



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

# Planning Committee South

## Members:

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

Members are invited to a **Meeting of the Planning Committee South**  
to be held in the Deben Conference Room, East Suffolk House, Riduna Park,  
on **Tuesday, 23 July 2019 at 2:00pm**

An Agenda is set out below.

## Part One – Open to the Public

## Pages

### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

### 3 Minutes

To confirm as a correct record the Minutes of the Meeting held on 25 June 2019

**1 - 24**

		Pages
4	<b>East Suffolk Enforcement Action - Case Update ES/0076</b> Report of the Head of Planning and Coastal Management	25 - 36
5	<b>DC/19/1022/FUL - Bawdsey Manor, Bawdsey, IP12 3BH ES/0074</b> Report of the Head of Planning and Coastal Management	37 - 64
6	<b>DC/19/1539/LBC - The Great House, Church Street, Orford, IP12 2NT ES/0075</b> Report of the Head of Planning and Coastal Management	65 - 69
7	<b>DC/18/4644/VOC - Land South and East of Adastral Park (Brightwell Lakes), Martlesham ES/0077</b> Report of the Head of Planning and Coastal Management	70 - 83

## Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

Interested parties who wish to speak at a Planning Committee meeting will need to register before the start of the meeting, the registration to speak at meetings can take place any time in the five days leading up to the Committee date up to 5pm, the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/planning/planning-applications/planning-committee/> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

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

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Riduna Park, Melton, on **Tuesday, 25 June 2019 at 2:00pm**

**Members of the Committee present:**

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Kay Yule

**Officers present:**

Jamie Behling (Trainee Planner), Liz Beighton (Planning Development Manager), Joe Blackmore (Senior Planning Officer), Rachel Lambert (Planning Officer), Matt Makin (Democratic Services Officer), Danielle Miller (Planning Officer), Katherine Scott (Development Management Team Leader South)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

Councillor Fryatt declared a Local Non-Pecuniary Interest in item 4 of the agenda as the applicant was a neighbour. He advised the Committee that he had not discussed the application with the applicant.

Councillor Hedgley declared a Local Non-Pecuniary Interest in item 4 of the agenda as the Ward Member for Carlford & Fynn Valley.

Councillor McCallum declared a Local Non-Pecuniary Interest in item 5 of the agenda as both the Ward Member for Kesgrave and as the applicant was known to her.

Councillor Yule declared a Local Non-Pecuniary Interest in item 5 of the agenda as the applicant was known to her.

Councillor Bird declared a Local Non-Pecuniary Interest in items 8 and 9 of the agenda as a member of Felixstowe Town Council. He declared an additional Local Non-Pecuniary Interest in item 9 as the applicant was known to him.

Councillor Deacon declared a Local Non-Pecuniary Interest in items 8 and 9 of the agenda as a member of Felixstowe Town Council. He declared an additional Local Non-Pecuniary Interest in item 9 as the applicant was known to him.

### **3 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/0042** of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for the Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 28 May 2019.

The report was presented by the Planning Development Manager, who drew the Committee's attention to information relating to enforcement action at Cowpasture Farm, Gulpher Road, Felixstowe (on page 10 of the report) and Dingle Dell, Leiston Road, Middleton (on page 12 of the report).

#### **RESOLVED**

That the contents of the report be noted.

*At this point in the meeting, the Chairman advised that the agenda would be reordered and that item 9 would be heard next.*

### **9 DC/19/1186/FUL - 246 Ferry Road, Felixstowe**

The Committee received report **ES/0048** of the Head of Planning and Coastal Management. The proposal sought to change the use of a residential annexe to a holiday let unit was before the Committee on the grounds that the applicant was an Elected Member of East Suffolk Council.

The Committee received a presentation on the application by the Planning Officer. The site location was outlined to the Committee. The existing floor plan was demonstrated and the Planning Officer highlighted the residential annex that was proposed to be converted, in relation to the host dwelling.

Elevations of the property were shown along with site photographs showing the host dwelling, extension, driveway, and rear elevation.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that the Council's Economic Development Team had not provided any comments on the application.

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

Members of the Committee did not object to the application, noting that there was no substantive difference in elevations and that Felixstowe Town Council had recommended approval.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Hedgley, seconded by Councillor Fryatt it was unanimously

## **RESOLVED**

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

1. The development hereby permitted shall begin no later than three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the proposed site layout and internal floor plan received on 18 March 2019.

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

3. The premises herein referred to shall be used for holiday letting accommodation or as an 'annexe' and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order (1987) (as amended). The duration of occupation by any one person, or persons, of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the local planning authority agrees in writing to any variation. The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right. This condition is imposed to ensure that the development is occupied only as bona-fide holiday accommodation or as an ancillary annexe, in the interests of residential amenity.

## **4 DC/18/3385/FUL - Street Farm, The Street, Witnesham**

The Committee received report **ES/0043** of the Head of Planning and Coastal Management. The application sought full planning permission for the development of land at Street Farm, Witnesham to provide twenty dwellings of which seven would be affordable homes. The site area was some 1.26 hectares of which 0.7 hectares was allocated in the adopted Local Plan for the residential development of approximately twenty dwellings. The application was before the Committee as part of the site was in the countryside, for planning purposes, and therefore the proposed development represented a departure from the Local Plan insofar as the site area extended into the countryside beyond that which is allocated for housing, noting that a large part of the site was in the Local Plan for residential development.

The Committee received a presentation on the application from the Senior Planning Officer. He outlined to the Committee that Witnesham was made up of two distinct

settlements and this was demonstrated by way of an aerial photograph. He identified the site's proximity to nearby residential dwellings at Giles Way, The Street, and Strugglers Lane, as well as a local golf course.

The application site was shown to be broadly L shaped; it contained a redundant farm complex with disused agricultural buildings remaining on the site. The part of the site running towards the south went up the river valley slope into a pasture field.

The Senior Planning Officer highlighted the area of the site allocated for housing development by policy SSP19 of the Suffolk Coastal Local Plan. The part of the site that extended into the countryside was towards Strugglers Lane. Various photographs were displayed, showing the site access, the site's relationship with nearby residential dwellings, and views of the site from neighbouring buildings. The Committee was also in receipt of photographs of the current state of the site, showing a wall that was proposed to be demolished as well the disused farm buildings.

*Councillor McCallum left the Conference Room at 2.15pm; Councillor Fryatt, the Vice-Chairman, assumed the Chair in her absence.*

The Flood Risk Zone constraints on the development, as detailed within the Officer's report, were highlighted to the Committee.

*Councillor McCallum returned to the Conference Room at 2.16pm and resumed the Chair.*

It was noted that two neighbouring dwellings, Street Farmhouse and Mill House, were both Grade II Listed Buildings.

Vehicle access would be taken from The Street in the north-western part of the site and would feed onto a main spine road running west-east across the site, providing access to sixteen of the proposed dwellings. The road would then turn south and run up the slope to serve the remaining four dwellings.

The separation distances between the proposed dwellings and existing properties were discussed. In reference to objections from residents in Giles Way, it was noted that the closest physical relationship would be at least forty metres.

The Committee was apprised of the proposed designs of the dwellings, including elevations. The mix of housing was detailed. A cross section of the site was shown, and the Senior Planning Officer noted the applicant's proposals to address the changing levels across the site. He stated that it was a characteristic of the settlement to see varying heights of buildings, stating that a condition to control this was proposed within the recommendation to approve.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that the dwellings would not be constructed underneath power lines; the new dwellings would be at least sixty metres away from nearby power lines.

A member of the Committee noted the difference between the site allocated for development in the Local Plan and the application site. The Senior Planning Officer noted that the site area included a Listed Building and curtilage that was not to be developed and also drew attention to the areas of the site within the flood zones 2 and 3, where development could not take place. He considered that twenty dwellings could not be built on the 0.7ha allocated in a way that would respect the setting of the Listed Buildings, and be located outside the area at risk of flooding.

The Planning Officer confirmed that the comments of Swilland and Witnesham Grouped Parish Council had received an extension to its deadline to make comments on the application, and what was included in the report were the Parish Council's final comments.

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

Mr Hockley stated that he was in attendance to answer any questions that the Committee had regarding the application. He thanked officers for engaging with him when he developed the proposal and noted that a Registered Housing Provider had made a bid to take on the affordable housing element of the development.

The Chairman invited questions to Mr Hockley.

Mr Hockley noted that he had increased the site beyond what was allocated for development in the Local Plan in order to not cram properties on to the site. He said that he wanted to build local houses for local people.

The Chairman invited Councillor Fryatt, Ward Member for Witnesham, to address the Committee.

Councillor Fryatt advised the Committee that he had not been the Ward Member when the application was first made. He acknowledged the resolution of the Parish Council on the matter and applauded the developer for taking on board the points made by Planning Officers during the process. He was positive about the conditions in the recommendation that addressed the concerns of neighbouring residents.

There being no questions to Councillor Fryatt, the Chairman invited Councillor Hedgley, Ward Member for Witnesham, to address the Committee.

Councillor Hedgley was of the opinion that the site should be developed. He considered the application to be well designed and twenty dwellings to be sufficient. He sympathised with the views of the residents in Giles Way but deferred to the officer advice regarding the flood risk being mitigated. He did not object to the application.

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



A member of the Committee concurred with the views of the Ward Members; he said that he had studied the application in detail and considered the application to be a good one.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Fryatt, seconded by Councillor Hedgley it was

## **RESOLVED**

That the Head of Planning and Coastal Management be given delegated **AUTHORITY TO APPROVE**, subject to a S106 legal agreement to secure affordable housing provision; per-dwelling financial contribution to the Suffolk RAMS; and details of the long-term management and maintenance of the site.

The following planning conditions are also recommended:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drawing Nos. 001, 005, 006, 006, 007, 008, 009, 011, 012, 013 and 014, received 13 August 2018;
- CGI images - drawing no. 015, received 04 September 2018;
- Drawing Nos. 004 revA, 010 revB, 017 revA and 019, received 17 December 2018;
- Drawing No. 1140 (Street Farm Landscaping Strategy), received 20 December 2018;
- Proposed Site Layout Drawing No. 002 revD, received 06 February 2019;
- Flood Risk Assessment and Drainage Strategy, and Design & Access Statement, received 15 March 2019; and
- Preliminary Ecological Appraisal (Castle Hill Ecology, 2018), received 03 June 2019.

Reason: For the avoidance of doubt and to secure a properly planned development.

3. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the approved dwellings and garages have been submitted to and approved in writing by the local planning authority.

Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high quality finish in the interest of securing good design in accordance with Core Strategy design policy DM21 (Design: Aesthetics).

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate;

- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

5. No development shall take place within the 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 the 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 WSI.

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 site boundary from impacts relating to groundworks and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by the development.

6. No development shall commence until precise details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

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

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

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

8. No development shall commence until details of a Construction Surface Water

Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include:

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

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan.

9. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (as shown on Drawing No.1140 Street Farm Landscaping Strategy) and the appropriate working methods in accordance with British Standard BS5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars].

Reason: To ensure that trees on and around the site are not damaged through the construction of the development.

10. No works or development shall commence until a full specification of all proposed tree and hedge planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a well laid out scheme of landscaping in the interest of good design and preserving the special qualities of the river valley location.

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

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant

receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

Reason: To ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

Reason: To ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. No development shall take place until full details of the finished levels of the development ('The Levels Plan'), above ordnance datum, has been provided and approved in writing by the Local Planning Authority. The levels plan must include precise details of all earthworks showing existing and proposed finished levels or contours; proposed floor levels of all the proposed buildings, in relation to ground levels; and proposed levels of all areas of hard landscaping across the site. This plan must also include site sections to demonstrate this. The development shall be carried out in accordance with the approved details.

Reason: Due to the sloping nature of the site, further precise details are required to understand the relative levels where development will take place.

14. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

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

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

17. No other part of the development shall be commenced until the new vehicular access onto The Street (B1077) has been laid out and completed to at least Binder course level or better in accordance with the approved Road Details Plan (Drawing No. 019) and been made available for use. The access shall be fully completed prior to final occupation and thereafter be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate standard and made available at the right time.

18. Before the approved access is first used, visibility splays shall be provided as shown on Drawing Nos. 019 and 002 revD with an X dimension of 2.4 metres; and a Y dimension of 90 metres; and thereafter retained in the specified form.

Notwithstanding the provisions of Schedule 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 over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive have sufficient visibility to safely enter the public highway.

19. The use shall not commence until the areas within the site on Drawing Nos. 019 and 002revD for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

20. In accordance with the details in the submitted Preliminary Ecological Appraisal (November 2018), the recommended methods of working in Chapter 6 (in respect of conserving Bats, Breeding Birds, Terrestrial Invertebrates, Reptiles and Barn Owl) shall be adhered to during the site clearance, demolition and period of construction.

Reason: To ensure that any impacts on priority/protected species are minimised during.

21. In accordance with the recommended habitat enhancements in the submitted Preliminary Ecological Appraisal, the development shall include:

- The erection of two bird boxes on mature trees within the south-western tree line, which should be a minimum of 4 metres above ground level; and
- The inclusion of one integrated bat box in each of the detached and semi-detached buildings. The boxes shall be a minimum of 4 metres above ground level and on south-east to south-west orientations.

Reason: To ensure that the proposal delivers habitats enhancements in accordance with the objectives of Core Strategy Policies SP14 and DM27 (Biodiversity and Geodiversity).

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the landscaping strategy is implemented in a timely manner.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

24. Prior to the construction of the dwellings at plots 1-11, details of the boundary fences that divide the residential gardens intersecting the river Fynn shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained in the approved form.

Reason: To ensure these fences are permeable (to allow the flow of water) and incorporate removable sections/panels to enable emergency access to the watercourse for the Environment Agency.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no new outbuildings/garages and sheds; areas of hardstanding; and gates, fences and walls erected within the rear gardens of plots 1-11 unless express planning permission is obtained for such development from the Local Planning Authority.

Reason: Physical objects and development in this area may obstruct flood flows which would increase flood risk both on and off-site. Clear access to the watercourse also needs to be retained for the Environment Agency.

## **5 DC/19/1391/FUL - 67 Holly Road, Kesgrave**

The Committee received report **ES/0044** of the Head of Planning and Coastal Management. The application sought planning permission to extend the bungalow at

67 Holly Road, Kesgrave. The application was submitted on the basis that the proposal would be a “part implementation” of a larger scheme of extensions already approved under DC/17/2437/FUL. However, as this was a standalone application, the submitted proposal was assessed on its own merit – and not as a component part of any previous approval. The application had been brought to the Committee through the Referral Panel due to the complex history associated with the site and that the earlier application had been considered by Suffolk Coastal District Council's Planning Committee.

The Committee received a presentation on the application from the Senior Planning Officer. He advised the Committee that the extant planning permission on the site had been allowed on appeal, following the application's refusal by Suffolk Coastal District Council's Planning Committee.

The site location was identified. The site was bordered to the south by properties on Yew Tree Grove, which consisted of small bungalows with short back gardens. The Committee was shown various photographs of the site and the area surrounding it, which demonstrated its relationship with 65 Holly Road as well as the relatively low height of properties in the area.

The Senior Planning Officer outlined the details of the extant planning permission, which had not been built out, and the reasons for refusal given by Suffolk Coastal District Council's Planning Committee. The extant planning permission was considered to be the fallback position for the new application. He also noted a civil issue between the applicant and the residents of 65 Holly Road, which had resulted in the applicant not building out the extant planning permission. The Committee was advised that this was not a material planning consideration.

The block plan of the new application was compared to that of the extant planning permission. The proposed elevations of the application were also displayed.

The key issues were summarised as policies DM21 (Design: Aesthetics) and DM23 (Residential Amenity) of the Local Plan, and the fallback position of a larger approved scheme.

The recommendation to refuse the application, as it was considered to be contrary to policies DM21 and DM23, was outlined to the Committee.

The Chairman invited questions to the Officer.

A member of the Committee sought clarification on the term “part implementation”. The Senior Planning Officer reiterated that the application had been submitted on the basis that the proposal would be a “part implementation” of a larger scheme of extensions already approved under DC/17/2437/FUL. However, as this was a standalone application, the submitted proposal was assessed on its own merit – and not as a component part of any previous approval.

The Committee was referred to the Appeal Decision relating to the approved scheme, which was appended to the Officer's report, which referred to Suffolk Coastal District Council's reasons for refusal. In response to a question from a member of the

Committee, the Senior Planning Officer confirmed that residential amenity was a factor in the current reason for refusal.

The Chairman referred to guidance on "right to light", highlighting that this was a civil issue and not a material planning consideration.

It was confirmed that the main concerns of officers related to design aesthetics and that residential amenity was a secondary reason for refusal.

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

Ms Barker stated that she had engaged with Planning Officers in February 2019 regarding a partial build on what had been approved, due to concerns relating to deadlines to begin building and ongoing civil matters. She considered that her family needed the space that the extension would provide.

The Committee was advised by Ms Barker that she had engaged with her neighbours about plans for the bungalow before making an offer on the property and had not received any objections until planning applications were made. She said that she had not wished to cause upset to her neighbours and deeply regretted any harm caused by not engaging with residents in Yew Tree Grove.

Ms Barker said that she was treating this application as phase one of development to secure the initial extension, before proceeding to phase two. She noted that the footprint of the development remained unchanged and that the only difference in the new scheme was the location of an internal staircase.

The Chairman invited questions to Ms Barker.

A member of the Committee sought clarification on the reasons for the application, given the extant planning permission that was in place. Ms Barker stated that a new application had been submitted to secure what she considered phase one of the extant planning permission. The Senior Planning Officer reiterated that from a planning point of view, the extant planning permission could be built out. The Planning Development Manager also clarified that the application differed from what had been approved on appeal and that it should be treated as such.

