricultural land as the proposed development would not lead to the loss of over 20 hectares of BMV agricultural land.
- 8.25 The proposed development would not result in the loss of any BMV agricultural land. After the 40-year operational period has passed, the site would be returned to its full agricultural use. The proposed development is therefore considered to be in accordance

with Policy SCP10.3 which requires consideration to be given to the impacts of development on soil quality and the loss of agricultural land. Likewise, the proposed development would accord with the relevant objectives contained in the NPPF.

Design

- 8.26 Policy SCLP11.1 (Design) establishes a general requirement for all new development to reflect local distinctiveness and incorporate high-quality design principles with regards to appearance, scale, layout, and landscaping. Similarly, Paragraph 135 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area.
- 8.27 From a purely design and appearance perspective, as opposed to the landscape and visual impacts which will be discussed further below, the proposed development would involve the installation of a large number of solar panels in a series of rows, oriented east to west. The panels themselves have a scale, design, and appearance typical for a solar farm which is not objectionable.
- 8.28 In regard to the design of the arrays, each of the solar panels will be mounted on a fixed panel system. The panels are covered by high transparency solar glass with an anti-reflective coating which minimises glare and glint, while aiding in the maximum absorption of the available sunlight. The panels are dark grey/blue in colour and are mounted on a frame of anodized aluminium alloy and galvanized steel.
- 8.29 The DNO, Aux Transformer, Private Switch Gear, Welfare Unit and 2 Spare Containers will be located to the south western corner of the site. These will be accessible off the DNO Access Track to the south of the site off Loudham Hall Road. Transformer Stations will be positioned at intervals throughout the site and an antenna mast will be located along the western flank, towards the south western corner of the site. These elements would also have a design that is considered to be acceptable in the context of a solar development. They would not be overly large in scale or dominant in appearance.
- 8.30 New landscaping is proposed as part of the development to mitigate landscape impacts. Therefore, in terms of design, the proposed development would accord with Policy SCLP11.1, as well as the relevant objectives contained within the NPPF. It is however recognised that the proposed development would result in landscape and visual impacts which are discussed in the section below.

Landscape and Visual Impact

- 8.31 Policy SCLP10.4 Landscape Character - notes that development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and enhance the special qualities and features of the area; the visual relationship and environment around settlements and their landscape settings; distinctive landscape elements; visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features; and the growing network of green infrastructure. It goes on to note that proposals should include measures that enable a scheme to be well integrated into the landscape and enable connectivity to the surrounding green infrastructure and Public Rights of Way network.

- 8.32 Policy SCLP10.4 also specifies that development will not be permitted where it would have a significant adverse impact on the natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) (now Essex and Suffolk Coast and Heaths National Landscape), that cannot be mitigated.
- 8.33 These policy objectives are reflected within the NPPF, including the requirement to recognise the intrinsic character and beauty of the countryside.
- 8.34 The application is accompanied by a Landscape and Visual Appraisal, prepared by RSK ADAS Ltd, dated November 2021. The LVIA assesses the baseline landscape and visual characteristics of the site and its surroundings; identifies and assess the potential impacts of the proposed development upon the established baseline; and identifies, where possible, suitable mitigation measures to reduce the adverse impacts of the proposed development to an acceptable level.
- 8.35 At pre-application advice stage, the Council's Principal Landscape and Arboriculture Officer fed into the advice given and set out that Local Plan Policy SCLP10.4 Landscape Character states 'Development will not be permitted where it will have a significant adverse impact on rural river valleys'. The NW sector of the described array at that time seemed to include river meadows, with the rest of the array set on valley sides. It was therefore advised that impacts on these sensitive landscape character areas and types would come under close scrutiny, as will visual impacts from PROWs adjacent to, and running through the site if a formal application were made. The advice went on to note that where any assessment identifies the need for mitigation measures, these will need to be included with submitted documents and they will need to be shown to be appropriate to the local landscape character, and effective for the purpose of mitigation of identified impacts.
- 8.36 The submitted LVIA within the formal application notes the relevance of Suffolk Coastal Local Plan Policy SCLP10.4 Landscape Character and goes on to identify that the application site falls within Suffolk Coastal Landscape Character Assessment (2018) B7 Deben Valley Landscape Character Area (LCA) with a small southern section of the site falling within N1 Boulge Park and Bredfield Rolling Farmland LCA. The submitted assessment concludes, having considered a range of factors, that the value of the site and its immediate surroundings is Medium in LVIA terms. It is agreed that, in NPPF terms, it is not a 'valued landscape'. There is no clear published guidance as to how to assess if a landscape is 'valued' in the way that is meant in Paragraph 180a of the NPPF and it is a subject that has been keenly debated under Appeal conditions and in some cases, subsequent legal challenges to Inspector's conclusions on the matter. Many areas of countryside are understandably valued by local residents, but to be considered 'valued' in the context of the NPPF, there needs to be something 'special' or out of the ordinary that can be defined.
- 8.37 The LVIA goes on to assess the degree of Susceptibility of the site i.e. the ability of the landscape to accommodate the development without undue consequences for the maintenance of its existing qualities. This is judged to be Medium because there will be little direct impact on the physical features of the site and the site will ultimately be decommissioned and returned to its existing state, albeit over a fairly substantial time period. In LVIA terms, 40 years should be regarded as permanent. There will however be a clear perceived change in the character of the landscape although it is stated that this is contained visually by the prevailing landform. This position is not challenged on the whole

with the exception of for the users of the PROW that runs through the centre of the site. In terms of overall sensitivity (combining value and susceptibility), the LVIA considers this to be Medium with landscapes of local or regional recognition of importance able to accommodate some change, which is considered to be a realistic conclusion.

- 8.38 The anticipated construction phase is relatively short (3 to 6 months) and it will bring some additional impacts over the operational phase but these will be minor (adverse) but slight in effect given their short term and low scale. Considering the operational phase, the proposed development will have very little impact on existing landscape features. The submitted arboricultural survey report states that no existing trees need to be removed to achieve the proposed development. Where access routes need to cross root zones of existing trees, this can be done using approved ground protection methods to minimise any damage to roots. A short section of hedge does need to be removed, but the proposed programme of new planting will lead to increased overall hedgerow length on the site which is regarded as beneficial to landscape character. The fundamental surface use of the site when reverted to pasture, will remain essentially agricultural.
- 8.39 The report correctly acknowledges that the presence of the solar farm will nonetheless fundamentally alter the character of the landscape of the site and its immediate surrounds, and this is rightly recorded as a Major Adverse change giving rise to a Large level of effect both on completion and after 15 years. This conclusion refers to the local context of the site. In respect of wider published landscape character area/types, these effects are negligible for the national classification, and slight for the District level assessment.
- 8.40 The biggest area of concern in this respect originally concerned the area of solar array that falls on the valley floor, which is regarded as a particularly sensitive landscape and which is addressed in Local Plan policy. However, this particular section of the Deben valley is to a degree compromised in its sensitivity by the presence of the overhead power lines and pylons, and by the water treatment site. However, the revised proposal, which is that which is now being considered for determination, omits the array within the valley floor.
- 8.41 Turning now to issues of potential visual impact, the visual receptors with greatest sensitivity will be users of the local PROW network especially the footpath that crosses the site. A number of viewpoints around and within the site, all on points of public access, have been selected. (Note: in the photomontage section of the LVIA, the montages for VP8 are incorrectly labelled as VP7). In respect of users of the footpath that runs through the site, (VPs 4, & 5 plus 2 as users join off the road), the solar array will cause a major adverse magnitude of change to the view with Major effects in the early years after installation. These effects will only moderate as the new hedge planting either side of the footpath matures. Initially, concern was raised that as hedging matures, outward views of the wider landscape as currently enjoyed would be limited. A revised plan includes an increase to the width of the central footpath corridor to 10 metres before new hedge planting will be planted to screen the solar arrays for users of the footpath. This revision addresses the previous concern that the mitigation planting as formerly shown could be regarded as adverse in visual impact terms because it would have blocked views over the surrounding landscape that would have previously been freely available.
- 8.42 Views of the southern portion of the site from the land to the south of the site (VPs 1 and 2) will also have major effects on them which cannot be wholly mitigated by new planting,

and which only reduce to moderate effects after 15 years. Views from the north (VPs 7 and 8) are more interrupted by intervening vegetation which will be supplemented by new hedgerow planting to reduce moderate effects to minor, although these are views from within the valley floor. VP7 is also representative of views from the residential property called 1 and 2 Fowls Watering. It is anticipated that views from the principal room would suffer moderate adverse effects initially, reducing to minor over time as new planting matures. Other properties are not anticipated to be affected in any meaningful way.

- 8.43 In respect of road users in cars, slight effects will be experienced by those on Loudham Hall Road with only glimpsed views as planting matures. Other road users are unlikely to experience any meaningful effects.
- 8.44 A landscape masterplan is submitted with the overall package of material and in general this covers enhanced site boundary planting and management of existing hedges to enhance their screening ability. New planting is also included either side of the PROW that runs through the site. Other measures to enhance ecological value are also included. Their effectiveness in delivering the anticipated mitigation will of course depend in the quality of delivery and careful scrutiny of planting specifications will be required.
- 8.45 Overall, this proposed solar array will have a major impact (as recognised in the LVIA) on the character and visual qualities of this section of the Deben Valley which cannot initially be mitigated. However, the extent of these impacts is largely limited to the site itself and its immediate surrounds, and if the new planting is as successful as predicted, they should be temporally limited.

Arboriculture – Trees and Hedges

- 8.46 Policy SCLP10.4 states that, amongst other matters, development proposals will be expected to demonstrate that their location, scale, form, design and materials will protect and enhance distinctive landscape elements including trees, hedgerows, and field boundaries, and their function as ecological corridors. Likewise, Policy SCLP10.1 requires developments to maintain, restore, or enhance the existing green infrastructure network and positive contribute towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats. Paragraph 136 of the NPPF highlights the importance of trees for helping to mitigate against and adapt to climate change and requires existing trees to be ‘retained wherever possible’.
- 8.47 An updated Arboricultural Planning Statement has been submitted (RSK ADAS, February 2024) following revisions to the site boundary and layout. The Statement provides reference and clarification on aspects of tree protection and any necessary tree management works for the proposed development and sets out a methodology for all proposed works that may affect trees which are to be retained on and adjacent to the site.
- 8.48 The report notes a total of 71 tree features consisting of 46 individual trees, 20 groups of trees and five hedgerows on the site. Of the 71 tree features on site at the time of the survey, none will need to be fully removed to facilitate the proposed development. However, a circa 12.5m section of one category B tree group (G17) will require removal to facilitate construction of the new access off Loudham Hall Road. Some facilitation pruning,

tree protection and special construction measures, described within the report, will be required to ensure the safe retention of the trees.

- 8.49 G18 comprises a copse located near the centre of the site. Whilst this group was included in the survey because it is located within 15m of the development boundary, it is located outside the Planning Application boundary, shown on the Arboricultural Impact Assessment Plan in Appendix 5 and the Tree Protection Plan in Appendix 7, and is excluded from the development. Likewise, following an amendment to the site red line boundary, features T1–T35, G1–G7, G9, H5 and G20 are located outside of the proposed development area. Providing the recommendations contained within this report are followed, the proposed development of the site can be successfully achieved without causing undue harm to the retained trees.
- 8.50 The proposed development would accord with Policies SCLP10.1 and SCLP10.4, in addition to the relevant objectives contained within the NPPF.

Archaeology

- 8.51 Policy SCLP11.7 (Archaeology) 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. Where proposals affect archaeological sites, preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and/or deposition of the archive is more appropriate. Archaeological conditions or planning obligations will be imposed on consents as appropriate. Measures to disseminate and promote information about archaeological assets to the public will be supported.
- 8.52 The application is accompanied by an Archaeological Desk-Based Assessment, prepared by ADAS and dated September 2021. The objective of the assessment was to identify the nature and extent of the recorded archaeological resource along the proposed development and its immediate environs, and to undertake an assessment of the effect the proposed development may have.
- 8.53 SCC Archaeology Service (SCCAS) was consulted on the application and provided initial comments noting that the large site has very high archaeological potential as recorded on the County Historic Environment record, as is situated in a topographically favourable location for archaeological activity close to a watercourse. Surrounding the site, large numbers of multi-period find scatters have been recorded (PTR 001, 004, 013, 032, 041, 052, 054, WKM 018). To the west, a site where human remains were historically discovered is recorded (PTR 050) and during archaeological investigations at Featherbroom Gardens to the north, prehistoric and Roman archaeology was recorded (WKM 037). However, this site has never been the subject of systematic archaeological investigation and there is high potential for previously unidentified archaeological remains to be present. The proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist. Given the high potential, lack of previous investigation and large size of the proposed development area and the fact that a full application has been submitted which restricts design flexibility, it was recommended that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required

to provide for an archaeological evaluation of the site prior to the determination of any planning application.

- 8.54 In order to establish the archaeological potential of the site, a geophysical survey was required in the first instance with these results being used to make a decision on the timing and extent of trial trenched evaluation required.
- 8.55 Following Geophysical Survey of the whole site (Headland Archaeology 2022) Area A of this site has received trenched archaeological investigation, which did not reveal archaeological remains that require further mitigation (although features and finds of Iron Age date suggest that there may be further remains in the vicinity). Area B as defined in the report (Headland Archaeology 2023) is situated in a topographically favourable location for archaeological activity close to a watercourse.
- 8.56 There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 211), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 8.57 With the appropriate conditions provided to safeguard archaeological assets within the proposed development area, it is considered the application is acceptable. In summary, the proposal meets the requirements set out in both national and local planning policy, including Local Plan Policy SCLP11.7.

Highways

- 8.58 Policy SCLP7.1 (Sustainable Transport) states that development will be supported where, amongst other matters, any significant impacts on the highways network are mitigated; it is well integrated into, protects and enhances the existing pedestrian routes and the public rights of way network; it reduces conflict between users of the transport network including pedestrians, cyclists, users of mobility vehicles and drives and does not reduce road safety; and the cumulative impact of new development will not create severe impacts on the existing transport network.
- 8.59 The above policy objectives are reflected within Chapter 9 of the NPPF. Paragraph 115 of the NPPF is explicit that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.60 It is proposed that the development would utilise an existing singular point of vehicular access to the site directly from Loudham Hall Lane, where there is an existing farm access. It should be noted that the access track serving Sandpit Cottage and the Water Treatment Plant is not within the ownership or control of the applicant and it is understood that no access rights using this have been, or are likely to be, granted.
- 8.61 Following initial objections from Suffolk County Council as Local Highways Authority, a revised Transport Statement (RSK, 18 February 2022) and additional Technical Note (RSK, 4 July 2022) were received from the applicant. Following consideration of these documents, the Highways Authority removed their objections to the application.

- 8.62 The Transport Statement sets out that construction traffic associated with the development will comprise HGVs delivering construction materials and installation components associated with the solar array and other vehicles associated with staff and visitors. It is envisaged that the construction works will take 6 months, with 22 working days per month. It is anticipated that traffic volumes will be higher between the second and fourth month of the programme where the majority of the construction takes place. The first and last months of the programme are associated with site mobilisation and demobilisation of the site and will generate lower volumes of traffic. The construction process is relatively simple and repetitive with off-site pre-fabrication and assembly, allowing large volumes of modules to be installed on a daily basis. This minimises the number of deliveries to site and maximises control over vehicles travelling to and from site.
- 8.63 In respect of mobilisation and demobilisation, the site will initially require delivery of plant, equipment, construction materials and welfare units, in preparation to build the site compound. It is envisaged that this will generate around 30 HGV movements (two-way) in the first month. Upon completion of works the site will be demobilised generating another 30 two-way vehicle movements during the last month of the programme.
- 8.64 The access will be used to serve the construction compound, where adequate space will be available for car parking, storage of materials, welfare/offices and unloading. A hardstanding area will be constructed within the site, around the site access, to be used during the construction phase and for maintenance and monitoring activities once operational. In addition, access tracks would be constructed within the site to provide vehicular access for the panel installation and future maintenance. A total estimated volume of type 1 aggregate required for the compound and access tracks within the site is 3,182m³. This will be transported to the site in tipper trucks with capacity for 15m³ equating to a total of 213 deliveries spread out across the first three months of the programme, or around 142 two-way vehicle movements each month.
- 8.65 DNO buildings will be constructed once the construction works associated with access track and site compound are completed. This is estimated to be in the second and third months of the programme. A total of 8 HGV deliveries will be required for the transportation of concrete, plant and electrical equipment. In addition, 5 HGVs deliveries associated with the cabling will be required. Therefore, a total of 26 HGV movements (two-way) will be required for the site during this stage.
- 8.66 Prior to the installation of the solar panels, frames and transformer inverters would need to be installed. This will take place across two months and each month will require a total of 21 HGV deliveries. This equates to 42 two-way HGV movements per month or a total of 84 HGV movements (two-way) across the two months.
- 8.67 The dominant type of material arriving at site will be the solar panel modules, which will arrive via a single transport provider and at a rate that matches the rate of installation to avoid stockpiling on site. This will result in a 'drip feed' of HGVs to and from the site, evenly spaced and with adequate time between deliveries to avoid two-way construction along the approach roads. The transport and installation of solar panels will require two months. The proposals will require around 39,508 solar panels. Assuming each HGV has capacity to transport 620 solar panels, a total of 64 HGVs deliveries will be required,

spread across two months. This equates to 64 HGV two-way movements in each month or a total 128 HGV two-way movements across the two months.

- 8.68 The number of staff and visitors will change throughout the programme with more staff being required during the peak of the construction. It is estimated that around 10 workers will be required on site during the mobilisation/demobilisation stages which will generate a total of 20 two-way vehicle movements per day, travelling in cars or vans. The remainder of the programme is anticipated to require 20 workers which equates to 40 two-way vehicle movements per day.
- 8.69 Overall, it is anticipated that the programme will generate a maximum of 178 HGV vehicle movements during the third month of the programme. This equates to an average of 9 daily movements in that month. The peak of the construction traffic will take place between the first and the fourth months of the programme and will result in an average of 158 vehicle movements (two-way) per month or 8 movements per day.
- 8.70 An average of 764 two-way HGV movements is anticipated over the first six-month period peaking at approx. nine per day in month three.
- 8.71 After construction, the site will encounter low levels of traffic, equivalent to around one van per week, for regular maintenance purposes only. Therefore, there will be no long-term operational changes occurring as a result of the development. Although there is no discernible effect on the strategic network traffic flow as a result of the construction stage, a construction traffic management plan (CTMP) will be developed to ensure that HGVs only use appropriate routes to access the site and are managed appropriately on those routes. After construction, the site will encounter low levels of traffic for regular operational/maintenance purposes only. Operational traffic will be in the form of a single van visiting around once a week and therefore will not need to be subject to route restrictions.
- 8.72 The Technical note demonstrates that the site access can accommodate the predicted vehicles within the proposed geometry and traffic management measures, including the use of temporary traffic signals at the site access during construction hours. This will ensure that safe movement of these vehicles can occur without detriment to other highway users.
- 8.73 SCC Highways Authority has reviewed the application and ultimately responded raising no objection to the proposed development on highway grounds subject to recommended conditions which are included below.

Ecology and Biodiversity

- 8.74 Policy SCLP10.1 Biodiversity and Geodiversity states that development will be supported where it can be demonstrated that it maintains, restores, or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats. New development should provide environmental net gains for both green infrastructure and biodiversity as well as ecological enhancements and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.

- 8.75 Paragraph 15 of the NPPF is also clear that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.
- 8.76 The site is not located within an area which is subject to any statutory ecological designations but does fall within a SSSI Impact Zone. The nearest statutory designated sites are as follows:
- Suffolk and Essex Coast and Heaths National Landscape – 2.6km to the south east.
 - Sandlings Forest (SSSI & SPA) – 3.5km to the south east.
 - Deben Estuary (Ramsar, SSSI, SPA) – 4.5km to the south.
 - Grimston Warren Pit (SSSI) – 4.56km to the east.
- 8.77 The layout of the solar panels avoids the areas of greatest ecological importance on the site (particularly the areas of woodland, hedgerows, and scrub) and the development offers the opportunity to secure long term habitat improvements as part of the landscaping scheme.
- 8.78 The ecological reports submitted with the application note that the site has suitable habitat for badgers, breeding birds, wintering birds, foraging, and commuting bats, reptiles, hedgehog, water vole, otter, and amphibians (including great crested newts). The ecological reports describe adequate avoidance and mitigation measures to address the impacts on the species identified above. The measures identified must be implemented as part of the development. However, all field surveys were completed in winter 2020/2021 and are therefore >3 years old. As per CIEEM guidance, these reports (and their findings) are now unlikely to be valid. An updated site visit was undertaken to ascertain if there have been significant changes in habitats present, and usage by protected/notable species.
- 8.79 The Ecology Update Survey undertaken in 2024 notes that although habitats on site remain largely consistent with the original habitat survey undertaken in 2021, some habitats on site have degraded in quality due to scrub encroachment. It is therefore recommended that an updated condition assessment is undertaken on existing habitats.
- 8.80 The biodiversity metric submitted is Version 3.0. This has now been superseded. It is recommended that biodiversity calculations are upgraded to the Statutory Biodiversity Metric however BNG is not mandatory for this application and the scheme proposes acceptable biodiversity enhancement in accordance with Local Plan policy, and so is considered acceptable.
- 8.81 With regard to the Habitats Regulations Assessment (HRA), the consultation response from Natural England (their letter of 24th January 2022) is noted. The conclusions presented in the Information to Inform Habitats Regulations Assessment report (ADAS, August 2021) can therefore be accepted and adopted as the LPA's HRA conclusion.
- 8.82 Based on the plans submitted, Natural England has confirmed that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England has also confirmed that they consider the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Public Rights of Way

- 8.83 A Public Right of Way (PROW), Pettistree Public Footpath 7, transects the south western corner of the application site. It is not proposed to divert the existing arrangements for this PROW however the width of the route available would increase to 10 metres within a hedge-lined corridor. There are a number of other PROWs within the local area but these are outside of the site.
- 8.84 SCC Public Rights of Way team accepts this proposal subject to the applicant meeting the requirements of the PROW Position Statement on solar farms. Specific to this development, the developer needed to extend the glint and glare assessment to include users of Pettistree Public Footpath 7 which has been done. Also, ensure all sections of the solar farm are screened from the public right of way as detailed in the PROW Position Statement and ensure that Pettistree Public Footpath 7 remains in a wide, open green corridor as detailed in the PROW Position Statement. Since these comments we made, a 10m wide, hedged opening has been created for the PROW which addresses these comments as well as those in relation to landscape impact. Compliance with the PROW Position Statement will be secured by condition.
- 8.85 An informative on PROW from the SCC Public Rights of Way Team will be appended to the decision notice for the applicant's reference.
- 8.86 In terms of the adjacent PROW network, the proposed development would result in no obstructions to it, as the routes are situated outside of the development site boundary. There would be an impact upon the experience of the users of the PROW network, in terms of the landscape and visual impacts of the proposed development, but this has already been discussed above in relation to landscape character.

Economic Development

- 8.87 The site is within the parish of Pettistree, identified as a settlement within the Countryside in the Suffolk Coastal Local Plan.
- 8.88 Policy SCLP4.5: Economic Development in Rural Areas supports development proposals that grow and diversify the rural economy, particularly where this will secure employment locally, enable agricultural growth and diversification and other land based rural businesses.
- 8.89 The East Suffolk Economic Development Team supports the planning application and provided the below comments on the application in context of the East Suffolk Economic Growth Plan, 2018 - 2023. The Plan directly influences East Suffolk Council's Strategic Plan 2020 - 2024. The Economic Development team seeks to support planning applications where the application clearly supports the economic growth and regeneration of the economy within East Suffolk.
- 8.90 This application would result in a loss of agricultural land until such time that the proposed photovoltaic array is decommissioned. The determination of our support is dependent on which use results in greater benefits for the East Suffolk economy and aligns with the priorities set out in the Economic Growth plan. Clean Energy is recognised a key sector in the East Suffolk Growth Plan and is seeing significant opportunities emerging now and in

the future. The proposal aligns with the East Suffolk Growth Plan as it would provide additional energy infrastructure to support the growing energy supply chain. The applicant is encouraged to engage with local supply chain companies for the construction, operation, maintenance of the photovoltaic array to support the economic prosperity of East Suffolk.

- 8.91 Attracting investment to East Suffolk, focused around existing and emerging sectors and supply chains, is seen as a key priority for the district. The development of the solar array may also provide an opportunity to support the development of the hydrogen economy in East Suffolk. There are a number of potential electrolyser developments scheduled to be delivered in the District over the next 2-4 years and the provision of zero/ low carbon electricity to power these facilities is critical.
- 8.92 It is also recognised that agriculture, food and drink are also key sectors in East Suffolk. The current land use is agricultural, and it has been stated that currently no jobs are supported on this site. The proposed development will result in the creation of one job across a 37- hectare site. This means the land continues to provide significantly low job density, but the proposed development in this location has no detrimental impact on the availability of direct employment and local employment opportunities. This planning application is supported as it does further the objectives of the East Suffolk Growth plan.

Residential Amenity – Noise, Environmental Protection

- 8.93 Policy SCLP10.3 Environmental Quality states that development proposals will be expected to protect the quality of the environment and to minimise and, where possible, reduce all forms of pollution and contamination. Development proposals will be considered in relation to impacts on: a) Air quality, and the impact on receptors in Air Quality Management Areas; b) Soils and the loss of agricultural land; c) Land contamination and its effects on sensitive land uses; d) Water quality and the achievement of Water Framework Directive objectives; e) Light pollution; and f) Noise pollution. Proposals should seek to secure improvements in relation to the above where possible. The cumulative effect of development, in this regard, will be considered.
- 8.94 Policies SCLP11.1 and Policy SCLP11.2 both emphasise the requirement for new developments to achieve an acceptable standard of residential amenity. This objective is reflected in the NPPF.
- 8.95 Residential amenity is being considered alongside environmental protection as the primary impacts for consideration on amenity grounds are noise and dust associated with construction and operation of the solar farm.
- 8.96 The site is located in a rural area with only one immediately neighbouring residential property; Sandpit Cottage. Loudham Hall Lodge is located on the opposite (southern) side of Loudham Hall Road with Loudham Hall itself located 250m further to the south.
- 8.97 The Council's Environmental Protection Team has been consulted on the application and provided their final comments on the proposal following submission of the RSK Acoustics Noise Assessment report (Ref. 2060448-RSK-RP-001-(03)) dated 16th February 2024. The proposals have been refined in part due to discussion between the Environmental Protection Team and the Acoustic Consultants for the applicant. Key changes from the

original proposals and resulting in noise mitigation include the reduction in inverter stations from 21 down to 10. Inverter units are proposed to be located further from noise sensitive receptors, and in accordance with Appendix 5 some of these inverter stations will be installed with acoustic barriers around them on three sides.

- 8.98 In response to concerns about one of the noise sensitive receptors, the Environmental Protection Team have further liaised with RSK Acoustics about background survey data, measurement locations, and local topography impacts on the noise assessment to Sandpit House. Detailed responses have been provided to the final queries raised and the Environmental Protection Team are satisfied that background surveys and associated data were representative and therefore that the overall noise assessment is sound. The final comments and recommendations are based on the solar farm not being operational at night (23:00 to 07:00 hours), and not having any associated battery storage facilities and associated mechanical services plant. The exception to this may be during a relatively short summer period when there is enough sunlight in the period 05:00 to 07:00 for the system to be operational. The noise assessment notes that in addition to general daytime periods, this early morning period has been considered and this period has been assessed in a very worst case scenario of all inverters operational simultaneously. In both daytime and 05:00 to 07:00 operational periods, the operational rating noise level from the solar farm is predicted to be more than 10dB below the existing ambient sounds levels, and at most receptors considerably more. This is indicative of a low impact from noise.
- 8.99 The noise assessment is based on noise predictions, and therefore although noise has been minimised, there will be some uncertainty in the predictions to receptor locations. There are a number of noise mitigation measures recommended that should be controlled by planning condition including a validation noise survey post construction. This validation survey is important both in terms of operational noise levels, but also noise characteristics should they be detectable at receptors and change rating noise levels.
- 8.100 With the suggested conditions in place, the proposed development is considered acceptable and complies with Policies SCLP10.3, SCLP11.1, and SCLP11.2.

Residential Amenity – Glint and Glare

- 8.101 The PPG cites that local planning authorities will need to consider the effect of glint and glare on neighbouring uses and aircraft safety. Glint and glare are considered here.
- 8.102 The application is accompanied by a Glint and Glare Study prepared by Pager Power, the updated version dated August 2022. The Study provides an assessment of the possible impact of glint and glare upon surrounding road users and dwellings. The Study notes that there is no formal guidance with regard to the maximum distance at which glint and glare should be assessed. From a technical perspective, there is no maximum distance for potential reflections. The significance of a reflection however decreases with distance because the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances.
- 8.103 Reflections from the proposed development are geometrically possible towards 13 out of the 14 identified receptors along the A12 (equivalent to circa 1.85 km of road). For two receptors, marginal views of the reflecting panel areas may be possible despite partial

screening in the form of existing vegetation under the baseline scenario. However, it is expected that for drivers travelling towards the south, the reflective area will be outside of their field of view. Therefore, a maximum low impact is expected for which no mitigation is required.

- 8.104 Reflections from the proposed development will also be geometrically possible towards 10 out of the 11 identified road receptors along the B1438 (equivalent to circa 1.35 km of road). However, no impact is expected, and no mitigation is therefore required in this case.
- 8.105 The results of the analysis have shown that reflections from the proposed development are geometrically possible towards 21 out of the 27 identified dwelling receptors. For all dwellings where reflections are geometrically possible, significant screening in the form of existing vegetation and/or buildings has been identified. Therefore, no impact is predicted and no mitigation is required.
- 8.106 The results of the analysis have shown that reflections from the proposed development are geometrically possible towards eight out of the 18 identified PROW receptors, for the remaining 10 receptors geometric reflections are not possible. Of these eight PROW receptors only five will also have visibility of the reflective area and experience reflections in practice. In Pager Power's experience, significant impacts upon pedestrians/observers along PROWs from glint and glare are not possible. This is because the sensitivity of the receptors (in terms of amenity and safety) and the magnitude of effects are predicted to be low since: effects would likely coincide with direct sunlight, reflections are of similar intensity to common outdoor sources including still water, and there is no safety hazard associated with reflections towards an observer on a footpath. Therefore, no significant impacts are predicted, and no further mitigation is required.
- 8.107 A condition will be applied to secure the submission and agreement of a landscape scheme which will include site-wide hedgerow reinforcement planting, including, if necessary, specific mitigation to address the potential glint and glare impacts identified in the Glint and Glare Study. The proposal is therefore in line with Local Plan Policies SCLP11.1 and SCLP11.2.

Residential Amenity – Visual Amenity

- 8.108 Policies SCLP11.1 and Policy SCLP11.2 both emphasise the requirement for new developments to achieve an acceptable standard of residential amenity. This objective is reflected in the NPPF.
- 8.109 The solar panels are acceptable in scale and are separated from all but two residential dwellings. The nearest residential property, Sandpit Cottage, is located immediately adjacent to the site however at a significantly lower level than the application site. The visual impact from inside this property is considered to be dominated by the existing slope of the land, particularly at ground floor level, but also at first floor. While the perimeter fencing (2m high post and rail) and panels would be visible, their position or scale is not considered to be significantly overbearing. A CCTV system would be installed; however, the submission indicates that all cameras would face along the perimeter of the solar farm rather than point outwards out of the site, thereby preventing any unacceptable loss of privacy.

- 8.110 The PPG on renewable and low carbon energy notes that the development of large-scale solar farms can have a negative impact on the rural environment, particularly undulating landscapes. Nonetheless, it considers that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 8.111 The proposed panels will have visual effects, but these are considered under the resulting landscape and visual impacts of the development, rather than in relation to residential amenity because the loss of a view is not a material planning consideration, whereas the impact of a proposed development on landscape character is a material planning consideration.
- 8.112 Solar farms are therefore considered to be a relatively passive form of development with the majority of the amenity considerations arising from the construction and decommissioning phases, in addition to the noise generated by the operation of the development, namely from the transformer stations and substation.
- 8.113 The proposed development is considered to comply with Local Plan policy in regard to visual amenity impacts.