Councillor McCallum, who was the Chairman of the Committee, addressed the Committee in her capacity as Ward Member for Kesgrave. She noted that the application was a difficult one and that the civil matters pertaining it should not be confused with material planning considerations. She said that having spoken to neighbours, she had been advised that they were happier with the updated design. She acknowledged the recommendation of refusal and considered that the design of the proposal was the key point to be considered by the Committee.

There being no questions to Councillor McCallum, the Committee was invited to debate the application that was before it.

A member of the Committee, who had visited the site, was unsure of the impact of the new proposal and was unsure on what was being applied for. He also referred to the



civil matters related to the site; at this point the Chairman reiterated that the application before the Committee was separate to what had been approved on appeal and was to be determined as such. The Planning Development Manager recapped the details of the new proposal and reminded the Committee that the ongoing civil issues were not for the Committee to discuss or consider when determining the application. The member of the Committee who had opened the debate thanked the Planning Development Manager for her explanation of the new scheme; he considered it to be a form of cramped development and stated that he supported the Officer's recommendation.

Several members of the Committee were of the opinion that there had been little improvement on the approved application in terms of design and did not support the application, stressing the need to be consistent with previous determinations. One member of the Committee considered that the design was worse than what had been approved on appeal.

Other members of the Committee acknowledged the points raised in debate but noted where similar developments had been approved in the past and were minded to approve the application.

The Chairman highlighted that there was an eclectic mix of building design in Holly Road and said that she agreed with the points raised by members of the Committee who supported the application.

The proposal's design was criticised by a member of the Committee, who was of the view that the Committee should have regard to the policies of the Local Plan. The Chairman read out the text of policy DM23 and stated that the immediate issue to consider was the interpretation of the policy in relation to the proposed design.

There being no further debate, the Chairman invited the Committee to determine the application. The recommendation to refuse, as outlined in the report, was proposed and seconded, but by a majority vote was not carried.

The Chairman sought an alternative recommendation from the Committee. She suggested that the application was in accordance with policies DM21 and DM23 of the Local Plan and did not impact on the surroundings or street scene and would not cause significant harm. The Vice-Chairman also quoted paragraph (a) of DM21, which stated that proposals should relate well to the scale and character of their surroundings particularly in terms of their siting, height, massing and form. The Planning Development Manager asked the Committee if it wished to apply any specific conditions beyond the standard conditions that could be applied; after discussion regarding the possible removal of permitted development rights it was noted that the Committee did not wish to apply any specific conditions to the recommendation.

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

**RESOLVED**

That the application be **APPROVED**, subject to standard conditions (relating to 3 year time limit, drawings and materials), as it was in accordance with policies DM21 and DM23 of the Local Plan and did not impact on the surroundings or street scene and would not cause significant harm.

## **6 DC/19/0521/OUT - 1 Holly Villas, Melton Road, Melton**

The Committee received report **ES/0045** of the Head of Planning and Coastal Management. The application had been heard by the Shadow Planning Committee (South) of the East Suffolk Shadow Authority on 18 April 2019 but was deferred at that meeting, to enable a site visit to be undertaken prior to the item being taken back to Committee for determination. A site visit was undertaken at 12pm on 25 June 2019, prior to the Committee meeting commencing.

Outline Planning Permission was sought for the erection of a 1.5 storey dwelling with access from Daines Lane to the rear of 1 Holly Villas, Melton Road, Melton. Matters in relation to appearance, scale and design were reserved for future determination. The application therefore was to consider only the principle of development and means of access.

The application was before the Committee as Melton Parish Council had raised objections. The application was heard by the referral panel, who had requested that it came before the Committee to enable all competing issues to be debated in public.

The Committee received a presentation on the application from the Planning Development Manager, on behalf of the Planning Officer allocated to the application. The Committee was apprised of the site's location and was informed of the access from Daines Lane to houses on that road as well the garages to the rear of properties on Melton Road. An indicative block plan was also outlined.

Photographs of the site were displayed. The Planning Development Manager acknowledged that the Highways Authority had not objected to the application and was content with the vehicle access arrangements. She also drew attention to the red line boundary of the site and its relationship with the neighbouring Hoo House.

The Planning Development Manager advised that a fence under 2m in height could be placed on the boundary abutting Hoo House under permitted development rights. The trees on that section of the border were not subject to any Tree Protection Orders so could also be removed.

It was noted that Hoo House was of a unique design and had received awards for this aspect, but that this did not afford any greater degree of protection than was held by the other neighbouring properties. She advised the Committee that it needed to be mindful of the site's relationship to Hoo House.

The key issues were summarised as being all matters except access being reserved, the principle of development, and access.

The Planning Development Manager informed the Committee that the site was considered by officers to be able to accommodate the size of dwelling that was proposed and that the concerns raised by Melton Parish Council could be addressed

through conditions attached to any Reserved Matters application that would be considered in the future. The Committee was advised that it could attach informative information to any permission it granted for this application and that officers would seek a Construction Management Plan for any development.

The Officer's recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that all other matters could be controlled through a Reserved Matters application, which would need to comply with any outline planning permission granted. The application that was before the Committee would control the site boundary, the number of dwellings on the site, the height of the dwelling, and the position of the access to the site. She reiterated that informative information could be attached to any outline planning permission to give a clear steer on where on the site the dwelling should be sited and that this aspect would be controlled by the Committee when it considered a Reserved Matters application.

In response to a question from the Vice-Chairman, the Planning Development Manager advised that bin collection lorries already served the existing properties on Daines Lane.

A member of the Committee, who had attended the site visit earlier in the day, asked about the scale of the site location plan, as he considered Hoo House to be closer to the site than demonstrated in the plan. The Planning Development Manager confirmed that the drawing was to scale and noted that Members had visited the site and the relationship between the boundary and Hoo House had been highlighted during that visit.

The Chairman invited Mr Bolton, who objected to the application, to address the Committee.

Mr Bolton informed the Committee that he lived at Hoo House with his family. He stated that the application site had not been used for parking and that, in his view, approving the application would contravene both policy DM23 of the Local Plan and also the Melton Neighbourhood Plan. He noted that the latter document prohibited overdevelopment and cramming and said that the application before the Committee was a prime example of this; he was of the view that if approved would encourage similar development in the area. The Neighbourhood Plan also stated that development should not affect neighbours by blocking daylight; Mr Bolton explained that Hoo House's layout had been designed to maximise natural light and considered that a dwelling on the site would impact his family's privacy by either overlooking into living areas, or with the erection of a fence under permitted development rights impacting access to natural light.

Parking access was also raised by Mr Bolton. He noted that utility vehicles already did not use Daines Lane and that parking access to the site would have significant impact on Concord House, the dwelling opposite the site.

Mr Bolton concluded by referring to the protection given to the trees on the boundary with Hoo House and queried the lack of similar protection for the proposed development. He considered that the application was of no benefit to anyone except the developer and was contrary to the implicit duty of care that the Council had to its residents.

The Chairman invited questions to Mr Bolton. There being no questions to Mr Bolton, the Chairman invited the Planning Development Manager to address some of the points raised by Mr Bolton.

The Planning Development Manager advised that the proposal was not considered to be overdevelopment and considered that the issues raised in respect of the Melton Neighbourhood Plan could be controlled under conditions attached to any Reserved Matters application, which could be negotiated on the granting of outline planning permission. The trees on the site boundary with Hoo House had been protected for a five-year period which had since expired. The Planning Development Manager reiterated officers' views regarding parking access and the lack of objection from the Highways Authority, noting that who bought the property was not a material planning consideration. A member of the Committee asked if a further period of protection could be given to the trees on the site; the Planning Development Manager advised that Mr Bolton had been referring to trees crossing the boundary, which could be removed.

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

Several members of the Committee expressed concern regarding the eventual siting of a dwelling within the site, but acknowledged that this would be controlled through a Reserved Matters application. It was noted that the site was a building plot and that concerns raised by objectors and Melton Parish Council could be addressed at the next stage of application.

It was noted by another member of the Committee that the application was for outline planning permission and that the Committee was required to determine whether or not the site could host a dwelling of the size proposed and if the access to the site was acceptable. He considered that this was the case and was in support of the application.

A member of the Committee considered that the site area was cramped and the access narrow. He was particularly concerned about the impact any development would have on Concord House and Hoo House.

In response to a question from the Committee, regarding any possible grounds that the application could be refused on, the Chairman considered that refusing on grounds of cramming and/or access would be difficult to defend at appeal. She added that should the application be refused at the outline stage and approved by the Planning Inspectorate on appeal, this could alter what would appear on the site. The Planning Development Manager agreed with this assessment and reminded the Committee that further detail would be dealt with by any Reserved Matters application. She stated that should the Committee resolve to refuse the application, officers would mount a robust defence of any appeal, but that any refusal would be difficult to defend.

The issue of highway maintenance was raised. The Planning Development Manager said that, as the highway was private, this would be a civil matter and not part of any planning consideration.

A member of the Committee sought confirmation that access to the site during construction could be conditioned. The Planning Development Manager reiterated the intention to pursue a Construction Management Plan for the site.

It was considered by another member of the Committee that the application could not be refused on principle of access, as this principle was already established by vehicles using Daines Lane to access existing dwellings. He did not consider that there were viable grounds to refuse the application.

The debate was concluded with reference to the Officer advice and the NPPF's presumption in favour of sustainable development.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Cooper, seconded by Councillor Bird it was unanimously

## **RESOLVED**

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

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

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

2. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

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

3. This permission is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010) and before work on the development is begun, approval of the details of the appearance, landscaping, layout and scale [herein called the "reserved matters"], shall be obtained from the local planning authority.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) no such details having been given in the application.

4. The development hereby permitted shall not be carried out other than in complete accordance with the site location plan and Drawing No 5328:4 in relation to the access arrangement received on 05.02.2019

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

5. In the event that contamination which has not already been identified to the Local Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

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

6. Prior to commencement a method of Construction Management Plan must be submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in this area of Daines Lane during the construction phase of the development.

7. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the existing maple tree and beech tree has been erected 1 metre beyond the canopy of the tree(s). The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

8. No development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

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

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

10. Two parking spaces are to be provided on site with suitable turning space to allow vehicles to enter and exist the public highway in a forward gear and shall be retained thereafter in its approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in a forward gear in the interests of highway safety.

*Following the determination of the application, the Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.43pm and was reconvened at 3.57pm.*

## **7 DC/19/1327/FUL - 1a Burkitt Road, Woodbridge**

The Committee received report **ES/0046** of the Head of Planning and Coastal Management. Planning Permission was sought for the retention of a detached workshop that had been built without planning permission in a position slightly further away from the road than currently occupied. In addition, the application also proposed a new single storey side extension connected to the workshop via a flat roof. This item had come before the Committee through the referral process on the grounds that the workshop was subject to an enforcement complaint and the Panel wished for the impact on the streetscene to be considered by the Committee.

The Committee received a presentation on the application from the Trainee Planner. The site's location was outlined, and the existing block plan was detailed. It was noted that the workshop's new location would bring it closer to the hose dwelling.

The proposed elevations were demonstrated. The Committee was also apprised with elevations from approved Planning Permission granted in 2014.

Photographs of the site were displayed. These showed the views of the site and the existing workshop from the highway, The area of the site where the workshop was

proposed to be moved to and where the single storey extension was proposed to be constructed, as well as a view of the site from a neighbour's garden.

The key issues were summarised as being overdevelopment, loss of green space, and being out of keeping with the streetscene.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that Planning Permission was required for the workshop due to its proximity to the highway and as the site was within a Conservation Area.

The proposed workshop was described as being slightly shorter than what was currently in place.

In response to a question regarding a different roof type being more acceptable, the Chairman reminded the Committee that it was not in its remit to modify the application but to consider what was in front of the Committee.

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

Mr Hodd stated that he had moved into 1a Burkitt Road in 2012 and since then had enhanced the wildlife offer of its garden. He said he had previously applied for a larger extension but had, on reflection, decided that the small extension contained within the current application was sufficient. The Committee was advised that with the relocation of the workshop and the addition of the extension, there would be a net gain of 20m<sup>2</sup> for the ground floor area.

It was considered by Mr Hodd that the workshop would be hidden from view due to its reduced height and proposed planting. He added that the roof of the extension would be a green-friendly roof. The area of garden proposed for the development was shown to not have been green space previously.

Mr Hodd noted that the development would be of benefit for his neighbour as it would improve access and remove any overlooking caused by the current workshop. He hoped that the Committee would support the application as part of the conservation of the building.

There being no questions to Mr Hodd, the Chairman invited Councillor Yule, Ward Member for Woodbridge, to address the Committee.

Councillor Yule considered that the relocation of the workshop would be an improvement and have a positive impact on the neighbouring property. She noted that the applicant was doing as much as possible to encourage wildlife on the site and was of the view that the proposal would be a visual improvement on what was currently in place.



There being no questions to Councillor Yule, the Chairman invited the Committee to debate the application that was before it.

Members of the Committee were impressed by Mr Hodd's presentation and were supportive of the application.

There being no further debate, the Chairman moved to the recommendation to approve, subject to conditions. On the proposition of Councillor Yule, seconded by Councillor Fryatt it was

## **RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with A02/01 received 29/03/2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

## **8 DC/18/0272/FUL - Beach Huts, Sea Road, Felixstowe**

The Committee received report **ES/0047** of the Head of Planning and Coastal Management. The proposal sought to carry out platform repairs and an extension for the provision of six new beach huts and was before the Committee due to the applicant being East Suffolk Council.

The Committee received a presentation on the application from the Planning Officer. The site's location and its proximity to Felixstowe Pier and the Sea Road car park was outlined. The Committee was shown the proposed plans and elevations relating to the repairs, extension, and the provision of new beach huts. The arrangements for winter storage were also detailed.

Photographs displaying the existing beach huts, the platform to be extended, the view from the site to Felixstowe Pier, and the spacing between the existing beach huts, were shown to the Committee.

The recommendation to approve, subject to conditions, was outlined to the Committee.

The Chairman invited questions to the Officer.

In response to a question on the comments of Felixstowe Town Council in regard to policy FFP20 of the Felixstowe Peninsula Area Action Plan, the Planning Officer acknowledged that the application was contrary to this policy due to the addition of new beach huts on this area of the coastline, but said this was mitigated by the existing beach huts in the area. It was acknowledged that the beach huts were not of a uniform size.

Another member of the Committee questioned the Officer recommendation being contrary to this policy. The Chairman advised that this question was best directed to the application and reminded the Committee that the policies provided guidance and were designed to have an element of flexibility where appropriate. She noted the Officer's view that there would be more weight given to the policy if the site area did not contain any beach huts already.

A member of the Committee asked what precedent would be set if this application was approved. The Planning Officer said that when writing her report, she had considered the impact that the development would have on the Conservation Area against the positive benefits additional beach huts would bring to the area. She also noted the cost benefit of maintaining and repairing the existing facilities on the site.

The Chairman invited Neil Cockshaw, Programmes and Partnerships Manager and representing the Council as the applicant, to address the Committee.

Mr Cockshaw outlined that the application had first been submitted in early 2018 due to concerns regarding the state of the existing platform but was withdrawn in March 2018 due to the impact of adverse weather on the area. He said that the current application was a resubmission and that since the previous application had been withdrawn, the state of the platform had deteriorated further and needed urgent repair. There had also been an impact on beach huts sited north of Felixstowe Pier and it was intended that the five of the new beach huts be relocated huts from that area of the coastline, with the sixth being a new beach hut to be sold to fund the repairs and maintenance required.

There being no questions to Mr Cockshaw, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee, who was Ward Member for Western Felixstowe, considered that policy FFP20 had been misinterpreted. He noted that it did not stand in contravention to the existing beach huts on the site but referred to the addition of further beach huts and the redirection of new allocation to other areas of the Felixstowe coastline. He accepted the Chairman's point regarding policies providing guidance and there being circumstances where policy could be departed from but saw no justification to do so in this case. He added that the addition of a new beach hut to cover costs was not a material planning matter and noted the strong feeling from Felixstowe Town Council on the application given concerns that the new beach huts

would draw from the view of Felixstowe Promenade. This was echoed by another member of the Committee, also a Ward Member for Western Felixstowe, who referenced a recent case where the Spa Pavilion had complained about beach huts blocking the views of the restaurant.

Other members of the Committee agreed that there was no justification to depart from policy in this instance; the Vice-Chairman noted that there was no evidence that the new beach hut was required to enable the repairs required.

There being no further debate, the Chairman invited the Committee to determine the application. The recommendation to approve, subject to conditions, was proposed, seconded but by a majority vote was not carried.

The Chairman sought an alternative recommendation from the Committee. Following further debate, it was suggested that the Committee could consider a recommendation to refuse, as the application was contrary to policy FFP20 of the Felixstowe Peninsula Action Plan and would cause significant harm as the addition of further beach huts would be intrusive and detract from the seaside experience, in particular the loss of sea views from the promenade.

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

#### **RESOLVED**

That the application be **REFUSED** as it is contrary to policy FFP20 of the Felixstowe Peninsula Action Plan and would cause significant harm as the addition of further beach huts would be intrusive and detract from the seaside experience, in particular the loss of sea views from the promenade.

The meeting concluded at 4:30pm

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Chairman

## **PLANNING COMMITTEE**

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**23 July 2019**

**Report Author and Tel No**

**Mia Glass**  
**01502 523081**

**Is the report Open or Exempt?**

**Open**

## **REPORT**

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 08 July 2019. At present there are 18 such cases.

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

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

## **RECOMMENDATION**

That the report concerning Outstanding Enforcement matters up to 08 July 2019 be received.