Flooding and Drainage

- 8.114 Policy SCLP9.5 Flood Risk notes that proposals for new development will not be permitted in areas at high risk of flooding (Flood Zones 2 and 3) unless the applicant satisfies the safety requirements set out in the Flood Risk National Planning Policy Guidance, these include the 'sequential test'; where needed the 'exception test' and also a site specific flood risk assessment that addresses the characteristics of flooding and has tested an appropriate range of flood event scenarios (taking climate change into consideration). Developments should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere.
- 8.115 Policy SCLP9.6 states that developments should use sustainable drainage systems to drain surface water, and that developments on sites of one hectare or more will be required to utilise sustainable drainage systems (SuDs), unless demonstrated to be inappropriate.
- 8.116 The NPPF sets out the criteria for development and flood risk by stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 175 of the NPPF reaffirms the above policy objectives and establishes that, when considering the SuDs used, regard should be given to the advice received from the Lead Local Flood Authority.
- 8.117 The site lies mainly within flood zone 1, having been amended to exclude development on the valley floor areas which are at a higher risk of flooding. The solar panels will be erected on posts with the soil beneath still available for the infiltration of rainwater.
- 8.118 The application was accompanied by a Flood Risk Assessment (FRA) prepared by RSK and dated December 2021 which has since been updated, the most recent version being dated February 2024. The FRA seeks to establish the flood risk associated with the proposed development and to propose suitable mitigation, if required, to reduce the risk to a more acceptable level. A site-specific FRA must demonstrate that the development will be safe

for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The FRA states the site lies in an area designated by the Environment Agency (EA) as Flood Zone 1, outlined to have a chance of flooding of 1 in 1000 or less ($\leq 0.1\%$) in any year.

- 8.119 In relation to actual risk, the FRA notes that all new development at the site including solar panel units, access tracks and welfare unit have been sited within Flood Zone 1, being land with a low probability of flooding as defined by the PPG. A small area to the east of the site falls within Flood Zone 3, but all development has been sequentially sited away from this land. The area proposed for new development will remain in future Flood Zone 1 when climate change is considered and the access/egress route for the site also falls within Flood Zone 1.
- 8.120 SCC as Lead Local Flood Authority (LLFA) responded to early consultations with a holding objection as the full proposed drainage strategy had not been evidenced at full planning application stage, and provided detail on the information required to overcome their objection.
- 8.121 Subsequently, further information was submitted by the applicant such that the LLFA are content with the information submitted, subject to controlling conditions. The proposed development would accord with Policy SCLP 9.5 and SCLP9.6, in addition to the relevant objectives contained within the NPPF, and is considered acceptable.
- 8.122 The Water Management Alliance note the site is partly within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. The Board's Officers have reviewed the documents submitted in support of the above planning application and have noted works which may require Land Drainage Consent.

Sequential Test

- 8.123 The sequential test assesses whether or not there is potentially preferable land on which to develop this solar farm proposal when considered against the requirements of the NPPF and Planning Practice Guidance (PPG). The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. It goes on to say that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 8.124 The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be

considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

- 8.125 According to the information available, other forms of flooding should be treated consistently with river flooding in mapping probability and assessing vulnerability to apply the sequential approach across all flood zones.
- 8.126 The local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.
- 8.127 Whilst the site is in mainly in Flood Zone 1, the Sequential Test is applicable to all sources of current and future flood risk, including surface water (pluvial) flood risk. There are two small pockets of the site at a higher risk of surface water flooding however, development has been kept away from these areas. Similarly, a small proportion of the eastern site boundary lies within flood zone 3a however development has also been kept away from this area.
- 8.128 It is considered that as the proposal is for a solar (PV) array it is considered to be a flood compatible development, with safety or loss of life in the event of a flood considered not to be an issue due to no onsite personnel being located at the completed solar array other than for timely maintenance.
- 8.129 The FRA provided by the applicant identifies solar farms as Essential Infrastructure, as per NPPF Annex 3, being an appropriate type of development for Flood Zone 1 as per Table 3 of the PPG. The site is located within Flood Zone 1 and therefore passes the sequential test, thus the exception test will not be required.
- 8.130 In summary, the proposal accords with the requirements set out within Suffolk Coastal Local Plan Policy SCLP9.5 on Flood Risk, i.e., developments should exhibit the three main principles of flood risk, in that, they should be safe, resilient, and should not increase flood risk elsewhere. The assessments submitted, reviewed, and discussed to date together with the agreed planning conditions, demonstrate that the site is safe from all types of flooding. The applicant has worked with SCC LLFA in order to understand and overcome the initial concerns raised, resulting in their initial holding objection being lifted, and their final position being one of recommending approval subject to conditions.

9. Conclusion

- 9.1 The principle of the proposed development would be acceptable with regards to the provision of Policy SCLP9.1 (Low Carbon & Renewable Energy), subject to there being no unacceptable impacts arising from the proposed development. No conflict has been identified with policies contained in the Council's Development Plan insofar as they relate to agricultural land (SCLP10.3), design (SCLP11.1), archaeology (SCLP11.7), highway matters (SCLP7.1), residential amenity and noise (SCLP11.1 and SCLP11.2), trees and hedges (SCLP10.1 and SCLP10.4), flood risk (SCLP9.5 and SCLP9.6) and ecology (SCLP10.1). Some harm has been identified in relation to the landscape impact of the proposed development and while this is 'major', it would be largely limited to the site itself and its immediate surrounds and, in time would be mitigated by planting.

9.2 The proposal accords with the relevant policies contained in both National and Local Planning Policy and Guidance and would deliver significant benefits, with any potential impacts having been avoided through careful site design, and/or will be assessed and mitigated through agreed planning conditions post-determination.

9.3 It is also considered that the identified harms (mainly landscape and visual impact) that would arise from the proposed development would be significantly and demonstrably outweighed by the resulting environmental benefits of the scheme. In particular, the proposed development would have the capacity to generate sufficient renewable electricity to power approximately 5,000 homes, whilst also providing for noticeable biodiversity gains. These benefits are afforded substantial weight and would make a very valuable contribution towards the local and national objectives for a carbon neutral and climate change resilient future.

10. Recommendation

10.1 Approve, subject to controlling conditions.

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 in accordance with the submitted drawings
 - Solar Park Layout, 1664-0201-01
 - Site Plan Location, 1664-0200-05
 - DNO Switchgear, Revision 1 April 2021
 - 33kV Private Switchgear, Rev 2 October 2021
 - Access Road Sections, Rev 1 April 2021
 - Welfare and Comms Container Detail, Rev 2 October 2021
 - Spares Container Detail, Rev 1 April 2021
 - Aux Transformer Detail, Rev 1 April 2021
 - Transformer Substation Detail, Rev 1 April 2021
 - CCTV Detail Rev. 1 April 2021
 - Mounting System, Rev 1 April 2021
 - Fence detail Rev 1 April 2021
 - Arboricultural Planning Statement, February 2024
 - Preliminary Ecological Appraisal (ADAS, February 2024)
 - Badger non-license method statement (ADAS, February 2024)
 - Biodiversity net gain (ADAS, February 2024)
 - Breeding bird survey (ADAS, February 2024)
 - Information to inform habitats regulations assessment (ADAS, February 2024)
 - Reptile non-license method statement (ADAS, February 2024)
 - Wintering bird survey report (ADAS, February 2024)
 - Ecology Update Survey (The Landmark Practice, May 2024)
 - Transport Statement, February 2024

- Noise Assessment Report, February 2024
- Flood Risk Assessment, February 2024
- Archaeological Trial Trenching report, January 2024
- Landscape and Visual Appraisal, February 2024
- Landscape Masterplan, Rev 5 February 2024
- Glint and Glare Study August 2022

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

3. The planning permission is for a period from the date of this permission until the date occurring 40 years after the date of operational commissioning of the development. Written confirmation of the date of operational commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.
Reason: To ensure this permission is a temporary development on the landscape, having an operational life of 40 years.

4. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months, then unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be completed within 12 months of the date of its agreement by the Local Planning Authority.
Reason: To remove the non-operational development from the landscape.

5. At the end of the operational lifespan (40 years), the solar panels and other infrastructure will be removed, and the site restored back to full agricultural use.
Reason: The decommissioning and restoration process intends to restore the land to the same quality as it was prior to the development taking place.

6. The strategy for the disposal of surface water (680695 L02(00) LLFA 16-03-2023)/(680695 L03(01) LLFA 12-06-2023) and the Flood Risk Assessment (FRA) (680695- R1(0)-FRA(15-02-2024)) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

7. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - i) Temporary drainage systems,
 - ii) Measures for managing pollution / water quality and protecting controlled waters and watercourses,
 - iii) Measures for managing any on or offsite flood risk associated with construction.

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

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

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

9. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2023).

10. The solar farm shall not be brought into operation until the site investigation and post investigation assessment for both Areas has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2023).

11. Should no dig construction methods be used as an alternative to archaeological excavation for areas of archaeology which are defined in subsequent trenching works, no development shall take place the area indicated [the whole site] until a management plan for any archaeological areas to be preserved in situ has been submitted to and approved in writing by the Local Planning Authority, setting out the methodology to secure the ongoing protection of these areas both during construction, operation and decommissioning of the solar farm. A detailed site plan showing Archaeological Exclusion Zones must be included, defining areas within which development will be excluded or provide sufficient design mitigation to avoid any impact to below ground archaeological deposits. Full details of the final construction methods to be implemented for any works in these areas must also be provided for approval. The development must be carried out in accordance with the approved management plan.
Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).
12. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (ADAS, February 2024), Badger non-license method statement (ADAS, February 2024), Breeding bird survey (ADAS, February 2024), Reptile non-license method statement (ADAS, February 2024), Wintering bird survey report (ADAS, February 2024) and Ecology Update Survey (The Landmark Practice, May 2024) 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.
13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first operation of the site. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures, including a report to be submitted every third year to the local planning authority to demonstrate the management of the site and how management is meeting the objectives or where appropriate changes in management has been advised. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

15. No lighting at the site shall be installed unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. Any such strategy shall:
- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

16. Prior to commencement 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 will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

17. Prior to commencement, a Skylark Mitigation and Management Plan shall be submitted to and approved in writing by the local planning authority. The strategy shall provide details of practical measures to avoid and reduce impacts to skylark during construction, and how post-development habitats will be managed to provide long-term suitable habitat for skylark.

Reason: To ensure that skylarks are protected, and the site is enhanced for protected and priority species.

18. As close as practicable and no earlier than three months prior to commencement of development, an additional badger survey report shall be submitted to and approved in writing by the Local Planning Authority. Should the position, in so far as it relates to badgers, have changed from that originally reported when the application was submitted, the new survey report should incorporate a revised badger mitigation plan.

Reason: To ensure that badgers are protected.

19. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays to be provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time.

20. Before the access is first used visibility splays shall be provided as shown on Drawing No. 663311-10-01 Rev. A with an X dimension of 2.4 metres and a Y dimension of 175 & 90 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

21. No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.

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

22. The noise rating levels, LAr,Tr (cumulative noise level from all fixed plant serving the solar farm) shall not exceed 30 dBA at the nearest noise sensitive receptor. The noise rating level shall be measured and assessed in accordance with the methodology within BS 4142:2014+A1:2019 unless otherwise agreed with the local planning authority.

Reason: In the interests of amenity and the protection of the local environment. To ensure that receptors are adequately protected as part of the development.

23. Within three months of operation, a validation noise survey shall be conducted to check compliance with the predicted operational noise rating levels and submitted to the Local Planning Authority. If the validation noise survey identifies non-compliance with the predicted noise rating levels, a scheme identifying appropriate mitigation to secure compliance with the assessment noise rating levels shall also be submitted with the validation noise survey, and agreed in writing with the Local Planning Authority. The mitigation scheme shall be implemented as approved.
Reason: For the protection of residential amenity and the environment.
24. The development hereby permitted shall be carried out in accordance with the Transport Statement dated February 2022.
Reason: In order that the development does not have an adverse impact on users of the local highway network.
25. The development hereby permitted shall be carried out in complete accordance with the recommendations contained within the Arboricultural Impact Assessment.
Reason: In the interest of visual amenity to protect existing trees on and near the site.
26. The development hereby permitted shall be carried out and maintained in accordance with Suffolk County Council's Public Rights of Way and Solar Farms - Position Statement for the duration of construction and operation.
Reason: In order that there is no adverse impact on users of the public right of way as a result of the development.
27. Within 3 months of commencement of development, satisfactory precise details of a landscaping scheme to include tree, hedge and other planting as appropriate (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority.
Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.
28. 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.
29. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

30. Within six months of commencement of development, a management plan for the continued management and maintenance of the approved landscaping scheme shall have been submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for a period of 40 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out and maintained in accordance with the approved management plan.
Reason: To landscaping is properly maintained 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. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution.
3. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
4. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>
Note: 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.
5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and

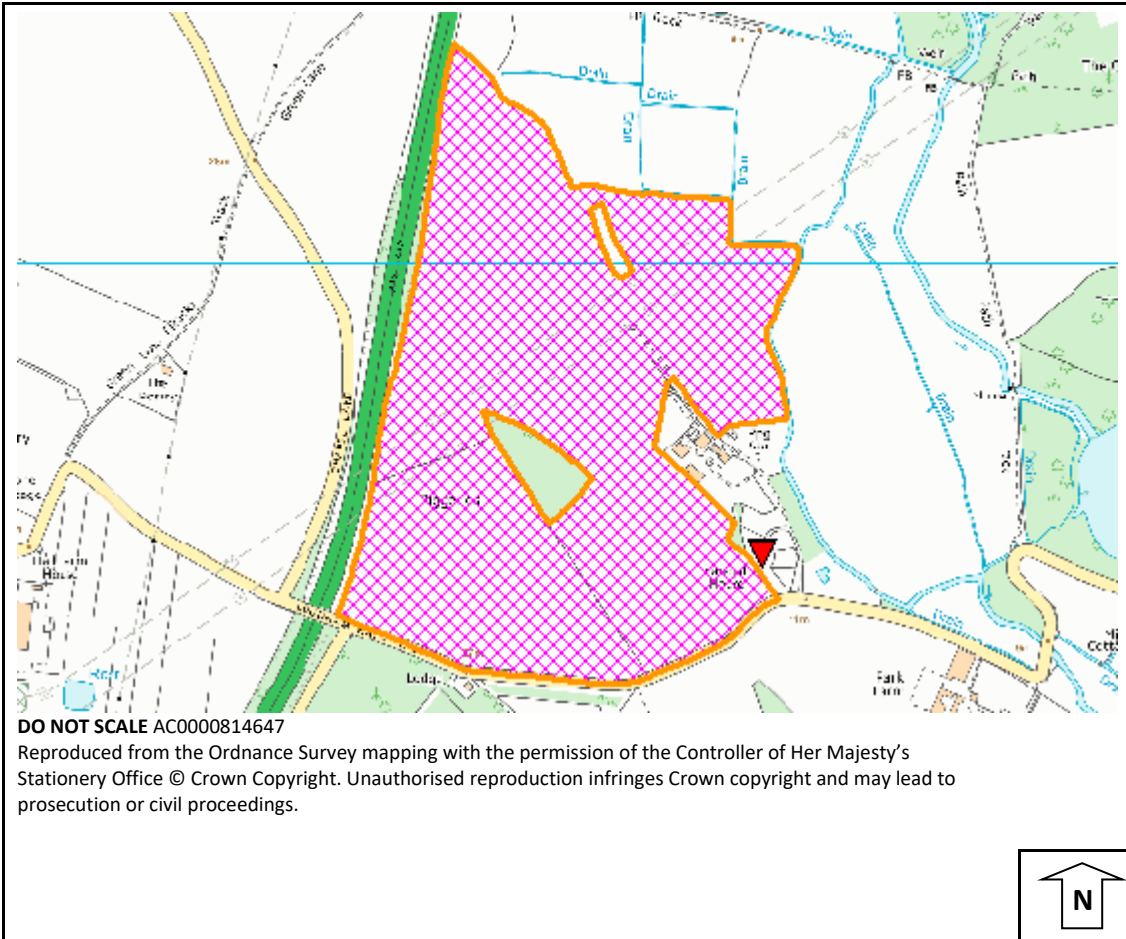
provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

6. The applicant's attention is drawn to the comments from Suffolk County Council Public Rights of Way team with regards to their requirements.
7. It is noted that some application documents have referred to the access track to Sandpit House and the Water Pumping Station being used. This permission does grant rights of access for this track and its use in relation to the development should ONLY be with permission of the landowner.