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition  Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> <li>• Breach of Condition Notice</li> <li>• Compliance expired following extension of time</li> <li>• Further consideration by Service Manager and Legal</li> <li>• See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants</li> <li>• Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case.</li> <li>• Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case.</li> <li>• Further information being gathered from other bodies.</li> </ul>	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> </ul>	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> <li>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.</li> <li>10/11/2015 – Informal hearing held</li> <li>01/03/2016 – Planning Appeal dismissed</li> <li>04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>Trial date set for 21/04/2017</li> <li>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.</li> <li>The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>21/11/2017 – Mobile home and steps removed from site.</li> <li>Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> <li>27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 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).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <li>• 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> <li>• 04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the</li> </ul>	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>non-attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>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 07/09/2019.</li> </ul>	
EN/09/0305	18/07/2013	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>Authorisation granted to serve Enforcement Notice.</li> <li>13/09/2013 -Enforcement Notice served.</li> <li>11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months</li> <li>11/07/2014 - Final compliance date</li> <li>05/09/2014 - Planning application for change of use received</li> <li>21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>09/08/2016 – Site re-visited, some caravans removed but 20 still in situ. Advice to be sought.</li> <li>Further enforcement action to be put on hold and site to be monitored</li> <li>Review in January 2019</li> <li>29/01/2019 - Legal advice sought; letter sent to</li> </ul>	April 2021



LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021.	
EN13/005	13/12/2013	High Grove Wood, Low Road, Great Glemham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> <li>• 13/12/2013 – PCN served</li> <li>• 19/09/2014 – Enforcement Notice served - takes affect 24/10/2014</li> <li>• 24/02/2015 - Compliance due date</li> <li>• 07/07/2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered.</li> <li>• 16/07/2015 – Preliminary hearing at Crown Court, next appearance has been set for 18/09/2015.</li> <li>• 02/09/2015 – Enforcement Notice withdrawn on legal advice</li> <li>• 04/03/2016 – New PCN served.</li> <li>• 05/04/2016 – PCN re-served</li> <li>• 27/04/2016 – Completed PCN not returned.</li> <li>• Case is due to be heard at Ipswich Magistrates Court on 01/11/2016 for the offence of failing to return a Planning Contravention Notice.</li> <li>• Case has been adjourned until 06/12/2016</li> <li>• Trial date set for 03/02/2017</li> <li>• Trial has been discontinued for further Enforcement Notice to be served.</li> <li>• 27/06/2017 – Enforcement Notice served, Notice effective on 28/07/2017, compliance by</li> </ul>	30/07/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>28/11/2017.</p> <ul style="list-style-type: none"> <li>• 23/01/2018 – site visit undertaken</li> <li>• 08/05/2018 – Site visited on pre-arranged visit, access denied. Another visit arranged for 31/05/2018.</li> <li>• 21/06/2018 – Site visited.</li> <li>• 06/07/2018 – Legal advice being sought as to further action.</li> <li>• 11/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 12/09/2018 – Case referred back to Legal Department for further action to be considered</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2017 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Four months given for compliance with Enforcement Notice.</li> <li>• 07/03/2019 – Site visit undertaken to check on compliance with Injunction.</li> <li>• 01/04/2019- File has been passed back to Legal Department for further action.</li> <li>• 07/05/2019 – Case was heard at the High Court for failure to comply with the Enforcement Notice. Case has been adjourned for sentencing until the 26/07/2019</li> </ul>	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2014/0104	16/08/2016	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> </ul>	30/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> <li>01/04/2019 – Enforcement Notice served.</li> <li>28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> </ul>	
ENF/2016/0292	11/08/2016	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2016/0425	21/12/2016	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> <li>EN served on 21/12/2016</li> <li>Notice becomes effective on 25/01/2017</li> <li>Start date has been received. Public Inquiry to be held on 08/11/2017</li> <li>Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018.</li> <li>06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018).</li> <li>Site visit to be conducted once compliance period has finished.</li> <li>09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>Site visit due on 07/01/2019.</li> <li>07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services</li> </ul>	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>for further action.</p> <ul style="list-style-type: none"> <li>• 26/02/2019 – Update to be given at Committee.</li> <li>• Awaiting update from Legal.</li> <li>• 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 07/09/2019</li> </ul>	
ENF/2017/0170	21/07/2017	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>• 16/11/2017 – Authorisation given to serve EN.</li> <li>• 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> </ul>	31/07/2019
ENF/2018/0035	26/04/2018	9 Hillcrest Knodishall	Untidy Site	<ul style="list-style-type: none"> <li>• 26/04/2018 – S215 Notice served</li> <li>• 3 months for compliance from 28/05/2018</li> <li>• 29/08/2018 – Further action passed to Public Sector Housing Team to take forward.</li> <li>• 09/01/2019 – Site visited, some work has been done to comply with Notice, site to be monitored.</li> </ul>	31/07/2019
ENF/2017/0387	14/08/2018	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> <li>• 14/08/2018 – S215 Notice served</li> <li>• 3 months for compliance from 13/09/2018</li> <li>• 12/11/18 - Site in the process of being cleared.</li> <li>• 24/12/2018 - Site has been predominantly cleared.</li> <li>• 26/02/2019 – Property has recently been sold,</li> </ul>	31/07/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>final works expected to be done imminently.</p> <ul style="list-style-type: none"> <li>• <b>Property sold at auction, further time given to clear site.</b></li> </ul>	
ENF/2015/0279/DEV	05/09/2018	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• 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.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> </ul>	30/09/2019
ENF/2018/0057/	15/11/2018	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> </ul>	30/09/2019
ENF/2018/0276	23/11/2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Application received to Discharge Conditions</li> <li>• Application pending decision</li> </ul>	31/07/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0319/COND	19/12/2018	Windy Acres Mutfordwood Lane Mutford	Change of use of 'Day Room' to permanent residential accommodation.	<ul style="list-style-type: none"> <li>Retrospective planning application submitted 26/10/2018</li> <li>Planning application refused 29/11/2018</li> <li>Enforcement Notice served to rectify breach relating to the change of use of 'day room to residential dwelling' on 19/12/2018.</li> </ul>	30/07/2019
ENF/2018/0330/LISTM	17/05/2019	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> <li>Listed Building Enforcement Notice served on 17/05/2019.</li> <li>Notice takes effect on 20/06/2019. Three months for compliance</li> </ul>	20/09/2019
ENF/2018/0543/DEV	24/05/2019	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li><b>Enforcement Appeal has been submitted to the Planning Inspectorate.</b></li> </ul>	28/09/2019

**SOUTH PLANNING COMMITTEE – 23 JULY 2019**

**ES/0074**

**APPLICATION NO** DC/19/1022/FUL

**LOCATION** Bawdsey Manor  
Bawdsey  
IP12 3BH

**EXPIRY DATE** 5 May 2019  
**APPLICATION TYPE** Full Application  
**APPLICANT** PGL Travel Ltd

**PARISH** Bawdsey

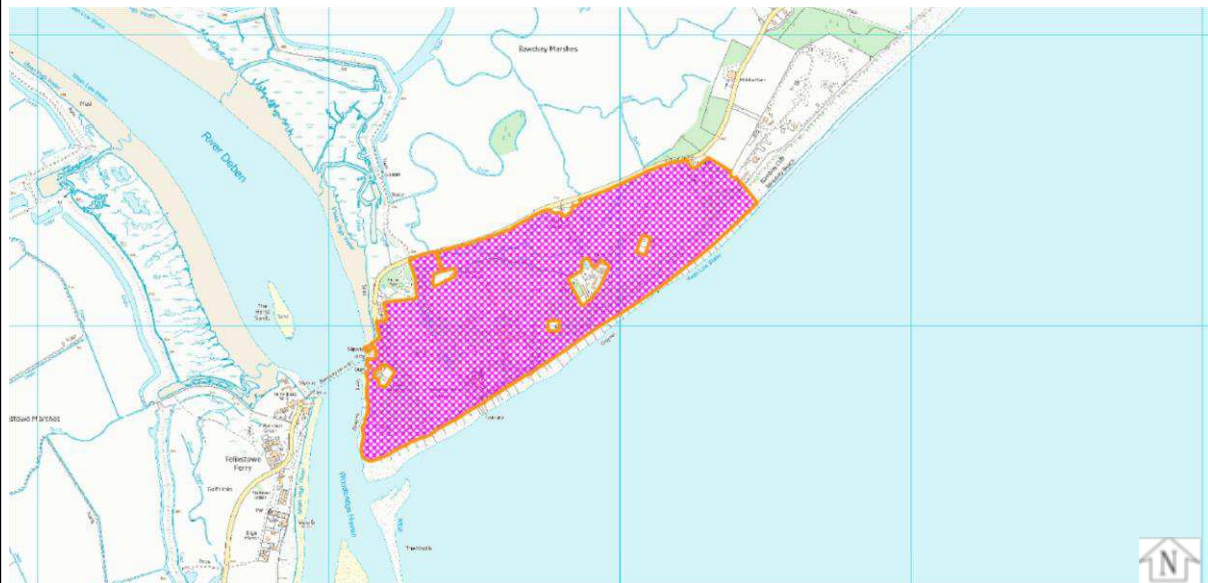
**PROPOSAL** Creation of a lake for recreational activities such as raft building and canoeing, including excavation, the re-use of excavated materials onsite, and the re-organisation of consented Activity Structures within the Bawdsey Manor Estate.

**CASE OFFICER** Michaelle Coupe, Senior Planning & Enforcement Officer  
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**DC/19/1022/FUL – Bawdsey Manor, Bawdsey Manor Estate, IP12 3BH**

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**1 EXECUTIVE SUMMARY**

The application seeks planning permission to provide a lake within the grounds of Bawdsey Manor Estate for use by the applicant (PGL) who run a children's outdoor activity/educational centre on the site. The lake would provide opportunities for canoeing and raft building by guests. The material excavated for the lake is proposed be



**re-used on the estate. It is also proposed to re-position activity equipment previously consented within the grounds.**

**The application has been referred to Planning Committee because of the sensitive nature of the site, the finely balanced nature of the recommendation and level of public interest.**

**The recommendation is Authority to Determine with Approval being recommended subject to the satisfactory resolution of ecological impacts, noise impact and ensuring that the heritage benefits that form part of the justification are implemented within a reasonable time frame.**

## **2 SITE DESCRIPTION**

- 2.1 The site forms part of the Bawdsey Manor Estate situated at Bawdsey Quay within the Suffolk Coast & Heaths Area of Outstanding Natural Beauty. The eastern boundary of the Estate borders the coastline and its northern boundary adjoins Ferry Road. To the south and west is the River Deben Estuary designated a Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI). A section of the coastline is also an SSSI (Bawdsey Cliff SSSI) designated for its geological interest.
- 2.2 The Bawdsey Manor Estate comprises a late Victorian/Edwardian country estate overlaid with military structures from the mid twentieth century which are of particular significance because of the role Bawdsey played in the development of radar technology. At the heart of the estate is a grand mansion dramatically positioned close to the cliff. It is a Grade II\* listed building and built in an eclectic style with Jacobethan and French chateau references. Its varied use of materials and turrets and other embellishments given it a lively decorative character.
- 2.3 Within the Estate are a number of ancillary estate buildings and structures and buildings associated with the sites previous occupation by the RAF, some of which are listed in their own right. These include the transmitter block (Grade II\*) and receiver block (Grade II) which contribute to the sites international significance in the development of radar technology.
- 2.4 The associated gardens and parkland are a regionally rare example of an ornamental estate landscape entirely developed within the late nineteenth and early twentieth Century. It includes extensive terraces and a series of formal gardens close to the mansion, including an unusual and extensive Pulhamite cliff garden and walk, all set within a wider parkland of open-grown specimen trees and clumps enclosed by a series of perimeter tree belts. The landscape is included in the Register of Parks and Gardens of Historic Interest at Grade II. It is also on Historic England's Heritage at Risk Register, with The Lemonary (Grade II) and radar receiver block being on the Councils at risk register.
- 2.5 Historic England funded a Conservation Management Plan (CMP) which was completed in 2009. This sets out the history of the site and its significance and has a set of guiding

principles to ensure the sympathetic restoration of the estate that retains important cultural features from every period of the sites development, identifies intrusive and detrimental features, allows for future sympathetic development and seeks to establish an economically viable estate in the future.

- 2.6 There are two access points into the estate, off Ferry Road, one to the south-west from Bawdsey Quay and one to the north. Two sweeping driveways pass through the park up to the Manor House. The principal entrance is from the Quay where the driveway crosses the lawns in front of the Manor and the bridge over the River Jordan. The northern drive runs south west through the park and also provides access to the Transmitter block and a number of dwellings (former estate buildings known collectively as the Manor Dairy complex) that are now in separate ownership. These dwellings are curtilage listed buildings.
- 2.7 The estate is currently in use as an outdoor educational activity centre. Prior to that it was an international school which set up in the mid 1990's when the site was no longer required by the Ministry of Defence.
- 2.8 To meet the needs of the current occupiers various consents have been granted for
- activity structures/equipment (such as climbing walls, abseil towers zip wires),
  - the re-instatement of part of the River Jordan,
  - the provision of 53 tents and associated abulation block in the former squash courts,
  - alterations and extensions to the stable block to form the catering facilities for guests,
  - alterations to various building to improve accommodation facilities for guests,
  - new sewage treatment plant and
  - additional fuel tanks.
- 2.9 A planning application for a lake submitted last year, was withdrawn following a number of concerns raised by officers and consultees (reference DC/18/3160/FUL). These concerns included the lack of justification for the lake; lack of information on the potential for other options; impact on the landscape particularly as a result of creating screening bunds to reduce visual impact from nearby residents; the failure to address impacts on curtilage listed buildings, notably the Manor Dairy complex; the removal of ex RAF structures in the East park (where spoil was proposed to be deposited), failure to address ecological issues and potential noise disturbance.

### **3 PROPOSAL**

- 3.1 This application is a revised scheme for the creation of a lake, following the withdrawal of the application submitted last year, and seeks to address the shortcomings and concerns raised. The lake is required by the applicant to be able to offer canoeing and raft building activities to guests. Three ponds are also proposed immediately to the west of the lake, and associated shelters for storage, and children/staff not participating in the activities.

- 3.2 The applicant has explained, in their letter of 8 March 2019, that these activities are attractive and expected by guests and are an essential element if PGL is to remain competitive in the market.
- 3.3 This letter also explains why the option of using the River Deben, and/or other off site facilities for water based activities is inappropriate, due to the risks. The Deben is classified 'Hazardous', under the Health and Safety Executive (HSE) definitions, "*due to the potential effect of the wind and tide and the lack of immediate access to land or rescue.*" and therefore a licence would be required for the applicants to operate activities on the river
- 3.4 The applicants have explained that a license was sought from the HSE and subsequently withdrawn, following advice from the PGL Technical Team, advising that due to the risks they were unable to recommend a PGL operation on the river or sea. The applicants have also explained that the HSE Lead Inspector commented that "*it was always a challenging venue given the tidal flow and numerous other users.*"
- 3.5 Within the same letter, the applicants acknowledge that Felixstowe Ferry Sailing Club, Alexander School (the previous operators of the site) and others have operated in the River Deben for many years. However, they also explain that their operating model and guest profile are different from PGL, as:

*"they are primarily looking to develop and advance their own personal skills over a period of time involving numerous visits often to a National Governing Body Standard and for the purpose of becoming Instructors, the advanced nature of the river is ideal for this",*

and in contrast

*"The majority of PGL guests are primary school age" with "learning outcomes", and "Essential this is often the first time our guests have been on water in a vessel. They are therefore notice and require safe and controlled water conditions."*

- 3.6 A copy of this letter is viewable alongside the other documents of the application and representations, via the public access system on the council's website (<http://www.eastsuffolk.gov.uk/planning/planning-applications/publicaccess/> ).
- 3.7 The applicants have explained they consider the proposed lake as the only safe option to provide canoeing and raft building activities to guests. The proposed siting of the lake is on grazing marsh in the north western part of the parkland. It would lie between Ferry Road and properties that adjoin the northern drive, which currently have a rear outlook over the grazing marsh. These properties, known as the Manor Dairy complex, were formally ancillary estate building and cottages, comprising a Dairy, Byre, Laundry and Stables. They were rsold off from the estate by the previous owners and are now in residential use independent from the Bawdsey Manor Estate. A pair of cottages on Ferry Road (Marsh Cottages) adjoin the north west corner of the site. Woodland tree belts separate the lake site from the more formal gardens around the Manor.