Background information

See application reference DC/21/5550/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 28 May 2024

Application no DC/21/2710/OUT

Location

Land North Of Conway Close And
Swallow Close
Felixstowe
Suffolk

Expiry date 2 September 2021

Application type Outline Application

Applicant Generator Optima (Ferry Road II) Ltd.

Parish Felixstowe

Proposal Outline Planning Permission With Some Matters Reserved - a phased development to create up to 150 new homes, associated infrastructure and open space.

Case Officer Phil Perkin
07585 123438
philip.perkin@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks outline planning permission to create up to 150 dwellings, associated infrastructure and open space. Details of the access into the site have been submitted for approval whilst appearance, landscaping, layout and scale are reserved matters for future determination.
- 1.2. The application is being presented to Planning Committee South for determination at the request of the Head of Planning and Coastal Management due to its public interest from members of the public and the Town Council and the significance of the site in its relevance to the wider North Felixstowe Garden Neighbourhood allocation.
- 1.3. The East Suffolk Council (Suffolk Coastal) Local Plan Policy SCLP12.4 allocates the site for the development of approximately 150 dwellings. The allocation was carried forward from the Felixstowe Peninsula Area Action Plan Development Plan Document (2017). It lies immediately adjacent to the North Felixstowe Garden Neighbourhood proposed by Local Plan Policy SCLP12.3.
- 1.4. Although the description of development states this is for up to 150 homes (consistent with the allocation policy) in reality the site is more likely to deliver 50-75 homes, based upon the constraints and expectations of the proposed 'Parameter Plan'.
- 1.5. The proposal is for Development Plan-led housing and would deliver substantial public benefits that outweigh any harms arising. The number of dwellings proposed, at up to 150, accords with the plan-led approach to deliver sustainable housing growth in Felixstowe. The proposal is therefore in accordance with the Local Plan and the NPPF.
- 1.6. The application is recommended for approval subject to conditions and the completion of a Section 106 legal agreement to secure the necessary obligations.

2. Site Description

- 2.1. The site comprises 3.8 hectares (9.4 acres) of land and is currently in agricultural use. It is immediately to the north of the existing built-up area of Felixstowe. To the south, the site is bounded by the existing properties in Ferry Road, Conway Close and Swallow Close - two storey houses in Ferry Road are placed side-on to the site, whilst the two storey houses in Conway Close and bungalows in Swallow Close back on to the boundary. A public footpath runs across the southern side of the site, immediately to the rear of the gardens of the properties to the south, linking Ferry Road to Hyem's Lane and appears to be well-used. There is a hedge along the Gulpher Road and Ferry Road frontages and a small row of semi-mature trees along Ferry Road.
- 2.2. To the east, Ferry Road marks the eastern edge of the site. On the opposite side is Laureate Fields, a recent residential development of 196 new homes. To the west is land that is also in agricultural use, although it is allocated for development in the Suffolk Coastal Local Plan. Policy SCLP12.3 secures the creation of the North Felixstowe Garden Neighbourhood, containing leisure uses, green infrastructure, community facilities, a primary school and employment uses alongside 2000 new homes. 560 homes in the centre of the site already benefit from planning permission and are currently under construction.

- 2.3. Gulper Road forms the northern boundary of the site and is a designated "quiet lane" It will become the new northern edge of Felixstowe and will mark the boundary between the built-up area of the town and the countryside. The site is relatively flat, with the land dropping gently to the west and sloping away to the north towards the Suffolk and Essex Coast and Heaths National Landscape and the Deben estuary. There are no distinctive landscape features within the site, other than the public footpath and some trees on the edges that are remnants of former field boundaries.
- 2.4. There are no designated heritage assets on the site although Park Farm Cottages, which is a Grade 2 listed building, and its associated complex of agricultural buildings are located adjacent to the north western boundary of the site.
- 2.5. Within the Suffolk Coastal Local Plan (September 2020) the site is allocated under Policy SCLP12.4 for the development of approximately 150 dwellings.

3. Proposal

- 3.1. This application for outline planning permission proposes to create up to 150 new homes, associated infrastructure and open space. All matters are reserved except for the access.
- 3.2. Details of the layout, scale and appearance of the development and its associated landscaping (the "Reserved Matters") are not submitted for approval as part of this application. Should outline planning permission be granted, these matters would be subject of further application(s) for approval of reserved matters before development could proceed.
- 3.3. A single point of vehicle access is proposed to be fixed, on the frontage to Ferry Road and offset to the north of the new junction with Ranson Road, with a footway to be added on the west side of the street to match the new provision already in place on the east side, delivered as part of the scheme for Laureate Fields. The internal road layout is reserved for further consideration.
- 3.4. Whilst this is an outline application with all matters (apart from the access) reserved for future determination, the principle of development on the site is largely established through the allocation in the Local Plan under policy SCLP12.4 for approximately 150 dwellings. Since the application was submitted officers have worked closely with the applicant's agent to establish development parameters and principles of design to fix certain aspects of the layout to guide any future reserved matters applications, should outline planning permission be granted. These aspects are shown on a Development Parameters Plan which has been submitted for approval. In addition, an illustrative Concept Plan has been submitted.
- 3.5. The Parameter Plan includes the following development principles:
 - main vehicular access from Ferry Road extending to the western boundary thereby securing a future vehicle connection into the North Felixstowe Garden Neighbourhood
 - cycleway alongside the main vehicular access connecting into a new cycleway long the west side of Ferry Road.

- The existing public footpath along the southern boundary in a wide corridor allowing space to be upgraded to a cycleway in the future.
- Pedestrian access points onto Gulpher Road and Ferry Road allowing connections to the wider public footpath network.
- The areas of residential development (maximum two storey height).
- Green infrastructure, to include landscaped areas adjacent to Gulpher Road and surface water drainage basins which will be located in the eastern part of the site to the north and south of the vehicular access point.

3.6. The application is accompanied by the following supporting documents:

- Design and Access Statement
- Planning Statement
- Site Entrance General Arrangement plan
- Concept Layout
- Parameter Plan
- Transport Assessment
- Interim Residential Travel Plan
- Landscape and Visual Appraisal
- Preliminary Ecological Assessment
- 'Shadow' Habitat Regulations Assessment
- Tier 1 Contamination Risk Assessment
- Heritage Statement
- Flood Risk Assessment and Drainage Statement
- Archaeological Desk Based Assessment
- Arboricultural Impact Assessment
- Detailed Air Quality Assessment
- Utility Services Report
- Health Impact Assessment
- Statement of Community Involvement
- Form 1 - CIL Additional Information

3.7. Following submission, the application was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The site was considered, for all intents and purposes, to form part of the proposed North Felixstowe Garden Neighbourhood and as such was considered to be EIA development. The Council issued a Scoping Opinion in January 2022 and an Environmental Statement was submitted in October 2022, in accordance with the EIA Regs.

3.8. On the basis of the Scoping Opinion the topics that are included in the ES are:

- (a) Landscape and visual effects
- (b) Biodiversity and ecology
- (c) Transport and access

4. Consultations/Comments

Third Party Representations

4.1. 46 representations have been received objecting to the application on the following grounds:

- Overdevelopment of the site.
- Ferry Road is excessively busy, and 150 dwellings would add further strain.
- A more sympathetic development is required.
- The development is too close to Kingsfleet primary school.
- Extra traffic and lack of infrastructure in the area.
- Inappropriate location for young families; too far from the town centre.
- Lack of doctor's surgeries, dentists and schools in the area.
- Large numbers of houses are already being built in Felixstowe. These houses aren't needed.
- Lack of employment opportunities in the area.
- This application should be delayed until the Garden Neighbourhood "Masterplan" has been produced.
- Piecemeal development will not deliver coherent infrastructure.
- High density inappropriate to the rural setting.
- Local transport and other infrastructure (e.g. drainage) will be unable to cope.
- Massive increase in traffic on Ferry Rd and surrounding roads.
- Harmful impact on countryside and the AONB.
- Loss of agricultural land.
- The development should be incorporated into the Garden Neighbourhood.
- Gulpher Road can't sustain the amount of traffic likely to be generated.
- Loss of natural habitat and wildlife.
- The development will harm the amenities of existing residents.
- The proposal is out of keeping with the surrounding area.
- There is insufficient detail within the application.
- The application is similar to Laureate Fields development which has had a significant impact.
- Loss of hedgerows and trees.
- The buildings will infringe on the setting of a listed building Park Cottages.
- The Application does not meet the criteria set down in the Local Plan.
- The two local schools are already full.
- The area is poorly served by bus services.
- The over-development of the Laureate Fields site by the same developer.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	16 June 2021	28 June 2021
<p>Summary of comments: Committee recommended REFUSAL.</p> <p>In particular, Committee had concerns about another development commencing whilst development is still ongoing at laureate fields; the foul water and surface drainage capacity and the consequential impact on highways from developing 150 homes on this site.</p> <p>Committee was also concerned that the indicative site illustrations only shows approximately half the homes that are being proposed under this outline approval.</p>		

Consultee	Date consulted	Date reply received
Natural England	12 January 2023	1 February 2023
<p>Summary of comments: No objection, subject to appropriate mitigation being secured.</p>		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	16 June 2021	17 June 2021
<p>Summary of comments: A condition is required for fire hydrants.</p>		

Consultee	Date consulted	Date reply received
SCC Cycling Officer	16 June 2021	No response
<p>Summary of comments: No response.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	16 June 2021	24 June 2021
<p>Summary of comments: No comment.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	16 June 2021	30 June 2021
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Heritage	16 June 2021	30 June 2021
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	16 June 2021	24 June 2021
Summary of comments: No objection. FP12 must be accommodated in a wide green corridor. We would like to see a sealed surface put down on that part of FP12 within the site.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 June 2021	6 July 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	16 June 2021	8 December 2022
Summary of comments: To ensure that good green infrastructure and recreational walking connections (as required by the HRA) can be achieved it is recommended that parameters for these are defined and secured as part of this Outline application. Conditions recommended.		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	16 June 2021	22 June 2021
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
SCC Section 106 Officer	16 June 2021	5 July 2021
Summary of comments: Section 106 and CIL contributions advice given (updated) .		

Consultee	Date consulted	Date reply received
East Suffolk CIL	16 June 2021	29 July 2021
Summary of comments: Internal consultation.		

Consultee	Date consulted	Date reply received
East Suffolk Housing Development Team	16 June 2021	5 July 2021
Summary of comments: Advice on affordable housing mix and tenure.		

Consultee	Date consulted	Date reply received
Disability Forum	16 June 2021	16 June 2021
Summary of comments: Advice on housing accessibility and adaptability given.		

Consultee	Date consulted	Date reply received
Suffolk Police Design Out Crime Officer	16 June 2021	31 August 2021
Summary of comments: It is appreciated that this is an outline application and that further details will be forthcoming at the Reserved Matters Stage, but without further details I do not have enough information to be able to fully comment on or support this proposed development.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	7 July 2021	30 June 2021
Summary of comments: No objection. Impacts to be mitigated by a request for CIL funding.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	8 July 2021	12 July 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	15 December 2022	22 December 2021
Summary of comments: Advisory comments.		

Consultee	Date consulted	Date reply received
Anglian Water	15 December 2022	21 December 2022
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Water Management Alliance	N/A	21 December 2022
Summary of comments: No further comment.		

Consultee	Date consulted	Date reply received
SCC Highways Department	30 January 2024	11 March 2024
Summary of comments: Pending final response		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	23 October 2023	21 November 2023
Summary of comments: Recommend approval subject to conditions.		

Consultee	Date consulted	Date reply received
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East Suffolk Design And Heritage	15 March 2024	5 April 2024
Summary of comments: Internal consultation; see report.		

Publicity

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

Publication	Published date	Expiry date	Reason
East Anglian Daily Times	24 June 2021	15 July 2021	Major Application Affects Setting of Listed Building Public Right of Way Affected

Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	16 July 2021	6 August 2021	Affects Setting of Listed Building In the Vicinity of Public Right of Way Major Application

5. Planning policy

National Planning Policy Framework 2021

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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)

SCLP5.8 - 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)

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)

SCLP10.2 - Visitor Management of European Sites (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)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP12.3 - North Felixstowe Garden Neighbourhood (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP12.4 - Land North of Conway Close and Swallow Close, Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

Sustainable Construction Supplementary Planning Document (East Suffolk Council, Adopted April 2022)

Affordable Housing Supplementary Planning Document (East Suffolk Council, Adopted May 2022)

Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) adopted May 2021

6. Planning Considerations

Principle of Development

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant policies are set out above.
- 6.2. The Local Plan was adopted in September 2020 and sets out the level of growth which needs to be planned in the area and identifies where that growth should be located for the period up to 2036.
- 6.3. The site is allocated in the Local Plan under Policy SCLP12.4 for approximately 150 residential units and the application seeks outline consent for up to 150 dwellings. The principle of residential development on the site is therefore accepted, however officers are of the view that a more realistic number of dwellings that can be accommodated is 50 – 75, as explained in more detail in paragraphs 6.26-6.28 below
- 6.4. The allocation of the site in the local plan forms part of the delivery of the strategy of the Local Plan as set out in Policy SCLP3.1 - Strategy for Growth, which sets out the plans for growth during the plan period which includes not only the ambition to significantly boost the supply of housing but also to support appropriate growth in the rural areas to help sustain and support existing communities.

Affordable Housing, Housing Mix and Self-Build

- 6.5. Policy SCLP5.10 (Affordable Housing on Residential Developments) of the Local Plan states that 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. Of these affordable dwellings, 50% should be for affordable rent / social rent, 25% should be for shared ownership and 25% should be for discounted home ownership.
- 6.6. The Planning Statement states that the scheme will be compliant with the policy. The Council's Housing Enabling Manager has provided guidance on the appropriate mix for this development proposal based on local housing need, which, on the basis of 150 houses,

would provide 50 affordable homes. The exact number of affordable homes will be subject to a reserved matters application but the tenure and mix can be secured by a S106 legal agreement based on 50% for affordable rent, 25% for shared ownership and 25% for shared equity (discount market sale or first homes). The affordable housing provision is a public benefit of the scheme that should carry substantial weight in the planning balance.

- 6.7. Policy SCLP5.8 of the Local Plan states that proposals for new housing development will be expected to deliver the housing needed for different groups in the community as identified in the Strategic Housing Market Assessment. There should be a mix of housing tenures, types and sizes with a focus on smaller dwellings (1 and 2 bedrooms). As the application is submitted in outline form the housing mix will be determined through a future Reserved Matters application, should this application be approved. However, the requirement for a housing mix that accords with Policy SCLP5.8 can be secured by condition.
- 6.8. Policy SCLP5.9 of the Local Plan requires that developments of 100 or more dwellings will be expected to provide a minimum of 5% self or custom build properties on site through the provision of serviced plots. This provision can be secured in the S106 legal agreement to be triggered if a future reserved matters application achieves more than 100 homes (which appears unlikely).

Highway Considerations

- 6.9. Chapter 9 of the Environmental Statement considers the environmental impact of the proposed development with regard to traffic, pedestrians, cycle movements and public transport. It does not cover junction capacity assessments, as these are dealt with in the Transport Assessment. In summary, the ES identifies no significant adverse impacts arising from the proposed development.
- 6.10. Sustainable transport is promoted in the NPPF, which sets out that in assessing applications for development it should be ensured (inter alia) that:
- Paragraph 114 - a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users;
 - Paragraph 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Paragraph 116 - Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport
- 6.11. In accordance with the NPPF, Policy SCLP7.1 states that development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities.
- 6.12. Site allocation Policy SCLP12.4 provides site specific criteria in relation to transport and highway matters:

- A Transport Assessment should be submitted as part of a planning application.
 - Highway design which provides for appropriate access to the Garden Neighbourhood for vehicles, pedestrians and cyclists.
- 6.13. A Transport Assessment and Interim Travel Plan have been submitted and reviewed by the County Council Highways Authority (SCC Highways) in their role as statutory consultee. The application is also supported by an illustrative Concept Plan and a Parameters Plan (both revised during the course of the application in response to SCC Highways comments). These plans provide for:
- Vehicle and cycle access from Ferry Road extending westwards to the boundary with the Garden Neighbourhood.
 - A cycleway on the west side of Ferry Road.
 - Provision of space for the existing public footpath along the southern boundary to be upgraded into a 3m cycleway in the future.
 - Pedestrian access points onto Gulpher Road allowing connections to the wider public footpath network.
- 6.14. The Transport Assessment confirms that the design of the estate road and junction can serve more than the 150 new homes that are proposed. It also assesses the traffic impact on the junctions in the Candlet Road - Grove Road - Colneis Road corridor and concludes that no material impact on the highway network around the site is identified.
- 6.15. SCC Highways have given detailed consideration to the proposed access arrangements and highway implications of the proposed development. SCC Highways have indicated that they are satisfied with the proposals as shown on the Parameter and Concept plans, however at the time of writing their formal response has yet to be received.
- 6.16. Should the Highway Authority's formal recommend any off-site highway works these would need to be secured by planning condition and the applicant entering into a Section 278 Agreement with the Highway Authority to undertake the works.
- 6.17. The application includes an Interim Travel Plan that has three main objectives:
- Minimise the number of car-based trips generated by the proposed development - particularly single occupancy car trips;
 - Increase the number of trips made to and from the site by sustainable transport modes; and
 - Address the access needs of residents and visitors by supporting walking, cycling and use of public transport.
- 6.18. The Interim Travel Plan aims to reduce the number of journeys made by car by setting targets that aim for a 10% reduction in the use of private cars over five years. It includes a number of measures to promote sustainable modes of transport and, to ensure that those measures are implemented, a Travel Plan contribution, payable to Suffolk County Council, needs to be secured through a Section 106 Agreement.
- 6.19. The application site is well related to the existing settlement and the proposal secures pedestrian and vehicular access to the proposed Garden Neighbourhood to the west and provides for improvements to and connections to the existing public footpath network

that will not only offset the impacts of the development, but also help deliver improvements that will benefit both existing and new residents. The travel plan measures to be implemented will promote sustainable modes of transport.

- 6.20. Subject to receiving the Highway Authority's formal response on the application, it is considered that the means of vehicle and pedestrian access to and from the site, is acceptable and that the proposal will meet the sustainable transport objectives of the NPPF and local plan policies SCLP7.1 and SCLP12.4.

Design and layout Considerations

- 6.21. The NPPF promotes high quality design in new developments. Paragraph 135 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 6.22. Policy SCLP12.4 sets down a number of criteria that development of the site will be expected to comply with. Of particular relevance are criterion e) and f) which state:

- e) Maximum building height of 2 storeys;*
- f) Development will need to be high quality and sympathetic to the surrounding character of the area and Listed Building at Park Farm Cottages to the west of the site;*

- 6.23. This application is made with details of appearance, landscaping, layout and scale reserved for future determination. However, the application is accompanied by a Parameter Plan, illustrative Concept Layout and Design and Access statement, which provide the key principles that will guide the detailed design of any future reserved matters application and which is broadly derived from constructive pre-application discussions between officers and the applicant.

- 6.24. The DAS confirms that the maximum building height will be restricted to two storeys (a restriction that is supported by the Landscape and Visual Impact Assessment). The intention at reserved matters stage, is that house types will show variation in the roofscape, to create interest and variety in the street scene. Dwellings are expected to

have a traditional form with materials that will reflect the character of the adjoining residential properties.

- 6.25. The Parameter Plan is helpful in setting out all of the key elements that generate a layout including land use and green infrastructure. It shows the position of the access (extending to the boundary with the Garden Neighbourhood), the main residential area, areas to be set aside as for landscaping and open space, to include surface water drainage infrastructure and play space and pedestrian and cycle access points.
- 6.26. There have been detailed and constructive discussions between the applicant, the Lead Local Flood Authority and the Highway Authority that have resulted in significant improvements to the initially submitted Concept Plan and which are reflected on the Parameters Plan. The most striking of these changes is the reduction of land available for housing development. This reduction has come about primarily to ensure that, when a reserved matters application comes forward, adequate land will be available to satisfactorily accommodate surface water drainage infrastructure, an access road designed to an appropriate standard for connecting into the Garden Neighbourhood, future upgrade of the Public Footpath to a cycle way and open space in the form of off-setting the development from the site boundaries and the listed building to allow for improved landscaping.
- 6.27. Notwithstanding these changes, there has been no change to the description of the application which remains at seeking consent for up to 150 dwellings. If this application is approved any reserved matters application will be required to be substantially in accordance with the Parameter Plan. Consequently, officers are of the view that it is inevitable that it will not be possible to satisfactorily accommodate up to 150 dwellings on the site whilst adhering to the Parameter Plan and restricting building heights to no more than two storeys. A more realistic number of dwellings across the site is likely to be between 50 - 75.
- 6.28. The applicant acknowledges that, as a result of the scheme agreed with the LLFA to deliver sustainable drainage through the use of infiltration basins in the eastern half of the site, the extent of drainage infrastructure is greater than that anticipated by Policy SCLP12.4 or the application as originally submitted. The applicant further acknowledges that a reduction in the number of new homes that can be delivered on the application site is expected, but this cannot be quantified until there is a detailed design for the surface water drainage scheme at reserved matters stage.
- 6.29. In terms of design, the concept plan allows for a variety of interpretations, however the general concepts of providing landscaping and open space on the edges of the site with a central spine road could lead to an appropriately designed layout that is well connected to the existing development and the countryside to the north. The indicative layout plan shows that a soft edge to the northern boundary of the site could be achieved, which would help the transition between the development and the countryside. The layout of a wider central road with landscaping shows the potential for adding character and a sense of hierarchy to the streets.
- 6.30. It is considered that the design principles in the Parameter Plan, Illustrative Concept Plan and Design and Access Statement that will guide the detailed design of any future reserved matters application, demonstrate that the site can be developed in a way that will deliver

a high-quality residential development that respects the setting of the listed Park Farm Cottages and the open countryside to the north, in accordance with Policy SCLP12.4 and the design objectives of the Local Plan and the NPPF.

Landscape and Visual Impact

- 6.31. Chapter 7 of the Environmental Statement assesses the likely significant effects of the proposed development on the environment with regard to landscape and visual effects. The development of the site would result in a minor reduction in the physical buffer between the built-up area of Felixstowe and the Suffolk and Essex Coast and Heaths National Landscape. However, the ES concludes, development would be no closer than recent development to the east (Laureate Fields) and would not result in a direct loss or impact in the natural beauty and special qualities of the National Landscape.
- 6.32. Paragraph 12.64 of the Local Plan says "The properties on Conway Close, Swallow Close and Upperfield Drive currently define the edge of the built up area of Old Felixstowe with countryside to the north. The land to the north of Conway Close and Swallow Close can provide a natural extension to the built form of Felixstowe without causing a detrimental impact on the Area of Outstanding Natural Beauty (now National Landscape) or important views of the Deben Estuary. Understanding the potential impact on the natural beauty and special qualities of this area and identifying appropriate mitigation measures to be delivered on site will be necessary to help conserve and enhance the nationally designated landscape".
- 6.33. The application is accompanied by a landscape and visual impact assessment (LVIA) as required by Policy SCLP12.4. The Site does not lie within any designated or protected areas; the boundary of the Suffolk and Essex Coast and Heaths National Landscape (formerly the Suffolk Coast and Heaths Area of Outstanding Natural Beauty) lies approximately 200m to the east and 500m to the north. As such the development has the potential to be considered to fall within the setting of the National Landscape. Local plan Policy SCLP10.4 (Landscape Character), states that development proposals should be sympathetic to the special qualities and features of the area.
- 6.34. The LVIA recommends a landscape led approach to site design; something that is further endorsed by local plan policy SCLP12.3 para 12.51 for the Garden Neighbourhood, which seeks the introduction of green infrastructure through the development. The report also recognises the need to incorporate a well designed settlement edge to soften the existing somewhat abrupt edge to the urban area.
- 6.35. The LVIA has been considered by the Council's Arboriculture and Landscape Manager. The proposed development would see the conversion of arable land to residential development. Given the sites location and the degree of change in respect of prevailing landscape character, it is considered that the change will have a moderate level of significance of effects, which with maturing new planting, will reduce to minor after 15 years, assuming successful plant establishment. There is visual and physical separation from the more sensitive Deben estuary landscape character area means that there are not anticipated to be any meaningful impacts arising on this area, and nor on the National Landscape.

- 6.36. In terms of visual effects, the main impact will arise for receptors in the immediate vicinity of the site including the PROW on the southern edge of the site, for which open views to the north will be lost by the introduction of development. These impacts will moderate with the maturing of new site boundary vegetation. Views from PROWs to the north would see the development against the existing urban edge of Felixstowe so the magnitude of change in these views is moderated. Views from the Deben estuary/National Landscape areas are moderated by distance and the break in slope that sees the land fall away to the north and north east.
- 6.37. The indicated site layout shows open green space to the NE and NW corners of the site and along the Gulpher Road frontage and this will help soften the edge of the development against the open countryside which is to be welcomed. Elsewhere, other tree planting and boundary hedge planting is indicated and will help moderate the visual impact of the development.
- 6.38. Overall landscape and visual effects of a Moderate scale or worse will be felt in the immediate vicinity of the site, and overall will be minor in the long term. This conclusion is dependent on the agreement of a suitable landscape planting strategy which can be secured by condition.
- 6.39. For the reasons given, officers consider that the proposed development will not have any significant adverse landscape or visual impacts on the surrounding landscape or the National Landscape beyond. It is therefore considered that the proposal accords with the objectives of Policy SCLP10.4 (Landscape Character).

Heritage Considerations

- 6.40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development. Paragraphs 205 and 206 require planning authorities to place 'great weight' on the conservation of designated heritage assets, and state that the more important the asset the greater the weight should be. They also recognise that significance can be harmed by development within the setting of an asset. Paragraph 206 also states that any harm or loss should require clear and convincing justification.
- 6.41. Policy SCLP12.4 criterion f) states "Development will need to be high quality and sympathetic to the surrounding character of the area and Listed Building at Park Farm Cottages to the west of the site."
- 6.42. The application is supported by a Heritage Statement that meets the requirements of the NPPF at paragraph 200. Adjoining the west boundary of the site is Park Farm Cottages (1 and 2) which are listed Grade II. The building has an 'L' shaped plan form with pitched and hipped plain tiled roofs. It consists of a main range and a later crosswing, with a 17th century or earlier timber framed core which was encased in brick during the 18th and 19th centuries. There are a number of single storey outbuildings to the south and east forming a courtyard arrangement which are historically associated with the farm cottages which make a minor contribution to their significance as a group.

- 6.43. The Heritage Statement considers the significance and setting of Park Farm Cottages and the impact of the proposed development. This acknowledges that there will be a degree of change but concludes that the development will not diminish the significance of the heritage asset and that the impact will be neutral.
- 6.44. In assessing the application and Heritage Statement the Council's Design and Conservation Consultant has had regard to the Heritage Impact Assessment undertaken for the North Felixstowe Garden Neighbourhood. This noted that Park Farm Cottages and outbuildings have a long, historic relationship with the use of the surrounding farmland and although residential development along Ferry Road to the east and on the northern fringes of Felixstowe have encroached on its open character, the remaining open setting makes an important contribution to the significance of the group. It was concluded that development immediately to the south and west would enclose the cottages and outbuildings on three sides resulting in some harm to their significance. It was therefore recommended that an area of open space should be retained to form a suitable setting for the cottages to minimise the degree of harm and avoid the creation of continuous development surrounding the cottages.
- 6.45. The amendments to the indicative layout and the submission of a parameter plan have been considered by the Council's Design and Heritage Officer. These plans show more opportunity for a green edge to the west boundary of the site, as well as a 'wedge' of open space around the pumping station. This opportunity to provide additional screening from the development and more breathing room for Park Farm Cottages at reserved matters stage is positive. However, the likelihood of any connecting road into the Garden Neighbourhood passing against the south boundary of Park Farm Cottages without allowing for screening or open space is still high. The development of the site still carries an inherent level of less than substantial harm due to the loss of the open agricultural setting of the listed building, however the level of harm could be reduced at reserved matters stage.
- 6.46. Overall, officers are of the view that the harm to the designated heritage asset will be of a low level that will be less-than-substantial but will need to be given great weight. Paragraph 208 of the NPPF requires the harm to be weighed against the public benefits of the proposal. These benefits include the contribution of up to 150 dwellings on an allocated housing site within the Local Plan (and which forms part of the local plans strategy for growth) including up to 50 affordable dwellings. The proposals will also deliver future access into a part of the Garden Neighbourhood and improvements to the existing footway network, with linkages from the site. Other benefits include including employment during the construction phase of the development, investment in the local economy and increased spend in the local economy. It is considered that these benefits outweigh the identified less than substantial harm.

Ecology

- 6.47. Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) states that development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and

improvement to linkages between habitats, such as wildlife corridors and habitat 'stepping stones'.

- 6.48. Chapter 8 (Biodiversity and Ecology) of the Environmental Statement, assesses, inter alia, potential impacts and effects upon important ecological features and any ecological mitigation measures. The application is also supported by a Preliminary Ecological Appraisal (PEA) and Shadow Habitat Regulations Assessment.
- 6.49. The Biodiversity and Ecology chapter of the ES identifies that whilst the majority of habitats present on the application site are of relatively low value for biodiversity, the site does contain hedgerows (which are a UK Priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)) and potentially a number of protected and/or UK Priority species including reptiles, foraging and commuting bats, hedgehog, brown hare and several breeding bird species.
- 6.50. With regard to UK Priority habitats, a section of hedgerow along Ferry Road will require removal to create the vehicular access to the site. As identified in the ES, any such loss must be compensated through appropriate replacement planting with the detailed layout of the new development. Replacement planting can be secured by condition, should permission be granted.
- 6.51. The Council's Ecologist has considered the Environmental Statement and is of the view that the mitigation and compensation measures identified are adequate to address the predicted impacts of the development. These measures include the submission of a construction environmental management plan, a landscape and ecological management plan and an Ecological Enhancement Strategy for the site. Planning conditions can secure the submission of these details with any reserved matters application.
- 6.52. The Council's Ecologist is also of the view that the revised Concept Layout and the Parameter Plan secure green infrastructure connections towards the Felixstowe Garden Neighbourhood area which in turn ensures that good green infrastructure and recreational connections (as required by the Habitat Regulations Assessment) can be achieved. Accordingly therefore, the Parameter Plan is complying with Criterion (k) of policy SCLP12.4 which says that the development is expected to deliver "green infrastructure to be complementary to the green infrastructure provided at Felixstowe Garden Neighbourhood".
- 6.53. With regard to a Biodiversity Net Gain, the Environmental Statement (para. 8.226) recommends that Biodiversity Metric calculations are undertaken as part of the application in order to determine what level of BNG can be achieved by the development. As the application was submitted ahead of BNG coming into force, and therefore doesn't have a mandatory BNG requirement, the Council's Ecologist is of the view that the recommendation in the ES can be captured by condition, and submitted with the first reserved matters application.

Habitat Regulation Assessment

- 6.54. The application site is within 13km of the Stour and Orwell Estuaries SPA; the Stour and Orwell Estuaries Ramsar Site; the Deben Estuary SPA; the Deben Estuary Ramsar Site; the

Sandlings SPA; the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC and the Orfordness-Shingle Street SAC.

- 6.55. To mitigate the impacts of the development on these sites a financial contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) will be secured prior to determination of this application in a Section 106 Agreement. Additional mitigation measures recommended by Natural England, includes the provision of circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW).
- 6.56. Public footpath 12 also runs along the southern boundary of the site and provides a connection to the public rights of way network (PRoW) to the west and public footpath 7 to the east. Connections to the wider PRoW network are also available to the north via footpath 5 and Gulpher Road. This allows for a variety of offsite walking routes of varying lengths, away from the identified statutory designated sites.
- 6.57. The submitted Parameter Plan for the development also includes areas of onsite open space, which will include high quality informal areas, dog waste bins and signage and leaflets directing residents to recreational opportunities away from statutory designated sites.
- 6.58. A summary of recreational disturbance mitigation package the development will provide is:
- financial contribution to the RAMS strategy;
 - Connections to the public rights of way network via public footpaths 12 and 5. These offer access to a number of circular walking routes, both less than and more than 2.7km in length, which are away from European designated sites;
 - Onsite open space, including high quality informal areas.;
 - Signage and leaflets directing new residents to recreational opportunities away from European designated sites.
 - Production and implementation of a Landscape and Ecological Management Plan (LEMP) will be secured by planning condition.
- 6.59. Natural England have confirmed that in their opinion the proposed development will not result in adverse effects on the integrity of any of the identified European designated sites, subject to the identified mitigation measures being secured and implemented.
- 6.60. Having considered the proposed avoidance and mitigation measures above, the Council's Ecologist concludes that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Suffolk Coast RAMS. In view of this, officers are content that the proposal is acceptable in accordance with Policy SCLP10.1(Biodiversity and Geodiversity).