- 3.8 The proposed development requires the excavation of material to lower the ground level to form a lake basin. The lower parts of the basin would be below the ground water level and therefore would flood to form a lake. The proposed lake would have an area of 1.5ha with a maximum water depth of 1.5m and a water level of -0.1 AOD. The design of the lake includes the provision of wet grassland and reed beds on the periphery of the lake, to compensate for the loss of grazing marsh and ditches. Three new interconnects ponds are also to be created to the west of the lake, to attract wildlife. Activity stations would be provided around the lake for the launching of canoes and rafts and for storage of equipment. Two small timber shelters are proposed at positions around the lake. Additional tree planting is proposed to help to screen these areas from neighbouring residents. A new 2m wide path is to be provided around the lake and to provide links to the rest of the site.
- 3.9 The material excavated would be re-used on site, either as part of the lake construction or deposited on the east side of the parkland to enhance the grassland in this area and replace dis-used car parks which the Conservation Management Plan (CMP) identifies as having a negative impact. It is contended that replacing the car parks with the excavated material would meet one of the objectives of the CMP to enhance this area and establish an appropriate grazing regime to link with the existing grazing land. It is suggested details of how the material will be distributed and managed across the site would be addressed in a Materials Management Plan to be agreed by planning condition.
- 3.10 In terms of usage of the lake it is stated there would be a maximum of 80 participants (8 groups of 10) on the lake at any one time. There would be a maximum of four sessions a day during peak times (Tuesday to Friday lunchtime) which last 90 minutes. The activities would start at 9am and finish at 5pm with lunch being between midday and 2pm. There would be reduced usage at weekends with three sessions on Saturdays and two sessions on Sundays. During construction a temporary access would be created off Ferry Road. This should avoid conflict with the existing access to the estate and other properties within it. On completion of the work the access would be made good and the roadside verges and planting re-instated.
- 3.11 The applicants have explained that the sessions are proposed to be operated with a focus on acquiring basic skills, confidence and team work, with the instructors on the water with the children, rather than standing on the banks shouting instructions, and the time spent on the water being approximately:
- Canoes; 45 minutes of every 90 minutes session
  - Raft Building; 15 minutes of every 90 minutes session
- 3.12 Half the raft building activity would be on the River Jordan, in an attempt to reduce the amount of activity on the lake. However, as the River Jordan is only 8m wide with a shallow gradient it is considered unsuitable for canoeing.
- 3.13 The excavated material is proposed to be re-used on site. The topsoil will be used for the reedbed areas within the lake and lake margins, and to form screen/noise attenuation mounds adjacent to residential properties (if required). The material beneath the top-soil will be redeposited in locations to the south of the lake to create a gentle gradient to

enable ease of accessibility for users, and to the east of the site to create grassland diversification, including on the area of the northern disused car park (further details within section 4 of the planning statement on the website).

- 3.14 Other sites for a lake were considered, and formed part of pre-application discussions with the Council and Historic England. These included the lawns in front of the Manor but were excluded due to the sensitivity of historical views to and from the house. There is no historical precedence for a large expanse of water on the lawns. It would have fundamentally changed the character of the views. The eastern area of grazing marsh (east of Marsh Cottages) was ruled out because of distance from the core site and other activity areas. No other suitable areas exist within the grounds for a lake of the size required due to lack of level ground and natural water supply. Early mapping (1926) indicates there was a lake on what is now the local authority car park, which lies to the south-west beyond the current estate boundary. The map shows the lake was screened from the house by trees.
- 3.15 The application site was indicated as being a more suitable option because it was outside the core of the historic designed landscape, its natural character contrasting with the ornamental grounds closer to the house and was visually and physically separated from it by a belt of trees.
- 3.16 This application is also seeking amendments to the layout of some of the activity structures, previously consented but not yet been installed. To address some concerns raised by neighbouring residents at the close proximity of these structures to their boundaries, it is proposed to re-position some of those structures increasing the distance from adjacent properties. The application is also seeking retrospective consent for the zip wire that was installed in the opposite direction to that consented. This has resulted in the decent being angled further from a neighbouring property.
- 3.17 The application is supported by a number of documents including the following:-
- Flood Risk Assessment (FRA)
  - Design Access and heritage Statement
  - Ecological impact assessment
  - Landscape and visual assessment
  - Land quality report
  - Arboricultural report
  - Noise impact assessment
  - Archaeological written scheme of investigation.
  - Various visualisations and 3D modelling
- 3.18 Revised plans have been received (after the consultation period) showing a reduction in the size of the lake and to create more islands within further breaking up the mass of water. The lake will cover 14,700 square metres, consisting of 10,670 square metres of open water; 1,060 square metres of islands and 2,970 square metres of reed bed. This reduction in size has resulted in the lake being further from Marsh Cottages and Ferry Road.

## 4 CONSULTATIONS/COMMENTS

### 4.1 Bawdsey Parish Council comment as follows:

*“The council was pleased to receive the amended planning application and has carefully considered it at a planning meeting on 2nd April. At that meeting five councillors listened once again to the views of residents whose homes are on the Bawdsey Manor Estate before revisiting the core issues and reviewing our original decision in the light of the amended plans.*

*Although councillors welcomed the reorganisation of consented Activity Structure within Bawdsey Manor Estate as a means of tackling the noise issue for residents whose homes share a boundary with PGL, they were not convinced of the case for a recreational lake at the proposed site as put forward in the covering letter.*

*Therefore the council wishes to OBJECT on the following grounds, some of which have already been expressed in our original consideration.*

- i. Overall effect on the landscape of the North Park area (within an AONB)*
- ii. Noise and Loss of Amenity for residents*
- iii. Flood risk and concerns over the drainage*

*Detailed comments on each section follow.*

- i. Overall effect on the landscape of the North Park area (within an AONB)*

*Following PGL’s pre-application meeting with Historic England and the Local Planning Authority, it is apparent that there is a clear preference on the part of these authorities for the lake to be built on the marshland north of the parkland rather than on the alternative site in front of Bawdsey Manor which councillors deem would cause less lasting harm. The council strongly feels it would be most useful to revisit the alternative site. We appreciate that Heritage England’s view is based on preserving the setting of the Manor but there are good reasons for using the lawn site.*

- The lawn is not a major habitat and is not visible from Bawdsey Quay*
- Unlike the marsh site, the lawn could easily be reinstated in years to come. Planners may not know that there used to be a small swimming pool in front to the Manor in the 1930s right up to the 1980s.*
- It keeps the lake away from public view and is therefore less harmful to the AONB and general tranquillity*
- It keeps another source of noise away from the private properties in a much more contained area*
- It is adjacent to the River Jordan which will also be used for rafting activities*
- It preserves the existing grazing meadow*
- It would allow for improvement of the meadow environmentally and could offer somewhere for PGL to promote environmental studies for ‘guests’ who possibly don’t go to the countryside (which should be a quiet activity!)*
- It would possibly avoid a change of use application for the meadow*

*As previously stated, the proposed development will permanently change the character and appearance of part of the parkland with its open views across remnants of estuary grassland which will be transformed into an entirely different, activity-driven area.*

*Although the council welcomes the removal of the screening bunds which would have looked out of place in the landscape, and notes PGL's intention to paint canoes in green to blend in with the natural environment, the proposed timber shed areas, stored boat areas and boardwalks mentioned in the application will alter the character of the area significantly.*

*It will have a significant impact on this part of the Heritage Coast, a significant and sensitive area at the mouth of the Deben Estuary, historically a quiet and tranquil spot within the AONB. The proposed application would certainly not enhance this 'natural' and undeveloped part of the estuary landscape.*

*Regarding the arguments made against claims of loss of bird species, the benefits claimed for the proposed Wetland habitat would be outweighed by the noise and disruption caused by prolonged human activity throughout the daylight hours during spring and summer nesting periods.*

*In any case, a change of use application will probably need to be submitted to alter the status of this piece of grazing marsh.*

*ii. Noise and Loss of Amenity for residents*

*The council appreciates PGL's recognition that noise is a major factor in the opposition to this planning application. Its noise-monitoring protocol and prevention data is particularly welcome although definitions of "time on the water" might be more flexible in practice than is stated.*

*The East Suffolk Council Environmental Health Officer has already posted her consultation response on the website objecting to the application on the basis that it will create a statutory noise nuisance from day one of use. This will lead to considerable loss of amenity on behalf of the residents in addition to the loss of their open views across marshland as a result of the proposal to plant trees around the lake.*

*It should be stressed this is a unique site quite different from other PGL sites in having private freeholds within the site rather than outside where residents are naturally more distant from the source of noise. The activities of PGL have already had a major impact on residents' lives because of the contrast before the arrival of PGL and planners may not have appreciated the full extent of the disruption. Noise factors have led to lower house valuations for residents as well as serious health implications.*

*There is no doubt that this development will cause an incremental spread of noise over the whole area, causing a loss of wider amenity for private residents. Raft building and canoeing are inherently noisy activities due to interactions between children and between children and their instructors.*

*As stated in our original submission, the issue of loss of amenity has featured in all of the letters from residents objecting to this proposal. We refer planners to NPPF, DM 123 which requires that planning policies and decisions should identify areas of tranquillity which have remained undisturbed by noise and are prized for their amenity value for this very reason. Both the elements of tranquillity and the uninterrupted views across the marshes to the estuary and beyond are the elements which residents have identified as being most precious to them, not to mention the natural habitat of the marshland.*

*iii. Flood risk and concerns over drainage: Major concerns surround the drainage system. The council notes that the Internal Drainage Board has not been notified of this*

*application, particularly relevant since a licence has to be procured from them to allow discharges into their ditches.*

*Within the drainage/overflow proposals, there is no evidence provided to show that culvert/pipes and ditches (also carrying discharged effluent) are adequate to deal with extreme weather conditions. The new installed sewage system will have increased output as will have the newly dredged River Jordan.*

*It is not clear what arrangements will be put in place to deal with surface water flooding on site and whether it will have an impact on any adjacent property. Marsh Cottage is particularly susceptible and if the water table rises, the garden will flood.*

*This is an area which calls not only for advice from professionals and statutory bodies but also for input from long- standing residents of Bawdsey Manor Estate who have experienced problems of flooding and use of septic tanks; moreover they know where the fresh water spring lies and its extent – vital information since this will be the means, apart from rainwater, of replenishing the proposed lake. It appears from the correspondence of long-time resident Mr James White that there is only one functioning channel to drain the grazing meadows as a whole. These fears must be addressed.*

*Conclusion: This application is a step change which it could be argued is not necessary to secure the sustainable future of the estate and PGL business. The council notes that Mr Sander's covering letter is full of promises and asserts the lake is necessary for PGL's long-term economic future but BPC would like to see the economic case made more strongly. The council hopes that East Suffolk will ask the local planning authority to request as a matter of urgency an economic assessment of the case for the lake and the provision of a clear timetable of improvements for the estate as a whole. This would undoubtedly assist the council in making a fully informed decision.*

*It is imperative that this application goes to full Planning Committee rather than go through on Officer's decision given the significance and long-term consequences of this development.*

*Finally Bawdsey Parish Council would like to draw attention to recent NPPF policy regarding the status and importance of the AONB in which Bawdsey Manor Estate stands.*

*"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited."*

4.2 Suffolk County Council Highways Authority recommend conditions relating to the temporary access and the submission of a deliveries management plan.

4.3 Environment Agency has no objections providing the local authority is satisfied it passes the Sequential Test and subject to conditions controlling finished water level of lake and the prevention of excavated material not required for works around the lake itself to be deposited outside Flood Zones 2 and 3 to ensure the proposal does not decrease flood storage capacity in the area. With regard to the submitted FRA it is noted that the Tidal Flood Zones have changed and that this will need to be taken into account in complying



with the recommended conditions. The Agency confirm that the site does benefit from flood defences but that site is at risk from flooding in the (1 in 200) annual probability of defended flood level including climate change. It is noted an Emergency Plan has been submitted such that no objection is raised on flood risk access safety grounds. It is also noted the scheme will result in an increase in flood storage capacity.

4.4 East Suffolk Council Head of Environmental Health are not convinced from the information submitted that the lake will not be a source of significant disturbance to neighbours given the extent of activity proposed (up to 80 participants) and the inevitable noise that children will make when enjoying the water based activities. There is insufficient detail in the submitted Noise Management Plan to how the noise from the lake will be controlled. Whilst acknowledging the permitted use of the site is a school so there is an expectation that a reasonable amount of noise will be produced, the area in which the lake is sited has not historically been used by the previous school. It is noted that there has been significant co-operation from the site manager since the centre has been open, to make concessions in respect of noise and to fine tune the management of noise on site to ensure it stays within the bounds of what is reasonable. Noise complaints have been received but these have not been substantiated to date.

4.5 Historic England note the Registered Park & Garden is included in the Heritage at Risk Register along with some other structures/buildings within the Estate, including the Lemonary, Radar Receiver Block, and tin chapel. Commenting on the application they confirm they remain supportive of the applicant's strategy for developing a sustainable future for the Bawdsey Manor Estate, particularly where this is combined with sustaining and enhancing the significance of various heritage assets on site and putting them to viable uses consistent with their conservation. It is considered that the proposal will permanently change the character and appearance of parts of the registered park and garden by introducing a major new landscape feature in the form of a large lake and associated infrastructure. This will represent some degree of harm to the significance of the registered park and garden, and therefore needs to be justified. In the supporting information the lake is presented as an important part of the applicants overall strategy to provide a sustainable use for the whole estate and to substantially improve the historic buildings and landscape, essentially by ensuring a solid business model that allows continued investment in the management of the site and restoration of its key features. Whilst this provides some further justification for the harm and the detailed designs reduce adverse impacts to views and the settings of designated heritage assets, there are some areas where further clarification and safeguards are need.

These include the following:-

- The removal the canoes and raft building equipment out of season (Oct-Feb);

- A reduction in the number of shelters on the periphery of the lake;

- Clarification that the proposed development includes the re-instatement of the orchard to the west of the Dairy complex; and

- The submission of an appropriate Landscape Strategy for the site (as required to discharge conditions on previous consents given). Such a Strategy is an essential part of the justification and needs to clearly identify an action plan or programme for the delivery of the various restoration/maintenance works of the estates heritage assets and when the applicant's commercial operation of the site will result in their implementation. The strategy that has been submitted to date is not sufficiently

detailed. It lacks information critical for ensuring the conservation and enhancement of numerous garden features and addressing heritage at risk status of the park and gardens.

These issues and safeguards need to be addressed in order for the application to meet the requirements of paragraphs 194 and 196 of the NPPF.

4.6 Natural England no comments received.

4.7 County Council Archaeological Unit no comments received

4.8 Suffolk Wildlife Trust object for the following reasons:

- Given the location of the site adjacent to the Deben Estuary Ramsar and SPA and SSSI designated for their international nature conservation importance, the development should be subject to Habitats Regulations Assessment (HRA) prior to determination, and would recommend Natural England be consulted for their advice on this matter
- The development results in uncompensated loss of Priority Habitats – Coastal and Flood Plain Grazing Marsh and Traditional Orchard
- The reptile survey is likely to have been underestimated given timing and conditions of survey
- No survey been done to assess if water voles will be impacted
- Insufficient invertebrate survey's done
- Insufficient survey work done to assess for nesting birds

4.9 The Gardens Trust comment that they cannot see any heritage statement or EIA which describes the affect on the Grade II registered Park and Garden. (They were subsequently advised where to find this documentation and no further comments have been received).

4.10 RSPB object on the grounds no breeding or over-wintering bird survey information as it prevents informed decision on the importance of the site. Given the close proximity to the Deben Estuary SPA, Ramsar and SSSI a HRA should be undertaken.

4.11 Suffolk Preservation Society welcome the removal of the screening bunds. There is a lack of information on the structures to be built around the lake which are key to the successful assimilation of the lake into the AONB landscape. There is concern that the location of the lake introduces an unwelcome level of activity in the currently tranquil marsh area.

4.12 Suffolk Coast and Heaths AONB Team no comments received.

4.13 Third Party Representations – 15 letters of objection have been received and are summarised as follows:

- Principle:
  - The applicants claims that this site is a C2 use is incorrect as this part of the estate has always been in agriculture use (was under an agricultural tenancy). No change of use application has been made. The proposal cannot be seen as

enhancing character of area or providing public benefit to community as it will form part of PGL's profit enterprise.

- The need for the lake is questioned given not all PGL sites have them.
  - The claims that the River Deben is not safe to use is questioned given Felixstowe sailing school use it for sailing courses and it was used by students attending the previous school on the site.
  - No commercial projections submitted to support claims that the lake is required to enable flood defences and restoration works at the manor to be undertaken.
- Noise and Disturbance:
    - Cause intolerable noise nuisance from guests and instructors shouting, particularly at weekends when most residents will be in their properties all day, causing severe loss of amenity. Noise from the existing occupation of the site (hysterical screaming and chanting) has caused health problems to some residents.
    - The path to the lake is at the bottom of adjacent properties gardens.
    - More of the existing equipment should be removed to avoid overlooking and loss of privacy to neighbours. The zip wire was not installed in accordance with the approved drawings
    - The submitted noise assessment is flawed and the Noise Management Plan useless.
    - If noise nuisance claims are made and private nuisance claims against PGL will inevitably follow the costs to PGL could be significant and "eat up quite a bit of heritage asset restoration funding."
  - Visual Amenity and Outlook from Residential Properties:
    - Unacceptable visual impact from on adjacent property adversely affecting their outlook.
    - The claims that the property 'The Old Stables' is inward looking ignores the fact that the garden looks out over the marsh and part of the house.
  - Ecology/Biodiversity and Landscape Impact:
    - The loss of grazing marsh to recreational lake will be a irreversible change to the landscape and make loss of biodiversity of grazing marsh permanent.
    - Inadequate/incomplete wildlife survey's. The marsh is a feeding ground for barn owls.
    - Fail to see how the lake will create a new habitat given the noise that would be generated by the activities on it.
    - The NPPF suggests alternative sites should be considered where there is significant harm on AONB's. The lake should be re-positioned on the lawn in front of the Manor.
    - Very little has changed in terms of the lake design to the scheme withdrawn yet the Council's landscape officer has now raised no objection despite his previous concerns to the harmful impact in the landscape.
    - The additional tree planting now proposed around the lake did not form part of the CMP.
    - The submitted photo's are out of date and have been computer enhanced to make it appear as if there is more vegetation than there actually is.