Flood Risk and Surface Water Drainage

- 6.61. Local Plan Policy SCLP9.5 states that proposals for new development will not be permitted in areas at high risk from flooding.
- 6.62. Chapter 14 of the NPPF sets out planning for flood risk:

- development should be directed away from areas at highest risk (para. 165).
 - Flood risk should not be increased elsewhere and applications should be supported by a site-specific Flood Risk Assessment (para.173).
 - Major developments should incorporate sustainable drainage systems and should take account of advice from the lead local flood authority (para. 175).
- 6.63. The policy approach at national and local level is to ensure developments are safe for future occupiers and to ensure no adverse local impacts arise from the development by incorporating sustainable drainage systems.
- 6.64. In accordance with paragraph 173 of the NPPF and criterion b) of Policy SCLP12.4, a Flood Risk Assessment and Drainage Statement (FRA) accompanies the planning application. This confirms that the Site is located entirely within Flood Zone 1, the lowest probability risk of fluvial or tidal flooding. The Environment Agency Flood Maps show that the site is not at risk from surface water flooding or reservoir breach flooding.
- 6.65. The Site Specific Flood Risk Assessment uses assumptions that have been agreed with the LLFA to demonstrate that the site can be sustainably drained and there is no off-site flood risk created by the development of the site. The main strategy across the site utilises swales to drain surface water to two surface water storage basins in the eastern part of the site, fronting Ferry Road, either side of the access road. These swales and basins are shown on the indicative concept layout.
- 6.66. As this is an outline application the FRA confirms that all calculations will need to be revisited at the reserved matters stage. As such, the precise design details of the drainage strategy will come forward as part of a reserved matters application. However, the Parameter Plan sets the location of the open space including sustainable drainage infrastructure as a key aspect of the proposal. Therefore, the main element of the drainage strategy would be fixed through the granting of outline planning permission with a condition requiring the development to be substantially in accordance with the approved parameter plan, offering clarity on where the drainage basin would be located.
- 6.67. The LLFA have given detailed consideration to the drainage strategy and recommend approval of the application subject to conditions that require, inter alia, dimensioned plans and drawings of the surface water drainage scheme concurrent with a reserved matters application.
- 6.68. Officers are therefore content that the proposal is acceptable in accordance with the NPPF and Policy SCLP9.5.

Archaeology

- 6.69. This site lies in an area of archaeological potential recorded on the County Historic Environment Record. Archaeological investigations to the east of the application site found archaeology relating to prehistoric occupation and late medieval - early post medieval roadside settlement. Within the application site there is a findspot record dating from the prehistoric to Saxon period and activity has been identified in and around the application site ranging in date from the prehistoric to post-medieval periods. Additionally, to the north of the application site are the cropmarks of four ring ditches, which probably relate to Bronze Age funerary monuments, along with the cropmark for a rectilinear enclosure of

unknown date. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

- 6.70. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 211), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Subject to appropriate conditions, the archaeological impact would be acceptable in accordance with local plan policy SCLP11.7.

S106/Community Infrastructure Levy (CIL) contributions

- 6.71. This development will be liable for CIL for the whole of the proposed Gross Internal Area (GIA), chargeable at the Zone 2 (Mid-Higher Value Zone) rate.
- 6.72. Suffolk County Council have set out the infrastructure requirements of this development in accordance with Appendix B - 'Infrastructure and Delivery Framework' of the Local Plan.
- 6.73. The local schools are Kingsfleet Primary School and Felixstowe School. Both schools are forecast to experience pupil place pressure.
- 6.74. Kingsfleet is currently over 95% capacity and has no surplus available for the 37 pupils arising from this development proposal. The strategy at a primary level is set out in East Suffolk Council's Suffolk Coastal Local Plan, Policy SCLP12.4, whereby this development will contribute towards the provision of a new primary school in Felixstowe, which will mitigate capacity pressure and growth in the area. On this basis, at a primary level, a S106 contribution of $(37 \text{ pupils} \times \text{£}28,760) = \text{£}1,064,120$ will be sought for the new primary school provision in Felixstowe, as highlighted below. Felixstowe School is forecast to exceed 95% capacity in the future due to the number of pupils emanating from the Local Plan sites, alongside other planning applications in the catchment area. Felixstowe School therefore cannot accommodate the 33 secondary and sixth form pupils anticipated to arise from this development matter. On this basis, a future CIL funding bid of $(27 \text{ pupils} \times \text{£}37,466) = \text{£}1,011,582$ for secondary-age provision and $(6 \text{ pupil} \times \text{£}37,466) = \text{£}224,796$ for sixth form provision will be sought to go towards the expansion of Felixstowe School
- 6.75. With regards to pre-school provision the proposed development is in the Eastern Felixstowe ward, where there is an existing deficit of places. This proposal is anticipated to generate 24 additional children. The strategy for Felixstowe is a new provision, and East Suffolk Council's Suffolk Coastal Local Plan, Policy SCLP12.4, sets out that this development will contribute towards the new early years setting. On this basis, an Early Years S106 contribution of $(14 \text{ FTEs} \times \text{£}28,760) = \text{£}402,640$ (2021 costs) will be sought to go towards new Early Years provision.
- 6.76. Suffolk County Council's infrastructure requirements, split between CIL and S106, can be summarised as follows:

CIL – Secondary expansion @£37,466 per place £1,011,582
CIL - Sixth form expansion @£37,466 per place £224,796

CIL - Libraries Improvements @£216 per dwelling £32,400
CIL - Household Waste @£115 per dwelling £17,250
S106 - Primary new build @£28,760 per place £1,064,120
S106 - Early Years new build @£28,760 per place £402,640

- 6.77. Felixstowe Town Council does not have a Neighbourhood Plan and therefore 15% of CIL collected from this development would be provided to the Town Council to spend on local infrastructure projects.

Public Benefits of the Development

- 6.78. The proposed development would deliver significant public benefits including:
- Up to 150 homes (the expected 50-75 is would be just as beneficial) in accordance with the local plan allocation as part of the plan-led approach to growth in the District;
 - Provision of 33% affordable dwellings;
 - Up to 8 plots to be made available for self-build and custom build housing if 100 homes are achieved on the site;
 - On-site open space and play area;
 - New footpath links through the site;
 - Biodiversity net gain in the ecological value of the site and,
 - Economic benefit in the short to medium term through creation of jobs in the construction industry;
 - Long term benefit to facilities/services in Felixstowe from new resident spend in the local economy.

7. Conclusion

- 7.1. It is considered that the proposed development accords with the allocation in the Local Plan, delivering substantial benefits as set out above. The proposals demonstrate that the site can be delivered in a way that will deliver a high quality residential development in accordance with Policy SCLP12.4 and the design objectives of the Local Plan and NPPF.
- 7.2. It is acknowledged that the proposal is not supported by some local residents and Parish Councils. Those concerns raised have been given due consideration by officers but do not, in the balance, indicate that planning permission should be refused. Many of the matters raised can be addressed either through appropriate planning conditions or proper consideration of detailed design at reserved matters stage.
- 7.3. The proposal would give rise to a low level of less than substantial harm to the significance of the grade II listed Park Farm Cottages. That harm, even though low, will need to be given great weight in the balance by the decision taker and properly weighed against the public benefits. However, officers consider that this proposal delivers substantial public benefits that would significantly and demonstrably outweigh any harm that would arise.
- 7.4. The proposal is considered to represent sustainable development in accordance with the objectives of the National Planning Policy Framework and the adopted Local Plan. The application is therefore recommended for approval.

8. Recommendation

8.1. AUTHORITY TO APPROVE with conditions subject to the Highway Authority not raising an objection to the application (and their recommended conditions) and subject to the completion of a S106 Legal Agreement to secure obligations including:

- Provision of affordable housing;
- 5% of the residential development as self build or custom build plots;
- Per dwelling contribution to the Suffolk RAMS
- Provision and long term management of public open space
- Financial contribution towards primary school new build
- Financial contribution towards early years new build

Conditions (also awaiting Highways conditions):

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990.

2. Details of the layout, design and external appearance of the buildings, and the landscaping of the site (herein called the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced. Development shall be carried out in accordance with the approved details.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. The submission of a reserved matters application pursuant to this outline application shall demonstrate substantial compliance with the Parameter Plan (Drwg. No. GN003-PH2-PP-01 Rev B).

Reason: To ensure an attractive and high quality design of the development.

4. The submission of a reserved matters application pursuant to this outline application shall be broadly in accordance with the Concept Layout (Drwg. No. GN003-CPT-01 Rev H).

Reason: To ensure an attractive and high quality design of the development.

5. Concurrent with the submission of the first reserved matters application, a site-wide phasing plan shall be submitted to and approved by the local planning authority. Thereafter, the development shall be undertaken in accordance with the approved plan.

Reason: To ensure that the works are completed in an appropriate order, and for the purposes of Community Infrastructure Levy (CIL) collection requirements.

6. Concurrent with the submission of the first reserved matters application, a housing mix strategy shall be submitted to and approved in writing by the local planning authority, in order to demonstrate how the proposed development will deliver an appropriate mix of dwellings across the development.

Reason: To ensure the development provides a mix of housing in accordance with policy SCLP5.8 (Housing Mix) of the East Suffolk Council - Suffolk Coastal Local Plan (2020).

7. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

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

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

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

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

9. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
 - a. Dimensioned plans and drawings of the surface water drainage scheme;

- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Qbar or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. 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 and 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 The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-ondevelopment-and-flood-risk/construction-surface-water-management-plan/>

10. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA 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 within the county of Suffolk

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>

11. All noisy construction activities (i.e. those audible beyond the site boundary) should be restricted to the following hours to minimise the potential for noise disturbance:
Monday - Friday: 08:00 - 18:00hrs
Saturday: 08:00 - 13:00hrs
Sundays/Bank Holidays: No noisy working

Reason: In the interests of local amenity.

12. A Construction Management Plan shall be submitted to and approved by the Local Planning Authority. This should contain information on how noise will be controlled so as to avoid annoyance to occupiers of neighbouring properties. Examples of measures to be included are:
 - a) Good practice procedures as set out in BS5228:2014,
 - b) Best Practicable Means (BPM) as defined in Section 72, of the Control of Pollution Act 1974 (COPA),
 - c) Careful location of plant to ensure any potentially noisy plant is kept away from the site boundary as far as possible,
 - d) Careful selection of construction plant, ensuring equipment with the minimum power rating possible is used, and that all engine driven equipment is fitted with a suitable silencer,
 - e) Regular maintenance of plant and equipment to ensure optimal efficiency and quietness,
 - f) Training of construction staff where appropriate to ensure that plant and equipment is used effectively for minimum periods,
 - g) If identified as necessary, the use of localised hoarding or enclosures around specific items of plant or machinery to limit noise breakout especially when working close to the boundary.

Reason: In the interests of local amenity.

13. A construction phase Dust Management Plan shall be submitted to, and approved by the Local Planning Authority. The Plan shall include details for an adequate water supply to be available, dust suppression equipment and methods to be employed, and controls to prevent vehicles tracking out dust and material from site.

Reason: In the interests of local amenity

14. 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.

15. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute recommendation "BS5837:2012 Trees in relation to design, demolition and construction - Recommendations"

Reason: In the interests of visual amenity and the character and appearance of the area.

16. The approved landscaping scheme (as approved by Condition 15) 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 five 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.

17. As part of any reserved matters application for appearance, details of all external facing and roofing materials for all buildings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

18. The hereby approved development shall include a provision for 50% of all dwellings to meet the requirements of M4(2) (or M4(3)) of the Building Regulations. Concurrent with each reserved matters application, details shall be provided specifying which dwelling(s) are M4(2) (or M4(3)) compliant and thereafter constructed in accordance with regulation requirements.

Reason: To ensure the development provides accessible and adaptable dwellings in accordance with Policy SCLP5.8 of the East Suffolk Council - Suffolk Coastal Local Plan (2020).

19. Concurrent with any reserved matters application, a sustainability statement which demonstrates that sustainable construction methods have been incorporated into the development proposal, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: In accordance with sustainable construction objectives of Policy SCLP9.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020).

20. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Biodiversity and Ecology chapter (Chapter 8) of the Environmental Statement 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

21. Commensurate with the first Reserved Matters application, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been

submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

23. Commensurate with the first Reserved Matters application, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

24. Commensurate with the first Reserved Matters application, an Ecological Enhancement Strategy, including a Biodiversity Net Gain assessment in accordance with paragraph 8.226

of the Environmental Statement, and addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

25. If the first Reserved Matters application is not submitted or approved development does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the Outline planning consent, the approved ecological measures secured through Condition 20 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected species or UK Priority species or habitats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority as either part of a Reserved Matters application or prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that ecological mitigation measures are appropriately delivered based on up-to-date evidence.

26. Commensurate with the first Reserved Matters application, a plan detailing how the recreational disturbance mitigation measures identified in the Shadow Habitats Regulations Assessment (sHRA) (Sweco UK Ltd, October 2022) and the Habitats Regulations Assessment (HRA) (East Suffolk Council, February 2024) will be implemented shall be submitted to and approved in writing by the local planning authority. The identified measures will be implemented in accordance with the approved plan, unless otherwise agreed in writing by the local planning.

Reason: To ensure that measures necessary to mitigate adverse effects on the integrity of European designated sites are adequately implemented as part of this development.

27. Concurrent with the submission of the first reserved matters application, details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the local planning authority. Thereafter, no occupation or use of the development shall take place until the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area, and to satisfactorily protect the residential amenities of nearby/future occupiers.

28. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

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

Informatives:

1. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.
2. Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.
3. 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.
4. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

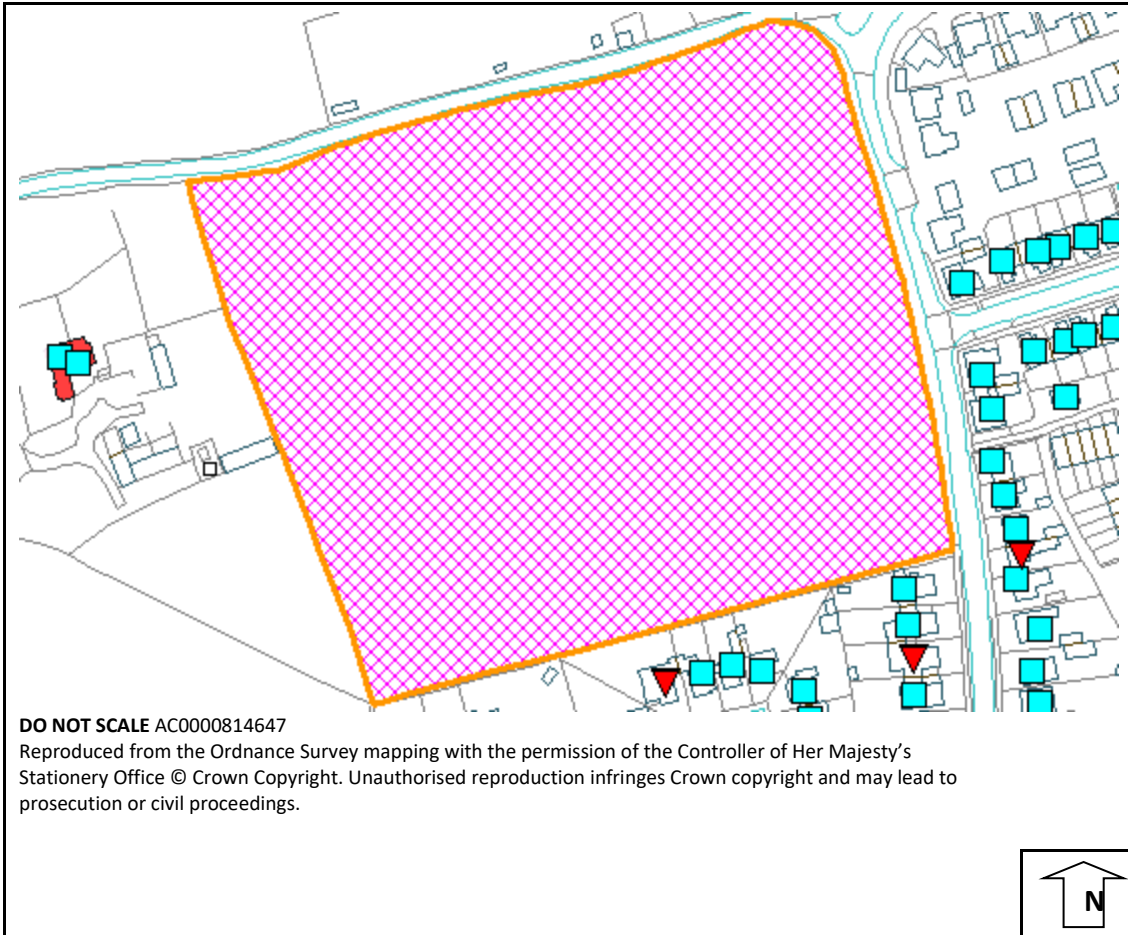
5. Any reserved matters application is required to be substantially in accordance with the approved Parameter Plan which sets out key infrastructure requirements for the site,

including surface water drainage and vehicle and pedestrian connections into the North Felixstowe Garden Neighbourhood . In view of these requirements therefore, notwithstanding the description of the application for up to 150 dwellings, the likely capacity of the site is expected to be between 50 - 75 dwellings.

Background information

See application reference DC/21/2710/OUT on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support



Committee Report

Planning Committee South – 28 May 2024

Application no DC/23/3717/FUL

Location

Walk Farm
Old Felixstowe Road
Stratton Hall
Ipswich
Suffolk
IP10 0LR

Expiry date

Application type Full Application

Applicant Stratton Hall Farms Limited

Parish Stratton Hall

Proposal Change the use of three agricultural buildings to Class E(g)iii (Industrial processes) Use and the siting of three ancillary office/welfare facilities cabins.

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

1. Summary

- 1.1 Full planning permission is sought to change the use of three agricultural buildings to Class E(g)iii (Industrial processes) Use, along with the siting of three ancillary office/welfare facility cabins at Walk Farm, Old Felixstowe Road, Stratton Hall.
- 1.2 Considered against all relevant material planning matters, the proposal is deemed sustainable and therefore recommended for approval in accordance with the NPPF and the relevant policies of the adopted development plan. However, the referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Case Officer was contrary to the Parish Council's recommendation to refuse the application. The application was therefore presented to the Referral Panel on Tuesday 16 April 2024 where members determined that the merits of the application warranted debate at Planning Committee due to concerns relating to the loss of the existing buildings use for purposes in support of the agricultural function of the farm, including for storage of crops etc. grown on the surrounding arable land.

2. Site Description

- 2.1 Walk Farm is located on the north-eastern side of Felixstowe Road with the A14 to the north and a railway line located further south. The buildings subject to this application are modern portal frame structures that have previously been used for storage purposes associated with the farm's agricultural use.
- 2.2 The buildings are two-storey in height and are positioned in a row surrounded by an extensive area of concrete hardstanding which stretches eastward to several other single and two-storey buildings that have already been permitted for industrial processes, under planning permission refs. DC/18/3197/FUL and DC/17/4411/FUL.
- 2.3 Vehicular access into the site is from Felixstowe Road and is shared by the existing industrial use buildings. Walk Farmhouse is to the south-west and is bound by substantial trees and vegetation that provide screening and reinforce separation from the buildings subject of this application.

3. Proposal

- 3.1 This application seeks full planning permission to change the use of three agricultural buildings to Class E(g)iii (Industrial processes) Use, along with the siting of three ancillary office/welfare facilities cabins at Walk Farm, Old Felixstowe Road, Stratton Hall.
- 3.2 The proposal would not result in any physical changes to the external appearance of the three existing buildings, however, each would be provided with a single storey modular cabin for ancillary purposes.
- 3.3 The submitted application forms states that the units would be let out for employment purposes similar to those already permitted DC/18/3197/FUL and DC/17/4411/FUL which the applicant states are in high demand. The proposal would result in the creation of eight full time equivalent staff employment opportunities.

Post Referral Panel

- 3.4 Following questions raised by members during the referral panel meeting concerning the loss of the existing buildings use for purposes in support of the agricultural function of the farm, including for storage of crops etc grown on the surrounding arable land, the Case Officer received a statement from the agent dated 3 May 2024.
- 3.5 In summary, the statement sets out that the nature of farming has experienced significant change in recent years. This is partly due to changing consumer habits resulting in lower demand for unprocessed potatoes. Higher demand for alternative processed potato products now means that crops are transported directly from the field to the manufacturers for processing instead of being stored for months on-site before being sent to supermarkets. This means that the subject buildings are no longer required for the storage of potatoes grown on the surrounding farmland. The applicant otherwise asserts that:

'Diversified income is becoming critical to underpinning the agricultural industry. The key reasons for this are changing weather patterns, volatile commodity markets, the basic payments scheme being brought to an end and high interest rates.

The importance for diversified income into the farm has been demonstrated in recent years where the farming operation has made a loss in 2 out of the last 5 years. The Basic Payment Scheme has already been reduced by 53% and will be reduced to nil by 2027. For Stratton Hall Farms Limited to continue to own the farming assets they need to have diversified sources of income. The income from the proposed change of use will work towards mitigating these issues in modern farming'.

4. Third Party Representations

- 4.1 Five third-party representations of objection have been received which raise concerns (inter alia) in relation to the loss of buildings for agricultural use; potential traffic issues; working hours; lighting and noise pollution; as well as the potential for negative impacts on the area's rural character.

5. Consultations and publications

Consultee	Date consulted	Date reply received
Stratton Hall Parish Council	6 October 2023	2 November 2023
	18 January 2024	No further comments in response to re-consultation.
<i>The Parish Council strongly objects to this Planning Application. The Parish Council held a public Planning Meeting on Tuesday, 31st November 2023.</i>		
<i>The buildings are on agricultural land which is situated between the A14 and (A45) The Old Felixstowe Road opposite three further small, non-agricultural businesses and adjacent to Walk Farmhouse. The three barns are constructed on a concrete base, the walls have metal cladding, roller doors, metal sheet roofing, two of which contain refrigeration units. There is a large concrete hardstanding area to the front of the buildings.</i>		

Policy SCLP 4.7 Farm Diversification

- 1. Farming activities remain the predominate use on the site.*
- 2. The proposal is of a use and scale that relates well to the setting of the existing farm.*
- 3. The proposal does not compromise highways safety to the local road.*
- 4. The proposal avoids, or adequately mitigates any adverse impact on the character of the surrounding area and landscape, the ANOB and its setting or the natural or historic environment.*
- 5. The diversification is supposed by detailed information and justification that demonstrates that the proposals will contribute to the viability of the farm as a whole and its continued operation.*
- 6. The diversification retains or provides additional employment for the local community.*
- 7. The proposal supports the retention or creation of jobs associated with the farm.*
- 8. The conversation of existing farm buildings is undertaken sympathetically to the traditional character of the farm.*
- 9. The proposal does not involve permanent residential uses.*

Support will be given to farm shops which provide continued employment opportunities and sell a range of produce associated with the farm and the local area. Proposals should be of a scale which is not detrimental to the existing shopping facilities provided in nearby towns and villages.

The Planning Application appears to be in breach of 1, 2, 5, 6 and 7 on the basis that once the farm buildings in question are allowed to be used for light industrial and storage, there will be no buildings left on the farm for farming purposes and therefore farming activities cannot remain the predominant use on the site. This would also be contrary being of a scale that relates well the setting of the existing farm, as the existing farm will no longer exist. There is nothing to support that the diversification will contribute to the viability of the farm as the farming activity is already now conducted by a third party and their facilities are now handling their requirements.

There is insufficient detail on the activities proposed to support the retention or creation of jobs associated with the farm.

There is no indication as to the security arrangements, particularly in respect of lighting however the proposed development will likely have security lighting which will not only light up the site but also the surrounding area causing a disturbance to residents and the wider area including the approaches to the ANOB. The plan does not show any intended lighting. All night lighting in this flat and dark countryside will not only be an intrusion on the landscape but a permanent imposition to nearby properties. Development Management Policy DM27 Lighting applies to this development.

This application also gives no clear understanding of the specific future usage for these barns outside of light industrial and storage. There are no indications as to the working hours or the use of mechanical equipment. If passed without restrictions and guarantees the Parish Council are concerned that the number of properties in close proximity to the land will be adversely affected particularly if it is a 24-hour operation and so will undoubtedly cause a disturbance as there will be lorry movements in the early hours, reversing noise as they are shunting, coupling up trailers with low gear changes, slamming of cab doors, the use of fork lift trucks, mechanical equipment and voices.

As stated previously for all the above reasons the Parish Council strongly object to this application.

Consultee	Date consulted	Date reply received
SCC Highways Department	6 October 2023	20 October 2023
Summary of comments: No objection - conditions proposed.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	6 October 2023	26 October 2023
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	6 October 2023	9 February 2024
Summary of comments: Conditions proposed.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	25 October 2023	12 February 2024
Summary of comments: Conditions proposed.		

Site notices

Site Notice Type	Date Posted	Expiry date	Reason
General Site Notice	11 October 2023	1 November 2023	General Site Notice

6. Planning policy

- National Planning Policy Framework 2023 (NPPF)
- 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)
- SCLP4.1 - Existing Employment Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.2 - New Employment Development (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)
- SCLP4.5 - Economic Development in Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.6 - Conversion and Replacement of Rural Buildings for Employment Use (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.7 - Farm Diversification (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.34 - Strategy for the Rural Areas (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).

7. Planning Considerations

Planning history:

*DC/22/2743/AGO | Prior Notification (Agricultural) - Open sided lean too off existing cold store building for machinery storage. | Walk Farm Old Felixstowe Road Stratton Hall - Prior approval not required 29 July 2022;

*DC/18/3197/FUL | Change of Use of two former agricultural buildings to B1 (c) | Walk Farm Old Felixstowe Road Levington - Permitted 23 January 2019;

*DC/17/4411/FUL | Change of Use of two farm buildings to light industrial - B1 (c) | Walk Farm Old Felixstowe Road Levington - Permitted 19 March 2018.

Principle of Development

- 7.1 As per policy SCLP3.2 (Settlement Hierarchy), the site lies within the 'Countryside' where development is generally limited to that which necessitates a countryside location or otherwise accords with the relevant provisions of the NPPF and the adopted development plan.
- 7.2 The National Planning Policy Framework (The Framework) supports the prosperity of rural economies by encouraging decisions that, with relevance to this application, enable:
- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) *the development and diversification of agricultural and other land-based rural businesses.*
- 7.3 The Framework also recognises that:
- '...sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.*
- 7.4 Adopted Local Plan policies SCLP4.1 (Existing Employment Areas); SCLP4.2 (New Employment Development); and SCLP4.3 (Expansion and Intensification of Employment Sites) are generally supportive of employment development subject to certain criteria, however not directly relevant to this proposal.
- 7.5 Policy SCLP4.5 (Economic Development in Rural Areas) states:
- 'Proposals that grow and diversify the rural economy, particularly where this will secure employment locally, enable agricultural growth and diversification and other land based rural businesses, will be supported...The delivery of new buildings, structures and infrastructure that the agricultural industry requires to grow, modernise and function efficiently will be supported'.*
- 7.6 However, SCLP4.5 is a broad strategy for the Rural Areas, and it turns to more detailed development management policies to assess this proposal. Most relevant is Policy SCLP4.6: Conversion and Replacement of Rural Buildings for Employment Use, which sets out that:

'The conversion of rural buildings to employment use will be permitted where:

- a. The business use is of a scale and character that is appropriate to its location in accordance with the Settlement Hierarchy;*
- b. The proposal does not have an unacceptable impact on highway safety, local roads or the living conditions of local residents and exploits opportunities to make the location more sustainable by walking, cycling or public transport;*
- c. The proposal would not conflict with neighbouring uses;*
- d. The proposal is complementary to the setting of any historic or architecturally important buildings and reflects the form and character of the existing buildings; and*
- e. The design and construction avoids, or adequately mitigates, any adverse impact on the character of the surrounding landscape, the AONB and its setting, or the natural or historic environment.'*

- 7.7 As this proposal does not involve significant new building work, and re-uses existing large agricultural buildings, the business use is in accordance with criterion (a). The spatial strategy/settlement hierarchy at table 3.4 of the Local Plan sets out that within the Countryside the creation of employment uses through conversion of buildings is acceptable and supported by SCLP4.6.
- 7.8 The site is served by a suitable existing access and there are no objections from the Highways Authority; thus, officers consider the scheme to be acceptable in highway safety terms. In this semi-rural location travel to-and-from the site will be predominantly by car (in terms of employees) with other motor vehicles required in conjunction with the new uses. However, the site is well-related to the A14 and is not a remote or isolated location.
- 7.9 The proposal is for Class E(g)iii (Industrial processes) uses, and these are typically suitable for a residential area. Given the rural location, and that the use would be restricted by planning condition to only E(g)iii, the proposal is acceptable and will not cause harm to local living conditions/residential amenity.
- 7.10 There are no designated heritage assets affected by this proposal, and as the scheme re-uses existing buildings, there will be no wider landscape impact beyond the existing situation. The modest cabins sited adjacent the buildings are low-key and will not be notable in wider views of the site.
- 7.11 For these reasons, the scheme is in accordance with SCLP4.6.
- 7.12 The Parish Council have commented in detail on policy SCLP4.7 (Farm Diversification) however, although the applicant has mentioned diversifying income sources, the application is not made on the basis of it being a farm diversification scheme. It is a comprehensive change of use of agricultural buildings to a commercial/employment use and officers consider it to be in accordance with SCLP4.6. Whilst officers acknowledge the concern of the Parish Council that the site has moved away from an agricultural use – and would do so to an even greater extent as a result of this proposal, there is no planning policy that requires retention of agricultural buildings/uses. The Local Plan allows for conversion/re-use of buildings in the Countryside, and it is expected that this will often

involve agricultural buildings changing to a non-agricultural use. The modern nature of the agricultural buildings is noted, but all that means in practice is that these buildings are eminently convertible and likely of a size and form suitable for the proposed uses. Within the context of adjacent consented uses, the proposal is acceptable and there will still be some storage and maintenance services for agricultural machinery associated with the surrounding farmland. Indeed, the open-sided lean-to covered extension to the northernmost building subject to this application would be retained for machinery storage as granted by DC/22/2743/AGO, albeit that is a small, covered area and only ancillary to the wider employment use.

- 7.13 When assessed against the above policies and having regard to the planning history, the proposal would be in accordance with the key employment policy SCLP4.6 and the broad objectives of the employment strategy contained within the Local Plan.

Visual amenity:

- 7.14 The proposed single storey cabins represent modest additions that are unlikely to cause visual impact when read against the backdrop of the existing buildings. The scheme complies with The Framework, and policies SCLP12.34 (Strategy for the Rural Areas), SCLP10.4 (Landscape Character) or SCLP11.1 (Design Quality) of the adopted Local Plan.

Highway safety:

- 7.15 The cumulative amount of traffic generated by the proposal is considered unlikely to result in any major detriment to the local road network. The Highway Authority have not raised any objections and have otherwise stated the following:

'...the proposed change of use benefits from an existing access that is fit for purpose. and an appropriate amount of space to accommodate parking and manoeuvrability. Therefor it is not anticipated this proposal will have a detrimental effect upon the public highway'.

- 7.16 As such, it is found unlikely that the application holds the potential to erode highway safety below acceptable levels, when judged against the relevant provisions of the NPPF and policies SCLP7.1 (Sustainable Transport) and SCLP7.2 (Parking proposals and Standards) of the adopted development plan.

Residential amenity:

- 7.17 In consultation with the Council's Environmental Protection Team, with appropriately worded planning conditions (i.e. restricted working hours; details of fixed mechanical plant and lighting prior to installation, no outside working etc.), the scheme could be suitably controlled to enable the site to continue to function within the confines of acceptability with regard to existing neighbouring amenity, including those residing at Walk Farmhouse. Their assessment is supported by a Noise Assessment, and it is otherwise considered unlikely that the proposed application presents scope to undermine the relevant provisions of The Framework nor SCLP11.2 (Residential amenity) of the adopted Local Plan.

8. Conclusion

- 8.1 The application is in accordance with The Framework and the Local Plan in so far as it would provide employment involving the re-use (mainly) of existing buildings. The development would not result in any adverse impacts on residential amenity or highway safety and is therefore acceptable.

9. Recommendation

- 9.1 The application is recommended for approval with conditions.