- Flood Risk:
  - There is the potential for increased flooding to adjacent properties given the lake has unregulated outfalls into the adjacent drainage ditches.
  - Failed to provide a proper and detailed examination of flood risk.
- Contamination:
  - Concerns at the potential contamination risks given the site is ex MOD. Further method statements should be done on dealing with the potential contamination in the interests of protecting the health of children, employees, residents and the public.
- Transport/Highways considerations:
  - No details have been submitted of what equipment and routes will be used to transport the excavated material.
- Other/general issues:
  - The additional tree planting will block broadband signal for one resident who works from home.
  - The lake should be sited elsewhere on the estate away from residential properties. If PGL's commercial venture ceased a beautiful area of marshland will have been destroyed forever with no hope of recreating it. If the lake was on the front lawns it could easily be filled in and lawn recreated without destruction of wildlife, AONB and outlook of nearby properties. The area to the front of the manor would not be seen by the public, provide better security, have less impact on the AONB and not a priority habitat.
  - Results in a reduction in property values.
  - The piecemeal approach to development is unacceptable, there is a need to understand the full picture.
  - The area of the lake should be preserved as marsh grazing land and perhaps rare bread cattle could be introduced and offer a different educational experience.
  - Security is likely to be a problem and could encourage trespassing.
  - Potential effect on electricity cables on the edge of the site.
  - A planning obligation should be entered into to ensure the restoration and maintenance of identified heritage assets. The documents promised as part of planning conditions should be provided before determination of the application.

## 5 PUBLICITY:

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

Category	Published	Expiry	Publication
Affects setting of listed building	28.03.2019	18.04.2019	East Anglian Daily Times
May affect archaeological site			
Public right of way affected			

## **6 SITE NOTICES**

The following site notices have been displayed:

Affects setting of listed building	Date posted 29.03.2019
May affect archaeological site	Expiry date 23.04.2019
Public right of way affected	

## **7 PLANNING POLICY**

- 7.1 Section S38(6) of the Planning and Compulsory Purchase Act 2004 states that the planning application is to be determined in accordance with the development plan unless material consideration indicates otherwise.
- 7.2 National Planning Policy Framework (2019).
- 7.3 East Suffolk Council- Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1 Sustainable Development
  - SP1A Presumption in Favour of Sustainable Development
  - SP6 Regeneration
  - SP7 Economic Development in the Rural Areas
  - SP8 Tourism
  - SP14 Biodiversity and Geodiversity
  - SP15 Landscape and Townscape
  - SP29 The Countryside
  - DM21 Design: Aesthetics
  - DM23 Residential Amenity
  - DM27 Biodiversity and Geodiversity
  - DM28 Flood Risk
- 7.4 Site Allocations and Area Specific Policies (adopted January 2017) Policies:
- SSP37 Parks and gardens of Historic or landscape Interest
- 7.5 Supplementary Planning Guidance:
- 6 Historic Parks and Gardens
- 7.6 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29th March 2019, and the hearings are to take place in August 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) . At this stage in the plan making process, the policies that received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2018). Certain policies are now considered to have some weight in determining applications; these have been referenced where applicable. The relevant policies are:
- SCLP4.5: Economic Development in Rural Areas,
  - SCLP6.1: Tourism

SCLP6.2: Tourism Destinations  
 SCLP6.3: Tourism within the AONB and Heritage Coast  
 SCLP9.5: Flood Risk  
 SCLP9.6: Sustainable Drainage Systems  
 SCLP10.1: Biodiversity and Geodiversity  
 SCLP10.2: Visitor Management of European Sites  
 SCLP10.3: Environmental Quality  
 SCLP10.4: Landscape Quality  
 SCLP11.1: Design Quality  
 SCLP11.2: Residential Amenity  
 SCLP11.3: Historic Environment  
 SCLP11.4: Listed Buildings  
 SCLP11.7: Archaeology  
 SCLP11.8: Parks and Gardens of Historic or Landscape Interest  
 SCLP12.34: Strategy for the Rural Areas

## **8 PLANNING CONSIDERATIONS**

### Principle

- 8.1 Both the Area of Outstanding Natural Beauty (AONB) Management Plan, the existing planning policy (SP8) and emerging planning policies (SCLP4.5, SCLP6.1, SCLP6.2, SCLP6.3 and SCLP12.34) seek to enable tourism development in the form of improvements and small scale new developments within the countryside of the AONB, provided it is inclusive, sustainable and supports the conservation of the area., and complies with other requirements of the development plan, including those relating to biodiversity, noise and/or air pollution, landscape impacts and other environmental protection policies.
- 8.2 Therefore subject to the consideration of the other relevant planning policies within the existing and emerging local plan documents, and the associated material planning considerations, the principle of the creation of additional facilities associated with the existing outdoor educational activity centre use, would accord with existing planning policy SP8 and emerging planning policies SCLP4.5, SCLP6.1, SCLP6.2, SCLP6.3 and SCLP12.34.
- 8.3 When the previous school closed in 2016 and the Estate was put on the market there was a concern by the Council and Historic England that the estate would be divided up and elements sold separately, because to do so would have significantly harmed the character and setting of the designated heritage assets which are of national and international importance. At that time claims were also being made that new housing in the grounds (contrary to policy) was essential to ensure the upkeep and preservation of the listed buildings and the grounds and to undertake essential coastal defence work. The Council did not support this argument and sought to ensure appropriate marketing took place that retained the estate in tact, to ascertain if there was a demand for the re-use of this estate in a manner that sought to preserve its long term future.
- 8.4 The purchase of the estate by the applicant is considered beneficial in many ways not least because it means the estate is retained in one ownership. (Under the previous ownership some of the buildings that formed part of the estate were regrettably sold off, which has eroded its completeness). So far the use of the site as a children's activity/educational centre

(which did not require a change of use application for the part of the estate currently in use) has utilised a considerable number of the existing buildings and structures on the site in a manner consistent with their preservation. For example the walled garden is in use for archery and shooting activities, the stables and clock tower are in use as kitchen/dining facilities, and the Manor itself as well as former RAF buildings are used for guest accommodation. The grounds are also well used for various activities including a camping area and the various structures such as zip wires, climbing walls etc. Whilst these structures are not particularly conducive to a historic parkland they do not have the appearance of being permanent and by their very nature are removable interventions, and thus not considered to cause significant harm.

- 8.5 The applicants have also delivered and are in the process of delivering some estate enhancements. These include the reinstatement of the River Jordan, to the front of The Manor, a key objective of the Conservation Management Plan (CMP). Work is in progress on restoring the lemonary which is on the Council's building at risk register as well as repairing the walls and gates to the walled garden. A new sewerage treatment plant has had to be installed which also serves the public toilets nearby. Management of trees and woodland to enhance the setting of the buildings and provide new planting has been undertaken. A landscape strategy is also being formalised providing details of the maintenance and management of the formal garden areas such as the Italian garden, the sunken garden the terraces. The applicants have shown a willingness to implement the CMP.
- 8.6 Other significant work is required to maintain and protect the Estate include urgent repairs to the coastal defences, including the replacement of corroded sheet piling, the restoration of the Pulhamite cliffs (Grade II listed structure), replacement of a water supply pipe and replacement of outdated electrical supply.
- 8.7 All these works are at a substantial cost to the applicant, particularly the works required to prevent the estate being destroyed by coastal erosion. It is recognised that the lake is an important component to deliver its business objectives by providing water based activities to guests allowing the business to remain competitive in the market. The ability to provide water based activities by other means and elsewhere on the estate has been ruled out for a number of reasons as stated elsewhere the report and in the applicants letter appended to the report. These reasons are not considered unreasonable. Retaining a viable use for the Estate is imperative to securing its use and long term preservation of the designated heritage assets. This is one of a number of material considerations that needs to be weighed in the balance having regard to other issues raised below.

#### Impact on heritage assets including the historic parkland

- 8.8 As explained in 'Site Description' section of this report, this site lies within the historic parkland, and within the wider vicinity of a number of Listed Buildings. Therefore there is potential for direct and indirect impacts upon a number of heritage assets and their settings.
- 8.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that in the determination of planning applications affecting Listed Buildings and/or their setting,

that the local planning authority *“shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 8.10 The key policies for the consideration of the impacts of this scheme upon the heritage assets are the NPPF, the existing adopted planning policies DM21, SSP37) and those within the emerging Local Plan (policies SCLP11.3, SCLP11.4 , SCLP11.7 and SCLP11.8), and the existing Supplementary Planning Guidance 6. These allow for development, whilst seeking to ensure that heritage assets, including Listed Historic Parklands and buildings, are conserved and enhanced, and where possible development makes a positive contribution to the historic environment.
- 8.11 The proposed lake and associated infrastructure of paths, shelters, planting and earthworks, does represent a new permanent landscape feature within the Estates Northern Park currently comprising agricultural grazing marsh. As such Historic England consider it will result in some degree of harm to the significance of the registered park and garden. National Planning Policy Guidance set out in the NPPF requires any harm to designated heritage assets to be justified (paragraph 194) and should be weighed against the public benefits (which can include heritage benefits) of the proposal (paragraphs 195 & 196).
- 8.12 Whilst Historic England note that the submitted supporting information has provided some further justification for the lake as part of an overall strategy to provide a sustainable use for the whole estate and describes how ensuring a solid business model allows continued investment in the management of the site and restoration of key features, but they consider that the justification put forward has failed to adequately address how this will be done.
- 8.13 The applicants confirm how the lake will form part of an overall strategy for the whole estate, will be set out within the Landscape Strategy that has been submitted under the discharge of conditions for the activity structures. However, the Strategy so far submitted does not sufficiently set out a clear action plan of what will be done and when. This needs to be done before issuing any planning consent for the lake is issued, so that planning conditions can be added requiring key restoration work to be done within a certain time frame. Whilst it has been raised by some objectors, such work should be secured by a S106 agreement, officers are satisfied conditions would be appropriate given the applicants have already commenced restoration of the Lemonary and walled garden and given that the restoration of the River Jordan, one of the objectives of the CMP, has been done.
- 8.14 Therefore in the absence of an agreed Landscape Strategy demonstrating how the activities lake will contribute to the implementation of the CMP and future investment in restoring, sustaining and/or enhancing the significance of the various heritage assets across the site the proposal would not meet paragraphs 194 and 196 of the NPPF. The applicants are currently in the process of amending the Landscape Strategy to reflect the requirements of Historic England and members will be updated on this matter. To address some of the other issues raised by Historic England the applicant has confirmed that only two shelters will be provided on the lakes edge, that all the equipment will be removed off site during the closed season (November to February) and that it is the intention to restore the orchard.



- 8.15 The Council's Landscape and Arboricultural Officer and the Principle Design and Conservation Officer concur with these views. The setting of the Manor itself would not be affected by the new lake given its position, visually and physically separated by a substantial tree belt. The lake would have a closer relationship to the Dairy Manor Complex, which are curtilage listed buildings, and whilst the change in ownership has diluted the direct functional relationship there is still a visual relationship. However given the design of the lake with planted promontories and inlets, perimeter planting and reed beds to break up the expanse of water it would help reduce adverse impacts to views, and given the lower level of the lake to the Dairy Manor Complex, it will not change the distant open views towards Ferry Road. It is thus considered the setting of these curtilage listed buildings will not be adversely affected by the lake.
- 8.16 The proposals to re-organise previously consented activity structures will have no greater adverse impact on the character or setting of the heritage assets than the scheme approved.
- 8.17 Thus in the event that an appropriate soft and hard Landscape Strategy can be agreed and its implementation controlled by condition, it is considered the harm caused to the historic parkland by the lake would be outweighed by the public benefits of securing the preservation of heritage assets, in accordance with the NPPF. The proposals would also accord with Development Plan policy SSP37 and supplementary planning guidance relating to Historic Parklands. It would also fulfil the requirements of the Act, in that it would form part of an ongoing program of works, which seek to preserve and enhance the heritage assets within the wider site.

#### Impact on the landscape and designated AONB and Heritage Coast

- 8.18 The site lies within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and the Suffolk Heritage Coast where the NPPF, the existing Local Plan Policy SP15 and emerging Planning Policy SCLP10.4, seek to protect and enhance the scenic beauty and landscape character of these designated areas.
- 8.19 The application is supported by a Landscape and Visual Impact Assessment (LVIA), which considers impacts on landscape character and visual impacts.
- 8.20 The lake is proposed to be 1.5ha in area and would be situated on the part of the grazing meadow closest to the woodland belt that separates it from the Manor and its formal landscaped gardens. The prominence of the lake outside the parkland would be limited given the screening effects of woodland and trees on the edge of the parkland and within it. Only glimpses of the lake would be seen from Ferry Road given the lake's low lying nature and the existing roadside vegetation.
- 8.21 The most prominent views are from within the estate along the northern driveway and from the properties along its route, albeit there are some intervening trees that provide filtered views.
- 8.22 The shape of the lake with its irregular outline and partial sub-division across the centre together with reed bed planting helps to reduce the visual impact of the open body of water

and the activities taking place on it. It has a natural appearance with the activity areas being screened by additional tree planting. The amount of shelters (comprising small timber open fronted structures, 1.5m high) around the lake has been kept to a minimum, at two, to reduce visual impact. It is also the intention to remove the canoes and raft building equipment during the period the lake is not used which will be beneficial over the winter months when the screening by trees will be less effective.

- 8.23 The Council's Landscape and Arboricultural Manager having reviewed the context of the site within the AONB and within the context of the various prevailing landscape character assessments considers the creation of the lake will not be of a significantly adverse impact on landscape character. He considers that with the right marginal planting there will be no significant adverse visual impacts arising. The revised plans reducing the size of the lake and adding islands will further reduce the visual expanse of open water and provide further marginal planting areas.
- 8.24 The spreading of the spoil from the excavation of the lake onto those parts of the estate which are of low ecological value and subsequently managed as flowering meadow is both a positive landscape and visual gain.
- 8.25 It is not considered the proposals will adversely affect the tranquillity of the AONB landscape given that various studies, such as the Deben Estuary Plan, do not show the area around Bawdsey Manor as being of a high level of tranquillity. The Bawdsey Quay area is recognised to be very popular with visitors with many making use of the ferry to Felixstowe and the Deben Estuary Plan effectively encourages visitors to this area to lessen the disturbance to other more sensitive sites.
- 8.26 The proposals are thus not considered to cause harm the special qualities of the AONB and Heritage Coast both in terms of its scenic beauty and tranquillity.

#### Ecological/biodiversity impacts

- 8.27 The NPPF, adopted Local Plan policies SP14 and DM27, and emerging Local Planning Policies SCLP10.1 and SCLP10.2, seek to protect the biodiversity and geodiversity value of land and buildings and maximise the opportunities for enhancement. They also seek to avoid development that would cause a direct or indirect adverse effect to the integrity of European Protected sites and priority habitats, unless appropriate mitigation/compensation measures are provided.
- 8.28 The site is close to the River Deben Estuary SPA, Ramsar and SSSI and the Suffolk Wildlife Trust (SWT) have concerns that a Habitat Regulations Assessment (HRA) has not been undertaken and suggest the views of Natural England (NE) be sought. No response has been received from NE.
- 8.29 The applicants recognise in their ecological assessments that the proposals will result in some loss of habitats used by foraging bats, common lizard, invertebrates, harvest mice,

badgers and breeding birds and that it will result in the loss of 2.6 ha of grazing marsh and 256m of ditches. The reports state the quality of the grassland is poor, through lack of grazing and increased drying out. The ditches do not have significant standing water or flows. It is however stated that the habitat to be created by the lake proposals has the potential to be high resulting in an overall net ecological gain. Positive ecological/biodiversity benefits of the scheme include the creation of reedbeds, wet grassland on the water's edge, and the creation of three ponds to attract a wide variety of wildlife. The lake itself has potential for use by over-wintering birds when the lake will not be in use.

- 8.30 The applicant has undertaken more survey's to address the short comings raised by SWT and RSPB and prepared a shadow HRA, notwithstanding NE's lack of confirmation one is required. Further water vole survey's have found them to be present and a licence will be required from NE to re-locate them. A method statement is to be submitted detailing how this is to be done and the mitigation measures that will be undertaken. These reports are being assessed by the Council's ecologist in consultation with NE and SWT and the conclusions given in the Members update sheet.
- 8.31 Subject to the receipt of an appropriate method statement, specifying the required mitigation measures, and appropriate conditions to ensure that these measures are secured alongside the other ecological enhancements, this scheme would accord with the aims of the NPPF, adopted Local Planning Policies SP14 and DM27, and emerging planning policies SCLP10.1 and SCLP10.2.

#### Impact on residential amenity

- 8.32 Paragraph 127, adopted Local Plan Policy DM23 and emerging Planning Policy SCLP11.2, seek to ensure all new development does not result in significant harm to the amenity of residents living nearby.
- 8.33 There have been a considerable number of objections raised from those living in and around the estate. A key concern raised is the potential noise and disturbance from the activities on the lake and the change in character of this part of the estate, which has always been in agricultural use, and never been used by the former school use.
- 8.34 There are also concerns from Environmental Services on the issue of noise in that insufficient information has been submitted to be confident that nuisance to neighbouring residents would not occur. Last year there was some complaints made by nearby residents to the noise generated by the guests on site and when using the activity equipment. None of these complaints were substantiated and there has been significant cooperation from the site manager to fine tune the management of noise.
- 8.35 The applicant is collating more information on this aspect which will be submitted for review by Environmental Services, the outcome of which will be confirmed on the Members update sheet.
- 8.36 At the closest point, the boundary of the curtilages of residential properties closest to the lake would be approximately 13-15m away. Therefore there would be potential for noise generated by activities on the lake to be heard within the gardens of nearby residential properties. However, in determining this application, the Local Planning Authority must

consider whether the potential levels of noise and disturbance would be of significant to cause sufficient material harm or otherwise.

- 8.37 The applicants in an attempt to address potential noise problems have sought to limit the number of participants on the lake to 80 at any one time, and to limit this by half on Sundays and 75% on Saturdays. Use of the lake will be restricted to daytime (9am to 5pm) and there would be a maximum of four sessions a day. The morning sessions are between 9am and midday and the afternoon sessions are between 2pm and 5pm. The number of sessions will drop outside peak periods, which total 13 weeks of the year. Access to the lake will be restricted to prevent use beyond the periods specified. Furthermore around half of the raft building sessions will take place on the River Jordan to reduce the amount of activity taking place on the lake.
- 8.38 The applicant has submitted details of a noise management plan setting out how noise on the site will be managed and monitored by staff. When the lake is being used staff will be on the lake with the guests so will not be shouting instructions from the banks of the lake. Access to the lake from the rest of the site will be routed away from the residential properties and singing restricted. Staff will make participants aware of noise sensitive zones.
- 8.39 As explained in the applicant's letter of 8 March 2019, , given the need for a certain amount of instruction on canoeing, teaching the technique of paddling and basics of canoeing as well as the safety aspects, to be given by instructors on the water rather than the banks, the potential for noise is not as great as some of the other activities on offer. With raft building a significant proportion of the time on the activity is spent constructing the rafts on land, with only 15minutes spent on the water.
- 8.40 Whilst acknowledging that this proposal will no doubt cause some noise intrusion the level of disturbance can hopefully be further assessed on receipt of the additional information, and having regard to the level of usage and the nature and timing of the noise. The applicants intentions to re-position some of the activity structures already consented, but not yet installed, further from residents properties is to try and distance potential noise disturbance to neighbouring residents. They will also mean the structures are less visible to neighbours.
- 8.41 In terms of residential amenity issues such as outlook and visual impact, it is considered the proposed lake, given it is low lying nature, will not cause harm to residents amenity, as it will not block any outlook currently experienced, some of which are already filtered by existing trees.
- 8.42 Therefore, subject to the additional noise information being considered acceptable by the Head of Environmental Services, and the inclusion of appropriate conditions to control the use of the lake, the scheme would accord with the NPPF, adopted and emerging planning policy in terms of residential amenity.

#### Impact on highway safety

- 8.43 The adopted and emerging planning policies relating to achieving sustainable development and specifically to this type of development, seek to ensure that developments would not adversely affect highway safety.
- 8.44 The Highway Authority has not raised any concerns to the position of the temporary access onto Ferry Road subject to conditions requiring the details of the temporary access and the submission of a Deliveries Management Plan to monitor HGV movements during construction.
- 8.45 The spoil is proposed to be in part deposited on a car park towards the northern end of the site. However, this car park is disused, and therefore parking provision on site is not considered to be detrimentally affected.
- 8.46 The use of the proposed lake is to be associated with and ancillary to the existing use of the site as an activity centre, and would be used by 'guests' of the site rather than being open to the wider public. Therefore in the view of officers there would be no significant increase in demand for parking.
- 8.47 Therefore, subject to appropriate conditions relating to the temporary access and Deliveries Management Plan, the scheme is acceptable in terms of parking provision and highway safety.

#### Flood risks/surface water drainage

- 8.48 The NPPF, adopted Local Planning Policy DM28 and emerging Planning Policies SCLP9.5 and SCLP9.6 relate to the consideration of Flood Risk, and seek to ensure sustainable methods to deal with surface water are achieved.
- 8.49 The Environment Agency has raised no objections, to the scheme which is supported by a Flood Risk Assessment (FRA). It is considered the proposal satisfies the requirements of the NPPF regarding passing a Sequential Test. Given the lake is specific to applicants operation it is impractical to consider sites beyond their ownership. No other site is available at a lower of risk flooding which could accommodate the development.
- 8.50 The FRA considers flood risk from all sources and concludes the development is appropriate and provided the measures in the FRA are applied should be sustainable and safe in flood risk terms. As the water level of the lake will be lower than the current site level there will be an increase in flood storage capacity.
- 8.51 The conditions recommended by the Environmental Agency will be applied to any consent granted. There is already a Flood Evacuation Plan in place for the site. The potential flood risks can thus be managed and therefore accord with the NPPF, adopted Local Plan policy DM28 and emerging Local Planning Policies SCLP9.5 and SCLP9.6

### Contamination impacts

- 8.52 The NPPF, adopted Local Planning Policy DM32, and Emerging Local Plan Policy SCLP10.3 require the consideration of impacts upon environmental quality from potential sources of pollution and contamination, including noise, water quality and land based contamination.
- 8.53 The potential issues arising in terms of noise have been considered in the residential amenity section of this report.
- 8.54 A report has been submitted that found no significant potential sources of land based contamination, that there is low/moderate risk in relation to contamination and no further assessment is recommended. The Council's Environmental Protection team have not raised any objections regarding contamination. Material excavated would be re-used in accordance with the appropriate regulations.
- 8.55 Therefore the scheme would accord with planning policy in this respect.

### Other Matters

- 8.56 Whilst the eastern side of the Bawdsey Manor Estate lies within the Coastal Management Change Area 30m buffer, the site of the proposed lake and associated features lie outside the zone. Therefore there are no direct
- 8.57 Several objectors and the Parish Council requested the lake be sited on the West lawns in front of the Manor. Historic England sets out below why this is not considered an appropriate option:-

*"Historic England has provided advice on the previous [withdrawn] application for the new lake in letters dated 02/09/2018 and 13/11/2018, and for the current application in a letter dated 09/04/2019. Prior to this we gave pre application advice to inform the proposal, letter dated 23/10/2017. We understand the proposal has raised concerns locally and in this context there has been suggestion that the option for siting a lake on the West Lawn is revisited. We hope the following is helpful in clarifying our advice on this in terms of the historic environment issues.*

*As our earlier letters state, Historic England have had a long standing engagement with Bawdsey Manor Estate. It is one of our long-running 'Heritage at Risk' (HAR) cases - the Grade II registered park and garden has been included in Historic England's HAR Register for the East of England since 2009. We have advised on a number of proposals made by PGL since its acquisition of the site in 2017, covering both the HAR aspects of the site and their proposals for development of their outdoor education operations.*

*At the pre application stage we considered PGL's plans to create two new lakes: one within the West Lawn and another within the grazing marsh north east of the Manor House between Ferry Road and the Manor Dairy complex. At the time, we expressed concerns about introducing such major new elements within an historic designed landscape which never included any water bodies of great size: likely due to the proximity and views of the River Deben and the North Sea, the internal water bodies were modest, comprising the*

*River Jordan and small lake (now filled in and lost underneath the car park at Bawdsey Quay). We advised that PGL would need to provide a clear and convincing justification for the likely harm as required by the National Planning Policy Framework (NPPF).*

*Of the two locations, we conveyed that the site within the marsh may provide greater scope for accommodating a new, sensitively designed lake given its separate character and the visual and physical separation from the core of the designed landscape afforded by topography and existing vegetation.*

*We expressed serious concern about how the proposed location in the West Lawn would fundamentally change the character of the landscape here which was designed as open lawn leading up to the manor. The West Lawn is at the core of the historic estate and is a fundamental element in views to and from the Manor House, surrounding terraces and the tree-lined west drive, the main approach to the house. The introduction of the lake would also detract from the key historic water feature in this area of the landscape which has recently been restored, the River Jordan. The introduction of not just the lake itself, but the associated facilities and activity would cause a high level of harm to the significance of the registered park and garden as well as the setting of the Manor House. The NPPF requires great weight to be given to the conservation of heritage assets (paragraph 193) and any harm requires clear and convincing justification (paragraph 194), including consideration of alternative options that either avoid or minimise such harm. Thus, if a planning application were to come forward for a lake on the West Lawn, then we anticipate that we would object on heritage grounds given that the location north east of the Manor House (as proposed within this application) has less impact on the historic environment."*

8.58 In addition to the above comments, the relationship with residential properties is also a consideration. Part of the west lawns (west of the drive) is in fact just as close to other residential property as the current proposals.

8.59 Therefore the currently proposed location is considered to be the most appropriate in terms of potential impacts upon heritage and residential amenity.

## **9 CONCLUSION**

9.1 The purchase of the Bawdsey Manor Estate by the applicant has protected it from piecemeal disposal. The fact that the owner is putting most of the buildings to a beneficial use is fundamentally positive. The application provides the context for PGL's ongoing investment and justification for the lake proposals. Providing the benefits accruing from the commercial success of the business is linked to actual restoration projects and implementation of the CMP set out in an agreed Landscape Strategy it is considered the heritage benefits would outweigh the harm that would be caused by the lake.

9.2 It is important to ensure that the proposals will not cause a direct or indirect affect on the integrity of European sites and priority habitat. Clarification of this is still outstanding until further assessment is made of the additional ecological reports and shadow HRA.

- 9.3 The impact on the amenity of neighbours is also an important consideration. Further noise assessments have been submitted and are currently under review. Planning conditions controlling the numbers using the lake and timing will also help to address amenity issues.

## 10 RECOMMENDATION

**AUTHORITY TO APPROVE** subject to the resolution of outstanding matters relating to a Landscape Strategy, ecological effects and noise being satisfactorily resolved and subject to the following controlling conditions, and any additional conditions identified through the assessment of the outstanding documents:-

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

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

- 2 The development hereby permitted shall be completed in all respects strictly in accordance with *(list of documents to be inserted here, final documents yet to be agreed)* received *(dates of receipt to be inserted)*, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

- 3 Not more than 80 participants shall use the lake at any one time.

Reason: In the interests of protecting the amenity of nearby residents

- 4 The lake shall not be used between 14th November and 10th February the following year. At all other times of the year the lake shall not be used for activities before 9am and after 5pm.

Reason: In the interests of residential amenity.

- 5 Prior to works commencing on the excavation to create or the construction of the shelters, the lake, detailed construction drawings shall be submitted to and approved by the local planning authority. The details shall include the level changes and grading of land around the lake, details of the activity stations, the exact locations of the timber shelters and their appearance and materials, details of materials for all hard surfaced areas. Only the approved details shall be implemented.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity and the preservation of the historic parkland.



- 6 None of the existing woodlands, tree belts, groups of trees and individual trees shown to be retained on the approved drawings shall be 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 hedgerow 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 and/or shrubs of a size and species which have previously been agreed by the local planning authority.

Reason: To safeguard the visual amenity provided by the trees and hedgerows and to safeguard the character of the Historic Park and Garden.

- 7 Prior to work commencing on the excavation to create the lake, a materials management plan providing details of how the material excavated will be distributed, deposited and managed across the site shall be submitted to and approved by the local planning authority. The development shall proceed only in accordance with the submitted details.

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

- 8 Within 3 month(s) of commencement of development, satisfactory precise details of a full planting schedule (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved 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 and improving the biodiversity of the site.

- 9 The ecological mitigation and enhancement measures detailed in the hereby approved Ecological Reports (*to be specifically referenced on receipt*) shall be implemented in full.

Reason: To protect and enhance the biodiversity and geodiversity value of the site.

- 10 The works listed in the hereby approved Landscape Strategy shall be implemented in full within the timeframes stated unless otherwise agreed with the local planning authority. (*This condition may make specific reference to particular works once the final Landscape Strategy is agreed*)

Reason: In the interest of securing the maintenance/restoration of designated heritage assets.

- 11 The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:  
- Finished water levels for the lake are set no higher than -0.1 metres above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to first use in accordance with timing/phasing arrangements embodied within the scheme, unless otherwise agreed with the local planning authority.

Reason: To reduce the risk of flooding.

- 12 The development shall be carried out in accordance with the submitted Landscape and Visual Appraisal and the following measures detailed within the appraisal:

-The 24,260 cubic metres of excavated substrate must not be deposited within either Flood Zone 3 or Flood Zone 2.

Reason: To reduce the risk of flooding

- 13 Prior to the commencement of the excavation works to create the lake, details of the proposed temporary access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to construction of the lake commencing. Thereafter the access shall be retained in its approved form until construction is complete, where upon it shall be removed within 1 month, and the highway verge restored in accordance with details previously agreed with the local planning authority .

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and the highway verge is satisfactorily re-instated.

- 14 All HGV movements to and from the site during construction shall be subject to a Deliveries Management Plan which shall be submitted for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the plan. The Plan shall include measures to deal with complaints.

Reason: To reduce the effect of HGV movements in the interests of residential amenity and the protection of the local environment.

- 15 All landscape works shall be carried out in accordance with the approved details, on completion of the lake or in accordance with a programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: In the interest of securing the maintenance/restoration of designated heritage assets, visual amenity and the protection of the local environment.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken

and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

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

- 17 The development shall take place in compliance with the implementation of a programme of archaeological investigation, as described in the approved Written Scheme of Investigation which has been submitted as part of the application to 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 Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

**BACKGROUND INFORMATION:**

See application ref: DC/19/1022/FUL  
at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)

**SOUTH PLANNING COMMITTEE – 23 JULY 2019**

**ES/0075**

**APPLICATION NO** DC/19/1539/LBC

**LOCATION** The Great House  
Church Street  
Orford  
IP12 2NT

**EXPIRY DATE** 6 June 2019

**APPLICATION TYPE** Listed Building Consent

**APPLICANT** Mr and Mrs Gerard

**PARISH** Orford

**PROPOSAL** Installation of gate in boundary wall

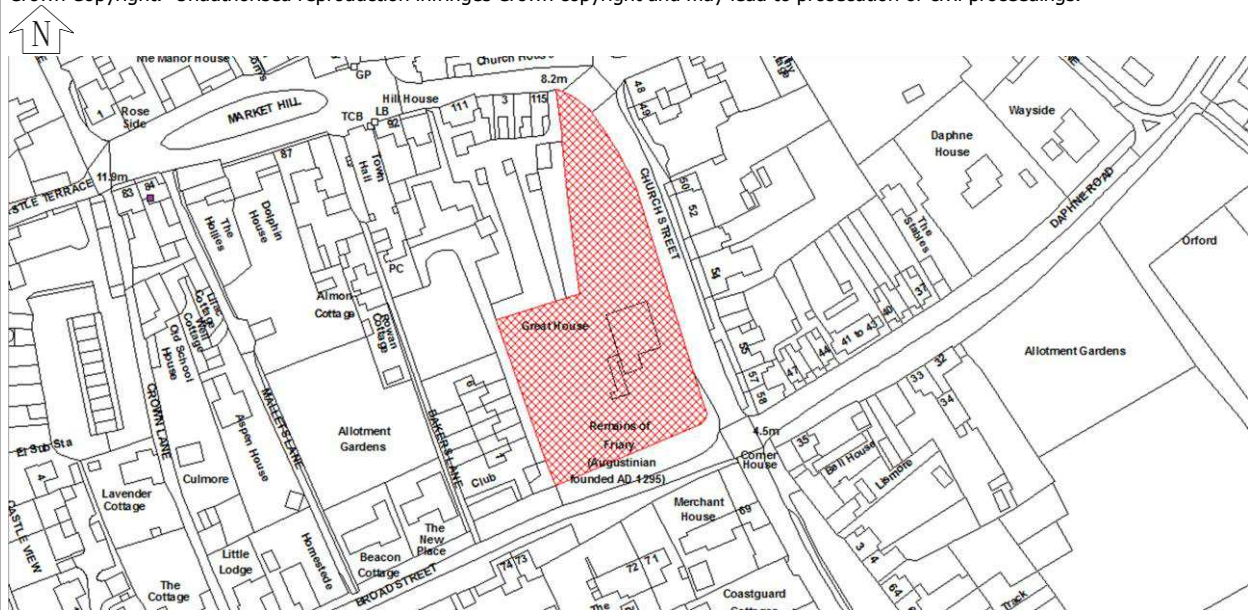
**CASE OFFICER** Rachel Smith  
01394 444628

[rachel.smith@eastsuffolk.gov.uk](mailto:rachel.smith@eastsuffolk.gov.uk)

**DC/19/1539/LBC - The Great House, Church Street, Orford, IP12 2NT**

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**1 EXECUTIVE SUMMARY**

Listed Building Consent is sought for the creation of a pedestrian access in an existing boundary wall and the insertion of a gate within the wall. This item has come before members following a meeting of the referral panel and the link with the previously consent DC/18/4844/FUL which also granted planning permission for the erection of a holiday let within the garden of the property. The application is recommended for approval subject to conditions.

## 2 SITE DESCRIPTION

- 2.1 The property is a Grade II Listed dwelling located centrally in Orford. The property fronts onto Church Street and the garden also extends along Broad Street to the south of the site. The site lies within the physical limits boundary of Orford, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the Orford Conservation Area. It is a two-storey red brick property with slated brick roof. Vehicular access to the property is off Church Street.

## 3 PROPOSAL

- 3.1 The proposal involves the creation of an opening within the existing brick garden wall on the Broad Street frontage and the insertion of an oak pedestrian gate.

## 4 CONSULTATIONS/COMMENTS

### 4.1 Orford Parish Council

"On 21 March the District Council planning committee discussed application DC/18/4845/LBC, re installation of a gate into the boundary wall at the Great House. At that meeting the Committee agreed to refuse planning permission on the following grounds: **"REFUSED** as significant harm would be caused to the listed wall by the installation of a gate." The Parish Council does not see any reason for this decision to be changed. The whole boundary wall is curtilage listed and listed building consent is needed for the proposed gate opening. It visually confirms the boundary and gives a strong sense of enclosure. Fig. 15 ('General view of the wall in context') in the Heritage Report supplied by the applicants shows the special nature of this undamaged section of the registered village green.

The absence of a gate enhances the particular scale and character, as does the absence of a path over the green. The houses opposite the listed wall are set well back from the road and are themselves listed (e.g. the Old Friary). They all have off street parking giving a very open and attractive aspect. Despite this Broad Street has huge parking problems and the installation of a gate for people using the new dwelling (DC/18/4844/FUL) will further exasperate this. It would also represent a threat to the registered village green, which is another matter of concern for the Parish Council and we would appreciate the support of SCDC (our parent local authority) to avoid this.