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 accordance with the following approved drawing(s):

- 2076/23/04 Rev. B (Proposed site plan);
- 2076/23/03 Rev. A (Proposed elevations and floor plans);
- 2076/23/02 Rev. A (Existing site and location plan);
- 2076/23/01 Rev. A (Existing elevations and floor plans).

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. The working hours in connection with the hereby permitted use, shall not be other than between 8am and 6pm Monday to Friday; 8pm to 1pm on Saturdays, and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours.

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

5. No activities or processes shall be undertaken outside the buildings other than the loading and unloading of goods. There shall be no outside display or storage of any goods, materials, finished products or other articles unless otherwise approved in writing by the Local Planning Authority.

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

6. The buildings subject to this planning permission shall only be used for Class E(g)iii (Industrial processes) purposes only and for no other purpose (including any other use class of the Schedule to the Town and Country Planning [Use Classes] Order 1987) (as amended) [or any Order revoking or re-enacting the said Order].

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

7. No floodlighting or other means of external lighting shall be installed at the site unless submitted to and approved in writing by the Local Planning Authority. The details submitted shall include position, operating times, details of luminaires, aiming angles and vertical and horizontal illuminance on areas outside the site. Thereafter the lighting scheme shall be implemented and maintained in accordance with the approved scheme.

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

8. Prior to the installation of any fixed plant or machinery (e.g., heat pumps, compressors, extractor systems, air conditioning plant or refrigeration plant etc) a noise assessment shall be submitted to the Local Planning Authority to 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 protection of the local rural environment.

9. The use shall not commence until the area(s) within the site shown on drawing no. 2076/23/04 Rev. B for the purposes of loading, unloading, manoeuvring, and parking of vehicles have been fully 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 (2019) where on-street parking and or loading, unloading, and manoeuvring would be detrimental to the safe use of the highway.

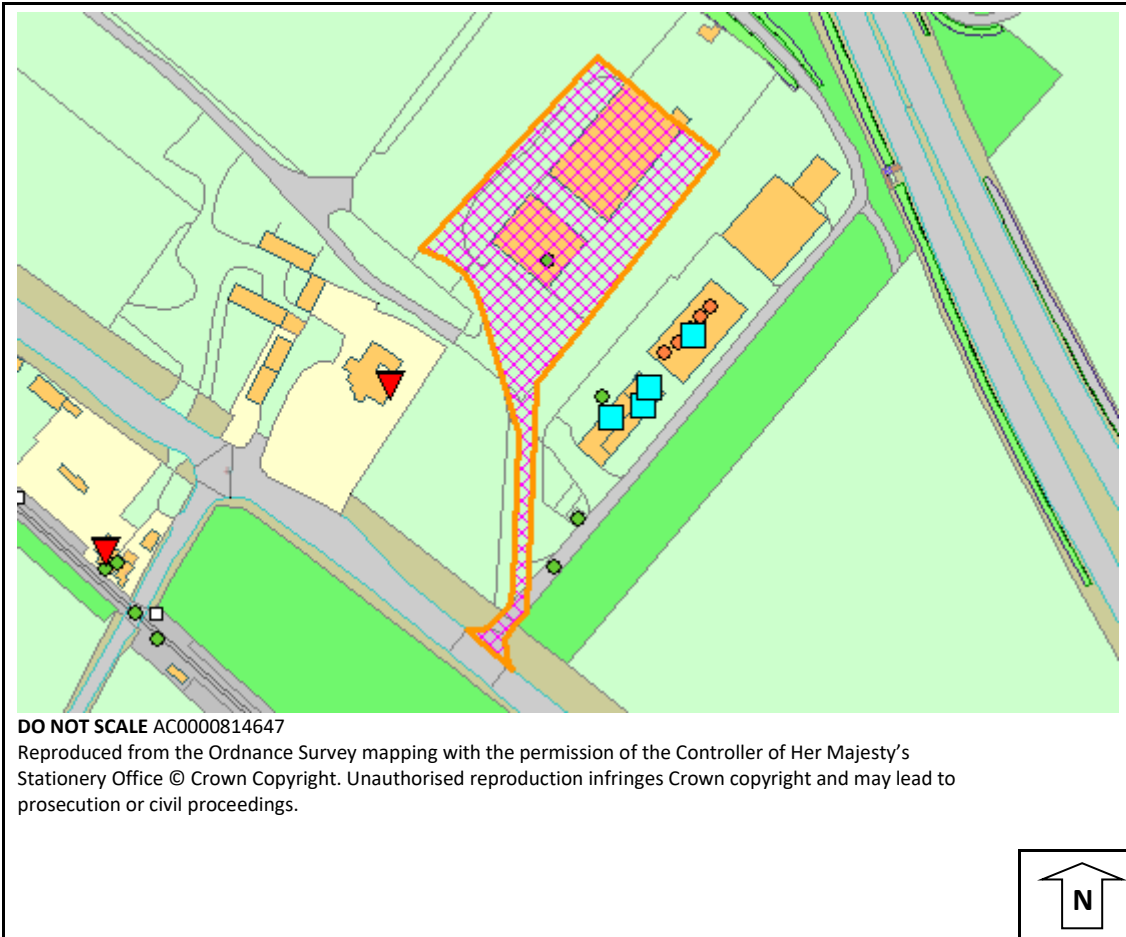
10. Before the development is brought into use, details of the areas to be provided for the secure, covered, and lit cycle storage including electric assisted cycles shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose. The approved scheme shall be implemented for each building prior to its first use and retained as such thereafter.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019).





Background information

See application reference DC/23/3717/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 28 May 2024

Application no DC/24/0110/FUL

Location

Portakabin Rear Of Car Park
Ordnance House
1 Garrison Lane
Felixstowe
Suffolk
IP11 7SH

Expiry date 15 May 2024

Application type Full Application

Applicant Felixstowe Area Community Transport Scheme

Parish Felixstowe

Proposal Full planning application (previous application C12/1810/ expired) for continued siting and use. No change to the use or additions to existing buildings previously agreed. Application site area houses two portakabins used for office and storage facilities for community transport services operated by Felixstowe Area Community Transport Scheme (FACTS), registered charity number 1098025.

Case Officer Eleanor Attwood
07385 407101
eleanor.attwood@eastsoffolk.gov.uk

1. Summary

- 1.1. Full planning permission is sought for the continued siting and use of two portacabins located within the Garrison Lane Car Park in Felixstowe.
- 1.2. This application is before Members because the development is on land owned by East Suffolk Council and is required to be determined by the Planning Committee
- 1.3. This is a retrospective application seeking to retain the two cabins. No external changes are proposed.
- 1.4. No statutory consultees have raised any concerns. The Town Council have recommended approval.
- 1.5. Officers consider that the proposals accord with local and national policies in the relation to design and amenity.
- 1.6. The application is recommended for approval subject to conditions.

2. Site Description

- 2.1. The site is located to the west of the Garrison Lane car park. The two portacabins are in situ and these have been in place for a number of years. The two cabins are used for office and storage facilities for community transport services operated by Felixstowe Area Community Transport Scheme (FACTS).
- 2.2. Two additional units are located to the south of the subject units and are in use by The Lions Club; these were granted planning permission under application DC/21/4083/FUL.
- 2.3. The land rises to the south and west, with established trees and hedging, particularly dense on the western boundary. To the southwest there is a paved pedestrian route linking Coronation Drive with Garrison Lane, which is bridged over the railway line. This path has some visibility over the car park and application site. The path runs between Lidl and Ordnance House that are located to the south of the car park.
- 2.4. To the north of the car park and on the opposite side of Garrison Lane there are residential properties.
- 2.5. Relevant planning history on the site includes the following:
 - C/94/0977: USE OF LAND FOR SITING PORTACABIN OFFICES FOR A TEMPORARY PERIOD OF 5 YEARS. Application Permitted
 - C/99/0273: Use of land for siting portacabin offices for a temporary period of 5 years (renewal of planning permission C94/0977). Application Permitted
 - C/04/0378: Use of portable building for site office (renewal of planning permission C99/0273). Application Permitted
 - C/07/1527: Erection of second portakabin to stand along side existing to give additional office space. Application Permitted
 - C/12/1810: Continuation of extant planning permission C07/1527 for portakabin for the Felixstowe Area Community Transport Service (FACTS) that provides office and storage space for the charity. Application Permitted

3. Proposal

- 3.1. Full planning permission is sought for the continued siting and use of the two portacabins. The two units are used for office and storage facilities for community transport services operated by Felixstowe Area Community Transport Scheme (FACTS). This application is seeking permanent siting of the cabins.
- 3.2. FACTS is a registered charity. They provide transport to anyone of any age with a physical, cognitive or sensory impairment which limits or restricts access to public transport. FACTS also provide essential transport links as part of the local authority 'Connecting Communities' service for those who do not have regular access to public transport.

4. Consultations/comments

Third Party Representations

- 4.1. No third party representations have been received. The consultation period has expired.

Consultee	Date consulted	Date reply received
Felixstowe Town Council	22 March 2024	4 April 2024
Summary of comments: "Committee recommended APPROVAL."		

Consultee	Date consulted	Date reply received
SCC Highways Department	22 March 2024	22 March 2024
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Estates Team	22 March 2024	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	22 March 2024	9 April 2024
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	22 March 2024	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A	26 April 2024
Summary of comments: No objections.		

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 28 March 2024

Expiry date: 18 April 2024

5. Planning policy

National Planning Policy Framework 2021

SCLP8.1 - Community Facilities and Assets (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)

6. Planning Considerations

Principle

- 6.1. The proposed development includes two portacabins located to the west of the Garrison Lane carpark. This application is seeking to retain the siting and use of the buildings, and no external changes are proposed.
- 6.2. The site is located within the settlement boundary of Felixstowe. Policy SCLP3.3 sets out that new development within defined settlement boundaries will be acceptable in principle, subject to consideration of other relevant policies of the development plan.
- 6.3. The consideration is mainly with regards to the design and impact on neighbouring amenity, but this will be to the benefit of the local community and therefore consideration

against SCLP8.1 for community facilities and assets is also relevant (albeit this will support the functions of an existing local charity who support the local community rather than be for wider community use). Under this policy and paragraphs 96 and 97 of the NPPF such development is supported where this meets the needs of the community, is of a proportionate scale and well related to the settlement it serves. The siting is well related to the town and in a discrete location to minimise the visual impact, and is distanced from neighbouring properties.

- 6.4. Additionally, the scheme is an appropriate scale to support the activities of the charity to the benefit of the town, according with the aspirations of the local policy and provisions within the NPPF.

Visual Amenity

- 6.5. The main policy considerations to the proposal are the visual impact and design under policy SCLP11.1.
- 6.6. Previously, the buildings were granted temporary consent only. This was on the basis that the buildings were deemed unsuitable for permanent consent by virtue of their character/impact upon the locality.
- 6.7. The context of the site has changed since the last consent in 2012. Planning permission has recently been granted for the two units adjacent to the application site, for use by The Lions Club (ref. DC/21/4083/FUL). These two units are enclosed within a fence and appears as a small compound at the rear of the carpark. The consent granted for this was permanent planning permission.
- 6.8. Therefore, the two FACTS portacabins are now viewed in conjunction with the adjacent units, which also have a similar character and appearance.
- 6.9. The buildings are of a utilitarian form but suit the function and purpose of the buildings. The buildings are viewed within the setting of the carpark and in connection with the adjacent units. As no external changes are proposed, there will be no alteration to the existing visual impact.
- 6.10. There is also justification for the portacabins for the long term need by the charity as office and storage space. Additionally, as the land is owned by the council, we would have the ability to ensure the buildings are in a reasonable state of repair or require removal or replacement in the future should the condition or external appearance negatively impact visual amenity, negating the need to impose a temporary condition.
- 6.11. Therefore, with due consideration to the current context of the development, it is considered that the permanent retention of the buildings will not result in a detrimental impact to visual amenity or the character of the area. The application accords with policy SCLP11.1.

Residential Amenity

- 6.12. The nearest residential properties are located to the west on Coronation Drive (approximately 59 metres away and separated from the site by the railway line and dense

vegetation); on the eastern side of the car park (approximately 55m to the east across the car park and road); and to the north of the car park (approximately 47m away).

- 6.13. The separation distances and the intervening features means that any potential impact arising from potential noise and disturbance arising from the proposal would be minimal.
- 6.14. The structures are single-storey and even with the ground level changes, due to the distance involved, there would be no loss of privacy to the nearest residents.
- 6.15. Therefore, the scheme is acceptable in terms of residential amenity and accords with Local Policy SCLP11.2 (Residential Amenity).

Highway Safety and Parking

- 6.16. The siting of the cabins does not impact or reduce parking provision in the car park as the arrangement of the car park does not have parking bays against the grassed area but forward of this, leaving a suitable hardstanding access way between the parking bays and the units.
- 6.17. It is also noted that no objections have been raised by the county highways department.

7. Conclusion

- 7.1. The proposal is considered acceptable, the site is relatively well contained, and the proposal is not considered to have a detrimental impact on visual amenity or the character of the area. The siting and design are therefore considered acceptable and, given the distances, will not result in detriment to neighbouring amenity. Furthermore, the proposal will provide long term office space and storage for FACTS for the benefit of the local community, according with local policy considerations and the NPPF.
- 7.2. A condition is recommended to restrict the use of the units to use for a community transport scheme and for no other purpose. This is similar to the conditions applied to the previous temporary consents. This is recommended due to the community use associated with the units and so 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.

8. Recommendation

- 8.1. Approve subject to the conditions below.

Conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with the application form and Location Plan received 12 January 2024, and drawing 1 (layout plan) received 3 May 2024.

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

2. Notwithstanding the provisions of the Town and Country Planning [Use Classes] Order 1987 (as amended) (or any Order revoking or re-enacting the said Order), the units herein referred to, shall be used for a community transport scheme and for no other purpose.

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

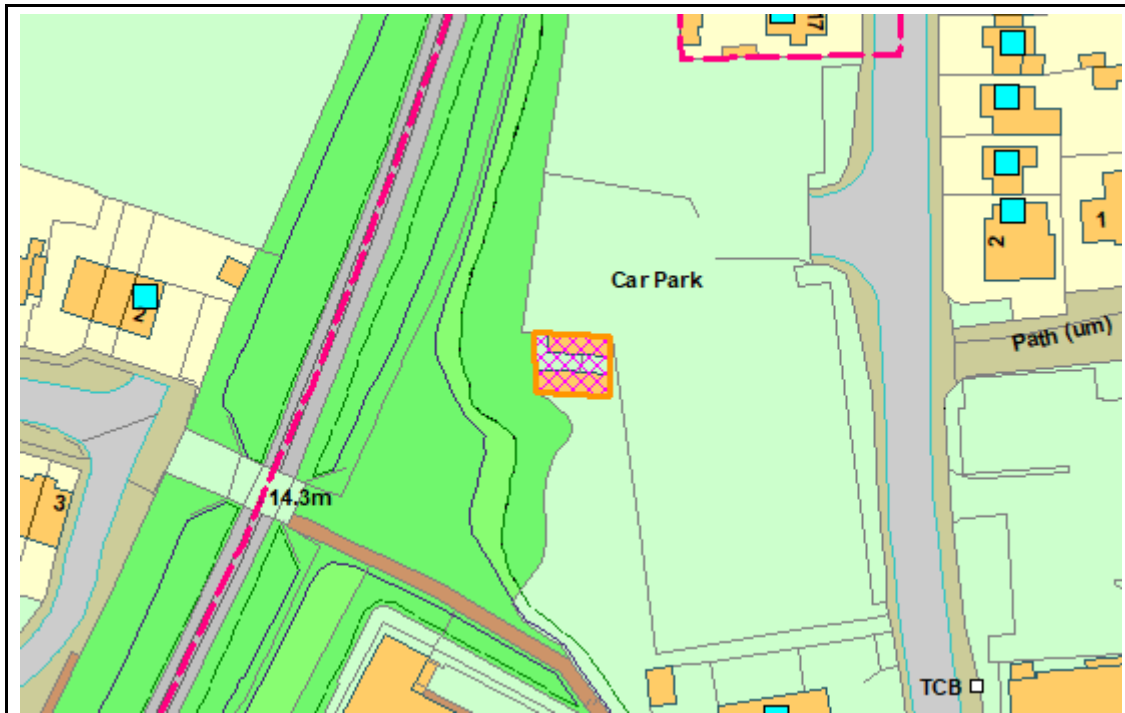
Informatives:

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.

Background information

See application reference DC/24/0110/FUL on [Public Access](#)

Map







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Key

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