The applicant has stated publicly that his guests will park within the existing parking area near the entrance in Church Street. To reach the new dwelling they can walk through the garden along existing paths (and indeed a further pathway appears to be under construction). There appears to be plenty of screening from the main part of the house, but this could no doubt be supplemented by additional planting if wanted. There is no need for separate access and therefore no justification for the proposed interference with the listed status. There will be an obvious temptation for occupants of the new dwelling to park adjacent to the gate if given the opportunity.

The Heritage Statement makes no reference to the additional protection afforded by the fact that this property is within an area prohibited from development under Policy SSP39, as well as having heavy restrictions as it is in a Conservation Area. To

undermine this would be extremely detrimental even on a piece-meal basis. The principal is as important. If this application is permitted, it would undermine the Council's protection of a high-quality designated townscape which is also within the AONB.

Orford and Gedgrave Parish Council urges East Suffolk Planning to turn this application down, not to would, apart from all the other issues raised above and by others, create a precedent both here and elsewhere.”

#### 4.2 Third Party Representations

31 letters of Objection have been received raising the following material planning considerations:

- Impact on the Listed wall – it is currently relatively unaltered and defines the curtilage
- The absence of a gate opening onto Broad Street enhances that street’s particular scale and character.
- There is a strong sense of enclosure from solid boundaries and village greens on either side of a narrow road.

Further comments that are not materially relevant to this Listed Building Consent include the following:

- Use of the gate could lead to a muddy ‘path’ across the green
- Would be an incentive to park on Broad Street
- There is no need – users of the site can access the property via the existing access on Church Street
- The gate would benefit the minority for a limited time however affect the residents
- It is a Conservation Area and Area to be Protected from Development

## 5 **PUBLICITY**

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

Category	Publication date	Expiry	Publication
Conservation area Archaeological site	18.04.2019	14.05.2019	East Anglian Daily Times

## 6 **SITE NOTICES**

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

Site notice type	Reason	Date posted	Expiry date
General site notice	Conservation area Archaeological Site	12.04.2019	18.05.2019

## 7 **PLANNING POLICY**

7.1 National Planning Policy Framework (2019).

7.2 East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (adopted July 2013) (“The Core Strategy”) policies:

- National Planning Policy Framework Section 16: Conserving and Enhancing the historic environment
- DM21 Design: Aesthetics

## **8 PLANNING CONSIDERATIONS**

### Principle of development

- 8.1 Applications DC/18/4844/FUL and DC/18/4845/LBC for the erection of an outbuilding to be used as holiday accommodation and creation of an opening in the boundary wall and installation of a gate respectively, were previously considered by the Suffolk Coastal Planning Committee in February 2019. The Planning application was granted. However Committee resolved to refuse the Listed Building Consent application for the creation of the opening in the boundary wall. This application was withdrawn prior to the decision notice being issued.
- 8.2 The current application proposes a slight variation to that previously considered in that it proposes a gate the same height as the wall. The Council's Design and Conservation Officer raises no objection as it would only result in the loss of a small amount of brickwork and the gate and opening are not unexpected features within a garden wall. The gate is of an attractive design and of appropriate materials.
- 8.3 The gate will read as a minor and incidental feature of appropriate garden gate design that will not the harm the special interest of the listed building, of which the brick boundary wall forms a part. As such, the Officer recommendation remains of approval.

## **9 CONCLUSION**

- 9.1 The proposed opening and new gate would not harm the character or appearance of the Listed Building or its curtilage wall. As such, it meets the requirements of the National Planning Policy Framework (2019) and Policy DM21 Design: Aesthetics of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

## **10 RECOMMENDATION**

- 10.1 Approve subject to the following controlling conditions:
1. The development hereby permitted shall be begun within a period of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).
  2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
    - 5855/406

- 5855/407
- 5585/408

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 in writing with the local planning authority.

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

**BACKGROUND INFORMATION** See application reference(s): DC/18/4844/FUL and DC/18/4845/LBC



**SOUTH PLANNING COMMITTEE – 23 JULY 2019**

**ES/0077**

**APPLICATION NO** DC/18/4644/VOC

**LOCATION** Land South and East of  
Adastral Park (Brightwell Lakes),  
Martlesham

**EXPIRY DATE** 12 May 2019

**APPLICATION TYPE** Section 73 - Variation of Condition (VOC) application

**APPLICANT** Carlyle Land Ltd And CEG

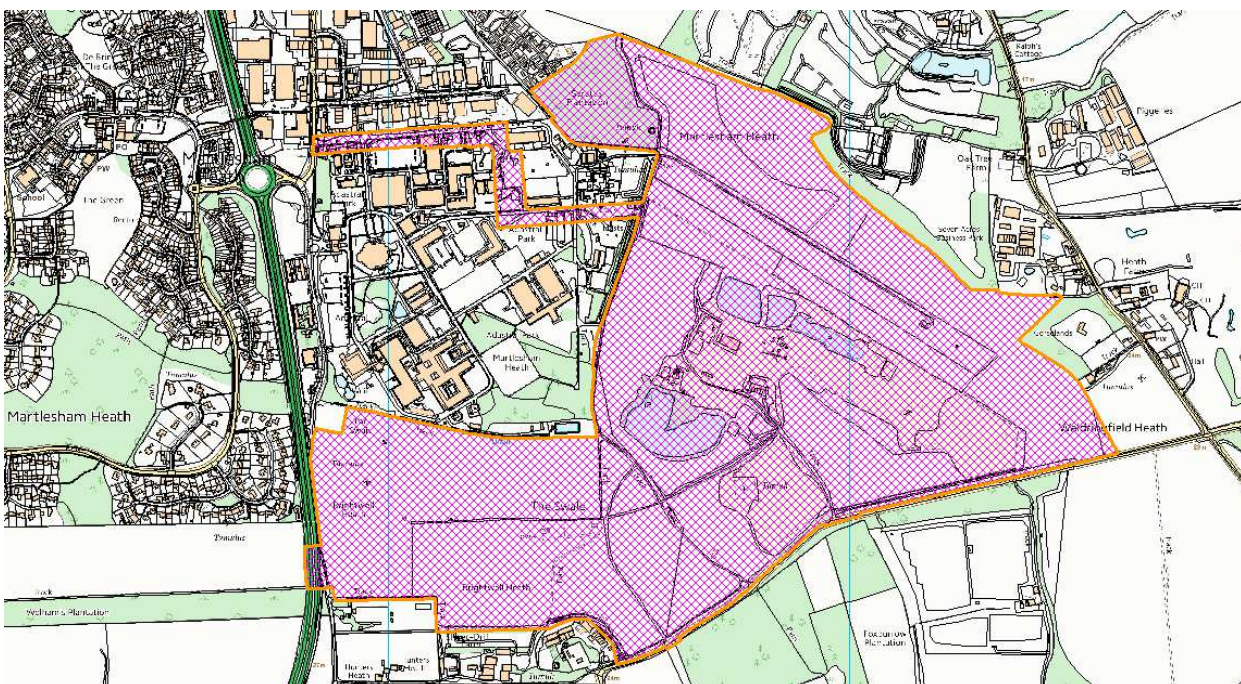
**PARISH** Martlesham Parish, Brightwell Parish and Waldringfield Parish

**PROPOSAL** Variation of condition 32 of DC/17/1435/OUT - Outline planning permission for up to 2000 dwellings, an employment area of c0.6ha (use Class B1), primary local centre comprising use Classes A1,A2, A3, A4, A5, B1, C3, D1, D20, secondary centre comprising possible use Classes A1, A3 and A4), a school, green infrastructure (including Suitable Accessible Natural Greenspace (SANGs)), outdoor play areas, sports ground and allotments/community orchards, public footpaths and cycleways, vehicle accesses and associated infrastructure.

**CASE OFFICER** Ben Woolnough – Major Sites and Infrastructure Manager  
01394 44593  
[ben.woolnough@eastsuffolk.gov.uk](mailto:ben.woolnough@eastsuffolk.gov.uk)

**DC/18/4644/VOC – Land South and East of Adastral Park (Brightwell Lakes), Martlesham**  
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## **1. EXECUTIVE SUMMARY**

This application seeks to vary condition 34 of the Outline planning permission DC/17/1435/OUT which is a condition relating to the timing of completion of vehicular access points serving the site. Currently the condition seeks to deliver the main site access onto the A12 and the western access of Ipswich Road prior to the first dwelling being occupied. The variation sought would change the trigger points for completion of the accesses to allow the western Ipswich Road access to be provided first, enabling up to 200 dwellings to be built in a southern part of the site as part of the first phase of development without the completion of the A12 access.

This change in the trigger points would affect only the first 200 dwellings and the consideration is limited to the effect of the occupation of those homes via one Ipswich Road access. Specifically the only relevant effects are those on the highway network and the effect on the establishment of this new community.

The application has been referred to the Planning Committee by the Head of Planning because of the significance of this Outline planning permission and site and because that application was previously determined by the (Suffolk Coastal) Planning Committee.

The Highway Authority raises no objection to this variation and it is seen as important to enable the 2000 homes and substantial infrastructure to be delivered in a timely manner. The variation of Condition 34 is therefore recommended for approval.

## **2. SITE DESCRIPTION**

- 2.1. The application site comprises of a comprehensive site known as Brightwell Lakes and in the past described as land to the south and east of Adastral Park. It is currently largely used as a sand and gravel quarry with areas of agricultural land, woodland and a large lake.
- 2.2. The application site comprises 113.3 hectares of land to the south and east of Adastral Park, Martlesham. The site falls within the boundaries of three parishes; Martlesham, Waldringfield and Brightwell. The majority of the site lies within Martlesham parish, the southernmost section lies within Brightwell parish and a small part of the most eastern edge of the site lies within Waldringfield parish.
- 2.3. A comprehensive description of the site and its surrounding is contained within the Outline planning permission DC/17/1435/OUT committee report. Web link to view that report: <http://apps.eastsuffolk.gov.uk/committeeminutes/readdocument.asp?docid=22657>

## **3. PROPOSAL**

- 3.1. Outline Planning Permission was granted on 10 April 2018 for the 2000 homes and infrastructure for this new community. 71 Conditions were included on that permission and since then two Reserved Matters applications for first phase on-site roads and green infrastructure have been submitted and have authority for approval from the Planning Committee (October 2018). The applicant has commenced discussions with potential housebuilders and a commencement of development on the site is expected in 2020. Over the past year the Brightwell Lakes Community Forum has also been established with the

first two meetings held between the Council, applicants and community in October 2018 and May 2019 in order to maintain local engagement in the establishment of this new community with surrounding communities.

- 3.2. This application is a request to vary the wording of Condition 34 (*the request to vary condition 32 has since been withdrawn*). The condition on the original approval stated:

32. *The following accesses and highway improvements shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling:*

*Proposed western signalised access off A12 dual carriageway - drawing number 1039-HL-07 revision C*

*Proposed priority junction western access off Ipswich Road - drawing number 10391-HL-05 revision E*

*Shared cycleway and footway connection via Barrack Square - drawing number. 10391-HL-103 revision A*

*Reason: To ensure that the accesses and walking/cycling routes are designed and constructed to an appropriate specification and brought into use before any other part of the development is commenced in the interests of highway safety and sustainability.*

- 3.3. The applicant now wishes to amend this condition to enable up to 200 homes and the B1 employment area to be built in part of the first phase area ahead of the completion of the main A12 access into the site. This would involve the completion of the western Ipswich Road access before any dwelling is occupied and up until 200 occupations that could be the only formal vehicular access into the site. This would enable key infrastructure, services and the central 'Boulevard' spine road to be constructed alongside the first housing on the site. The applicants have specifically cited the costs of initial infrastructure delivery and the resistance of housebuilders to the current condition as a reason for this variation. This reasoning is elaborated on in the consideration section of the report. The applicants therefore wish to vary the wording of the condition to:

32. *The Following highway improvement shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling:*

*Shared cycleway and footway connection via Barrack Square – drawing number. 10391-HL-103 revision A*

*The following access and highway improvement shall be completed and made first available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling within the orange area (being the A area) on drawing 31677 30B or prior to the occupation of the 201<sup>st</sup> dwelling, whichever is sooner:*

*Proposed western signalised access off A12 dual carriageway – drawing number 1039-HL-07 revision C.*

*The following access and highway improvement shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling within the area outlined light blue (being the site B area) on drawing 31677 30B or prior to the occupation of the 301<sup>st</sup> dwelling, whichever is sooner:*

*Proposed priority junction western access off Ipswich Road – drawing number 10391-HL-05 revision E.*

The penultimate paragraph referring to the 301<sup>st</sup> dwelling ensures that the Ipswich Road access is delivered at a particular trigger if the current proposal to deliver that access first does not go ahead and instead delivery is focussed on housing off the A12 access first. The condition therefore allows flexibility for two options of access delivery.

#### **4. CONSULTATIONS/COMMENTS**

##### **4.1. Martlesham Parish Council - The Parish Council comments as follows on this planning application:**

- The Council regrets that there is a move away from the original agreed planning permission whereby the infrastructure would have been provided on the A12 at an early stage. It is disappointing to see this good plan being derailed so soon.
- If it is not possible to carry out the plans according to the previous conditions, the Council would prefer to see both accesses to the new development constructed simultaneously.
- If the Ipswich Road access comes forward first, the Council would like to see adequate calming measures for the Ipswich Road.
- The alterations to the conditions should not put the Foxhall Road roundabout under undue pressure from excessive traffic.
- If housing in the blue area comes forward first, measures must be taken to avoid a situation where this development becomes isolated geographically, i.e. does not have good pedestrian/cycling or public transport connectivity to services & facilities.

##### **4.2. Waldringfield Parish Council**

Erratum: The letter has an error in the drawing numbers: “1039-HL-07 Revision C” should be “10391-HL-07 Revision C” (this is actually carried over from the original condition 34).

p2, para 2 (“However, understandably, housebuilder B...are not prepared to proceed with any development with such a condition as fulfilment of the same is out of their control.”): Surely the fact that the fulfilment of condition 34 is out of housebuilder B’s control would have been known (or at least predictable) when the conditions were agreed last year. Yet CEG made no mention of this potential problem at the time.

p2, para 5 (“Moreover, the condition itself serves no useful purpose...”): It is true that if the condition is interpreted as merely requiring the provision of the access junction and not the attached boulevard, then it would serve no useful purpose. However, that is clearly ridiculous.

“It does not require the provision of the boulevard running from the A12 access into the site as far as site B.” The reason for Condition 34 is “Reason: To ensure that the accesses and walking/cycling routes are designed and constructed to an appropriate specification and brought into use before any other part of the development is commenced” (DC/17/1435/OUT, §34, *our emphasis*). Although the condition doesn’t explicitly refer to the boulevard or Site B, it requires the route to be brought into use, and it is difficult to see how that could happen without the provision of the boulevard.

p2, para 6 (“The original condition did not require the A12 access and initial completions to be served off that entrance...”): The whole point of condition 34 is that the initial completions would be served off the A12 entrance. Why else would it require the route to be brought into use before any other part of the development is commenced?

The argument that the original condition simply requires completion of the access, but no actual road, before occupation of the houses is absurd. How can the access be “brought into use” if it doesn’t connect to anything? The reason the boulevard isn’t shown on the plan is that the detailed design of the boulevard wasn’t within the scope of the planning conditions. “...but all units could be served from the Ipswich Road”: There is no mention of all units being served from the Ipswich Road in condition 34 or any of the other conditions. It is in fact precisely the opposite of what condition 34 was designed to achieve. It also contradicts what CODE said in its response to Waldringfield PC’s consultation comments (“Applicants’ (CODE’s) response: ...the majority of traffic would be expected to use the primary junction to the A12”, *see below*).

In the *Parish Council Consultation Schedule, May 2017*, in response to Waldringfield PC’s concerns, CODE agreed that the boulevard should be provided in phase 1:

*Consultee (Waldringfield PC) response – main issue*

*Deliver the primary A12 junction earlier in order to set habits for residents to enter and leave the site in westerly and more direct direction.*

*Applicants’ (CODE’s) response*

*Applicants prepared to include in the phasing programme to be secured through condition or planning obligation, the delivery of the A12 access and boulevard to the school site in phase 1 of the development. The Ipswich Road accesses will still be required but the majority of traffic would be expected to use the primary junction to the A12. (our emphasis).*

Throughout all the discussions between CEG, SCDC and Waldringfield PC it has been very clear that when referring to the A12 ‘access’ or the Western Ipswich Road ‘access’, all parties were including the roads associated with the individual junctions: e.g. the A12 junction and the Boulevard, and the Western Ipswich Rd junction and what is now called the Western Spine Road. It was these discussions, noted in the 2017 document, that finally led to conditions being applied to the A12 ‘access’ and the Western Ipswich Rd ‘access’. It is entirely unacceptable for CEG to now be disconnecting the A12 Junction from the Boulevard, particularly in relation to Condition 34.

p2, penultimate para (“The following access...prior to occupation of the first dwelling within the orange area...or prior to occupation of the 201st dwelling, whichever is sooner”): This makes no sense. How could the occupation of the 201st dwelling happen before the occupation of the first dwelling? Does ‘201st’ refer to dwellings outside site A? At the very least it is ambiguous.

p3, para 1 – as above, except it refers to the 301st dwelling in site B instead of the 201st in site A.

The phasing of the access in relation to the occupation of the houses was made perfectly clear by Brookbanks:

“As the assessment within this note demonstrates, the A12 access point, considered purely in modelling capacity terms, is not required until the 301st occupation. However, the Applicant considers it beneficial to provide the A12 access prior to any occupation in order to achieve the most efficient method of on site construction and internal movement. Therefore, the A12 access point is confirmed to be delivered prior to any occupation.”  
*(Technical Note: Response to SCC Consultation Return – dated 3rd January 2018, p8, our emphasis)*

If provision of the boulevard is delayed by this proposed variation it means that all the heavy plant used in the preparation of the land, and construction of the extension of Brightwell Barns plus circa 430 dwellings (nearly a quarter of all the dwellings on the site, and more than already exist in Waldringfield) will have to use the narrow, bendy, rural road (Ipswich Rd) and the supposedly ‘secondary’ Western Access off the Ipswich Rd. This road is busy enough already; the amount of traffic trying exit onto the Foxhall Road roundabout is going to increase dramatically, and it is already difficult to get out in busy periods. This was one of the issues that prompted the agreement with CEG/SCDC in order to protect ‘the rural nature of the Ipswich Rd’.

The letter requesting the variation, referred to at the beginning of this response, makes no mention of the main reasons Waldringfield Parish Council and others are so concerned that the boulevard is operational before the first house is occupied. One of these reasons is described in the preceding paragraph, the other reason is that without the A12 ‘T’ junction and connecting boulevard, new residents will get into the habit of using the Ipswich Rd Western junction, and this habit will be hard to break when the boulevard arrives. We have made this point on many occasions, and were under the impression that CODE/CEG had agreed. It now seems that they have changed their minds. This not only means that (if the requested variation is approved) the problems we feared are likely to be realised, but it also undermines trust between CODE/CEG and the local community.

The real reason for these changes is obviously money. CEG want to get the income from the houses in sites A and B before they have to pay for the boulevard. Whilst the desire to save money is understandable, this situation was entirely predictable when the conditions were agreed. It is reasonable to assume that CEG had factored in the financial implications, including cash flow issues, of the phasing of the development at the time the conditions were negotiated and then agreed. If CEG weren’t aware of the potential cash flow problems, then they should have been. If they were aware, but decided to keep quiet about it, knowing they would need to request a variation later, then they would be guilty of duplicity.

- 4.3. Brightwell, Foxhall and Purdis Farm Parish Council – No comments received
- 4.4. Woodbridge Town Council – Recommend approval
- 4.5. Melton Parish Council – Do not wish to make any comments

- 4.6. Rushmere St Andrew Parish Council - Recommend approval
- 4.7. Kesgrave Town Council - The committee feel due to the complexity of the variations listed they are unable to provide comment.
- 4.8. Suffolk County Council Highway Authority – The variation proposed for Condition 34 is acceptable, if the scheme was developed in such a way that the initial phase was served off Ipswich Road it would be illogical to insist on the A12 access being provided at a very early stage. I am content that the trigger proposed provide for a flexible access strategy with sufficient control to ensure that the primary A12 access junction is delivered at a suitable time. The traffic implications at the Foxhall Road / A12 roundabout of this change are not significant, given that only a small proportion of the overall traffic tested through the Transport Assessment process is affected by the change proposed.

*(The following two paragraphs are no longer relevant to the application as the variation of Condition 32 has been withdrawn from the application)*

I do not see the need for the amendment to Condition 32, this simply requests that the details of the A12 speed management gateway features are submitted and approved prior to commencement, to allow for these details to be approved at an appropriate time, before the implementation of the speed limit TRO. It is accepted that the A12 speed limit strategy should be implemented in parallel with the design and construction of the A12 site access, as this will be the initial mitigation scheme on the A12. Early design and approval of these designs is essential for the co-ordinated delivery of key A12 junction improvements, reduced speed limits, enforcement cameras and measures to highlight the change in speed limit and nature of the A12, linked to Brightwell Lakes. Therefore I would recommend that condition 32 remains as drafted.

The reduced A12 speed limits will not be implemented ahead of the opening of the A12 access, as the public would not see the need for the lower speed limit on the currently national speed limit dual carriageway. We will only agree to the implementation of the lower speed limits when the appropriate gateway and mandatory signing is approved and ready to be fully implemented in parallel with the TRO sealing process. The police enforcement measures also need to be implemented in parallel with the speed limit change, to ensure speed limit compliance. Therefore I do not understand the reason for requesting the de-coupling of the gateway features from the TRO implementation, and we would recommend that this amendment is rejected.

- 4.9. Historic England - Do not wish to raise any comments
- 4.10. Highways England - The conditions the applicant is seeking to vary are outside the control and scope of the strategic highway authority and therefore do not wish to offer a view on the proposed variations of these conditions.
- 4.11. Environmental Protection – Do not wish to raise any comments
- 4.12. Third Party Representations None received



## 5. PUBLICITY

Category	Publication date	Expiry	Publication
Major Application Setting of a Listed Building Public Right of Way EIA development Archaeology	14.02.2019	07.03.2019	East Anglian Daily Times

## 6. SITE NOTICES

Site notice type	Reason	Date posted	Expiry date
General site notice	Major Application Setting of a Listed Building Public Right of Way EIA development Archaeology	14.02.2019	07.03.2019

## 7. PLANNING POLICY

- 7.1. Section S38(6) of the Planning and Compulsory Purchase Act 2004 states that the planning application is to be determined in accordance with the development plan unless material consideration indicates otherwise.
- 7.2. National Planning Policy Framework (2019).
- 7.3. East Suffolk Council- Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) the following policies are relevant to this application:
- Policy SP1 Sustainable Development
  - Policy SP1A Presumption in Favour of Sustainable Development
  - Policy SP2 - Housing numbers and distribution
  - Policy SP3 - New homes
  - Policy SP5 – Employment Land
  - Policy SP10 - A14 and A12
  - Policy SP11 - Accessibility
  - Policy SP12 – Climate Change
  - Policy SP18 - Infrastructure
  - Policy SP19 – Settlement Policy
  - Policy SP20 – Eastern Ipswich Plan Area
  - Policy DM12 - Expansion and intensification of employment sites
  - Policy DM20 - Travel plans
  - Policy DM22 – Design Function
  - Policy DM23 – Residential Amenity
- 7.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29th March 2019, and the hearings are to take place in August 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) . At this stage in the plan



making process, the policies that received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2018). Certain policies are now considered to have some weight in determining applications; these have been referenced where applicable. The relevant policies are:

SCLP4.5: Economic Development in Rural Areas,  
SCLP6.1: Tourism  
SCLP6.2: Tourism Destinations  
SCLP6.3: Tourism within the AONB and Heritage Coast  
SCLP9.5: Flood Risk  
SCLP9.6: Sustainable Drainage Systems  
SCLP10.1: Biodiversity and Geodiversity  
SCLP10.2: Visitor Management of European Sites  
SCLP10.3: Environmental Quality  
SCLP10.4: Landscape Quality  
SCLP11.1: Design Quality  
SCLP11.2: Residential Amenity  
SCLP11.3: Historic Environment  
SCLP11.4: :Listed Buildings  
SCLP11.7: Archaeology  
SCLP11.8: Parks and Gardens of Historic or Landscape Interest  
SCLP12.34: Strategy for the Rural Areas

## **8. PLANNING CONSIDERATIONS**

### Background of the requested variation of condition 34

- 8.1. The considerations of this variation of condition application should be limited to the effects of the timing of delivery of two access points into the development on the highway network and the early establishment of this strategic site and new community.
- 8.2. The two access points under consideration, a new junction with traffic lights onto the A12 and a priority junction onto Ipswich Road, are approved details of the Outline permission and are not up for any reconsideration in terms of the principle of their use, their location and general design. The Transport Assessment and effect of 2000 homes was scrutinised thoroughly by the Highway Authority, Highways England and the Local Planning Authority at Outline planning permission stage. It was found to be sound and not resulting in severe impacts on the highway network or any safety issues as a result of the development of 2000 homes on this site. The various access designs and mitigation measures for A12 junctions were also considered and approved. In addition, the Outline permission accepted in principle that the a package of speed reductions would come forward on the A12, Ipswich Road and Foxhall Road and these have been funded by the developer as part of a current Traffic Regulation Order being assessed by the Highway Authority.
- 8.3. The Outline Planning permission gave consideration to the timing of accesses and mitigation works and these are secured in the conditions of the permission and in obligations of the Section 106 agreement. One important matter of timing related to the delivery of vehicular accesses into the site and trigger points based on residential occupations.

- 8.4. At least one of the four vehicular accesses into this site will need to be completed to enable the first occupation of homes. As the site will be phased from west to east the two key accesses for the first 1000 homes will be the A12 access and the Ipswich Road west access. When the Outline application was first submitted the applicants proposed to deliver the Ipswich Road west access first, with the A12 access opening after approximately 200 dwellings were occupied.
- 8.5. Within the consideration of the Outline application, that approach was amended and the applicants proposed that a condition would be applied to the permission requiring the A12 access to be delivered before any dwellings are occupied. This was made in response to requests from the local community, particularly the requests of Waldringfield Parish Council. It should be noted that there was no specific officer request for this change in timing, nor any request from the Highway Authority. It was however a preferable outcome to see the site delivering homes from the most western part of the site first and to see the prominent main entrance to the site delivered as the earliest part of the development. It was necessary to condition 'trigger' points for various accesses and highway works, the following summary sets out what these were:
- Signalised access junction onto A12- prior to first occupation.
  - Footway and cycle lane provided along Barrack Square up to Adastral Park main gate, prior to first occupation.
  - Ipswich Road west junction – prior to first occupation.
  - Ipswich Road east junction - prior to the first use of the school or the occupation of any dwelling with direct access to this access.
  - A12/Anson Road/Eagle Way and Gloster Road Highway works, prior to the 301<sup>st</sup> occupation.
  - Foxhall Road Roundabout and Seven Hills/Junction 58 A14 works, prior to the 601<sup>st</sup> occupation.
  - Northern Quadrant Road, prior to the 1200<sup>th</sup> occupation.
  - Tesco Anson Road Roundabout works, prior to the 1500<sup>th</sup> occupation.
- 8.6. It should be noted that Condition 34 relating to the A12 access and Ipswich Road west access were tied to delivery of the access prior to any occupation but the condition did not limit the number of dwellings having to be served by the access after its completion. Theoretically it is therefore currently possible for condition 34 to be used to deliver the A12 access serving 1 dwelling and the Ipswich Road west access to be delivered at the same time serving potentially 500 dwellings alone.
- 8.7. That scenario is highly unlikely to occur since it is very much in the developer's interest to deliver the A12 access early, as the key gateway into the site. The A12 access and boulevard also open up multiple housebuilder parcels in contrast with the Ipswich Road west access, which is likely to serve only one housebuilder. Most importantly the boulevard and A12 access are essential to route services and utilities serving all 2000 homes, the school and local centre. Services and utilities will run under the boulevard and therefore occupation of any dwelling is reliant upon the boulevard and A12 access being commenced. It is however now recognised that simultaneous installation of the services and utilities and completion of homes is not possible whilst also relying on the A12 junction as the first usable point of access. Under current circumstances the applicants would have to complete the services

and utilities and complete the final surfacing of a substantial length of the boulevard prior to any dwelling being occupied. This approach creates significant up-front infrastructure costs.

- 8.8. It also needs to be well recognised that this strategic site has major up-front infrastructure and site preparation costs. The cash flow of the master developer is important in delivering the first homes on this site and enabling it to continue to deliver at a good pace. Securing housebuilders prior to commencement is essential for the infrastructure investment and housebuilders currently interested in the site are not willing to proceed with the currently worded condition 34. This application therefore seeks to allow up to 200 dwellings to be delivered off the Ipswich Road west access whilst the boulevard and A12 access is built at the same time. This approach will enable an earlier commencement of housebuilding and then by 200 occupations (at the very latest) the A12 access would be complete, along with a significant length of the boulevard, creating the infrastructure for the first 1000 homes to come forward. It should be noted that a single housebuilder would deliver on average around 50 dwellings per year. Once early infrastructure is in place the site could potentially support up to five housebuilders at the same time.
- 8.9. Importantly, the delivery of the all-through school site needs to be recognised in this relationship. The school site is also reliant on the boulevard being delivered in order to provide a school site serviced with electricity, broadband, water and drainage. The Section 106 agreement obligates the developer to hand over a level and serviced school site to the County Council upon the occupation of 100 dwellings. This increases the importance of an early commencement of the construction of the boulevard and A12 access. Again the school site is a major up-front infrastructure cost which increases the need to achieve some return from the site in selling off serviced housebuilder parcels to justify substantial up-front costs and deliver homes and infrastructure are delivered simultaneously.

#### Highway effects of the variation of condition 34

- 8.10. The primary consideration of this proposed variation is the effect that the use of the Ipswich Road west access by up to 200 dwellings may have on the highway network. The principle of the use of this access is accepted and under the current wording of the condition the access would still be used by a large number of early occupants of the site. The difference resulting from the proposed variation is that the new occupants would not have a choice to use either the Ipswich Road west access or the A12 access; at least not until the A12 access is delivered. As a result of the approved masterplanning it is likely that approximately 200 dwellings would be served predominantly off the secondary road leading from the Ipswich Road west access and the current reserved matters application for that secondary road also includes traffic calming measures to ensure it is less attractive for use by residents of parcels not served off it. Therefore there is no significant difference in the effect of 200 homes having a single point of access, via Ipswich Road west, in the early years of the development.
- 8.11. Some local concern relates to those early residents creating congestion on the Foxhall Road A12 roundabout. However the trigger point, dictated by the Outline application Transport Assessment and traffic modelling dictates that the improvements to that roundabout are not required until 600 dwellings are occupied. Well before that point the A12 access and potentially also the Ipswich Road east access would be open and in use. There is no adverse effect in this variation to access delivery on the highway network and specifically not on junctions proposed to be improved later into the development. The effect on the highway

network would not be severe, which is the test to be applied by paragraph 109 of the NPPF. This is confirmed in the consultation response of no objection from the Highway Authority.

- 8.12. Concerns regarding increased use of Ipswich Road by construction traffic are noted. However the routing and control of construction traffic is limited in its consideration to the pre-commencement Construction Management Plan condition. As a result of the expansive nature of the site, existing access and routes and the amount of site re-profiling required, the primary construction access has always been expected to be the existing quarry access, which will become a residential access later into the development. This access is also well used currently by quarry traffic which will cease or vastly reduce in the coming years.

#### Community effects of the variation of condition 34

- 8.13. It is important in the creation of a new community as substantial as this to consider the quality of environment and sustainability of the location of earliest residents. Community cohesion with existing communities and the creation of a strong sense of community with Brightwell Lakes are important considerations. Under the circumstances of the proposed variation of this condition it is possible that 200 homes would be developed in a relatively isolated position on the site until further housebuilder parcels commence. The parcel off Ipswich Road west will benefit from the Brightwell Barns development adjacent, providing some employment opportunities. That site also has a small café which would be open to use by those early residents.
- 8.14. Importantly the new residents of that parcel need to be able to access services and facilities to the north west in Martlesham, particularly education and retail facilities. For that purpose the Outline permission included a condition requiring each housing application to be accompanied by an interim access strategy, setting out pedestrian and cycle routes to be provided during the construction period to reach local destinations. That condition will remain applicable and should be addressed alongside the reserved matters application for the housing. In the case of housing off the Ipswich Road west access, this parcel will include a newly created bridleway on the southern edge of the site. This is to be delivered alongside a green 'SANG' link and this will lead on to the existing southern boundary bridleway and onto the A12 pedestrian and cycle path, leading north into Martlesham. The bridleway leading north along the eastern Adastral Park fence will also be an available option to access Martlesham sustainably. In light of these connections and the temporary and expected nature of fragmented site delivery, this proposed variation would have no adverse effects on the creation of this community and its sustainability.
- 8.15. Outside of the locally perceived highway effects on local residents there would be no significant direct or indirect effects on existing local residents as a result of this variation.

## **9. CONCLUSION**

- 9.1. The concerns raised by Waldringfield in respect of the change in the applicant's position on this condition are well noted and have been discussed in the recent Brightwell Lakes Community Forum. The local community understandably feel that promises were made in the Outline application, to deliver the A12 first and the applicants are now proposing something different. It is however important to focus on the clear reasons for this variation and the relevance of the variation to the delivery of both housing and infrastructure on this

site. It is regrettable that this has caused such concern for some members of the community however the material considerations in this case dictate that there will be no adverse effects in this variation of condition.

- 9.2. It is anticipated that this variation will enable two areas of the first phase of the site to be delivered together, allowing increased rates in occupation and increased speed of delivery of essential on-site infrastructure, including the school. There will be no adverse effects on the highway network or creation of this community with this variation to Condition 34. The proposed variation has no material affect on the Environmental Impact Assessment of the Outline Application, including the Transport Assessment, the conclusion of which was that there would be no likely significant environmental effects resulting from this development as a whole. The proposal is therefore acceptable and condition 34 should be varied as requested by the applicants.

## 10. RECOMMENDATION

Approve permission to issue the variation of condition 34 to state:

34. The Following highway improvement shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling:

Shared cycleway and footway connection via Barrack Square – drawing number. 10391-HL-103 revision A

The following access and highway improvement shall be completed and made first available for use in accordance with the relevant permitted drawings prior to occupation of the the first dwelling within the orange area (being the A area) on drawing 31677 30B or prior to the occupation of the 201<sup>st</sup> dwelling, whichever is sooner:

Proposed western signalised access off A12 dual carriageway – drawing number 1039-HL-07 revision C.

The following access and highway improvement shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling within the area outlined light blue (being the site B area) on drawing 31677 30B or prior to the occupation of the 301<sup>st</sup> dwelling, whichever is sooner:

Proposed priority junction western access off Ipswich Road – drawing number 10391-HL-05 revision E.

*As a Variation of Condition application, all previous conditions are reapplied to this permission and it acts as a new decision notice for the Outline approval (time limits adapted to address the passage of time). The Section 106 agreement does not require any variation owing to a clause written into the agreement applying the Section 106 agreement to any subsequent Variation of Condition application.*

**BACKGROUND INFORMATION:**

See application ref: DC/18/4644/VOC and DC/17/1435/OUT  
at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)