



**East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, 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 on **Tuesday, 22 December 2020 at 2:00 pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel
at https://youtu.be/III_eSImRLI

An Agenda is set out below.

Part One – Open to the Public

Pages

2	Declarations of Interest	
	Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying	
	To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes	1 - 12
	To confirm as a correct record the Minutes of the Meeting held on 24 November 2020	
5	East Suffolk Enforcement Action - Case Update ES/0601	13 - 32
	Report of the Head of Planning and Coastal Management	
6	DC/20/3685/FUL - Gault House, 3A Thoroughfare, Woodbridge, IP12 1AA ES/0604	33 - 47
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7	DC/20/2913/FUL - Home Farm, Hollesley Road, Capel St Andrew ES/0602	48 - 70
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Part Two – Exempt/Confidential

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 will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on 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.

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

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

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 via Zoom, on **Tuesday, 24 November 2020** at **2:00pm**

Members of the Committee present:

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

Other Members present:

Councillor David Ritchie

Officers present:

Liz Beighton (Planning Manager), Sarah Carter (Democratic Services Officer), Rachel Lambert (Planner), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner), Natalie Webb (Senior Planner)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Melissa Allen; Councillor Paul Ashdown attended as her substitute.

2 Declarations of Interest

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in item 7 of the agenda as a member of Felixstowe Town Council and the Chairman of its Planning and Environment Committee.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in item 7 of the agenda as a member of Felixstowe Town Council.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying received.

4 Minutes

RESOLVED

That the Minutes of the Meeting held on 27 October 2020 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0566** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers. As of 26 October 2020, there were 15 such cases.

The Chairman invited questions to the officers.

A member of the Committee asked if the enforcement case at Pine Lodge Caravan Park, Hazels Lane, Hinton would be concluded before the end of the year. The Planning Manager advised that it was likely the case would be closed before 2021 and that discussions were ongoing between the Council's Planning Enforcement and Legal teams in this regard. The Planning Manager noted that the last visit to the site confirmed that it was not being occupied for residential use but that further site visits were required to confirm this.

There being no further questions the Chairman moved to the recommendation to receive and note the report.

On the proposition of Councillor Cooper, seconded by Councillor Ashdown it was by unanimous vote

RESOLVED

That the report concerning Outstanding Enforcement matters up to 26 October 2020 be received and noted.

6 DC/20/2976/FUL - Manor Farm, Hall Road, Stratford St Andrew, IP17 1LQ

The Committee received report **ES/0567** of the Head of Planning and Coastal Management, which related to planning application DC/20/2976/FUL.

The application sought the demolition of the existing playbarn and playbarn annex outbuildings which would be replaced with a new build unit of tourist accommodation, including minor renovation of existing outbuildings to house a home gym and ancillary storage spaces for the farmhouse at Manor Farm, Hall Road, Stratford St Andrew.

The application was before the Committee as the it as a departure to the Development Plan as Suffolk Coastal Local Plan Policy SCLP6.5 states that new tourist accommodation comprising permanent buildings will only be permitted within settlement boundaries, and the application site was not located within any settlement boundary and was therefore identified as being in the countryside for planning purposes (policies SCLP3.2 and SCLP3.3).

The Committee received a presentation on the application from the Senior Planner, who was acting as the case officer.

The site's location was outlined to the Committee. A Google Earth image of the site was displayed, which highlighted the buildings to be replaced and the application's relationship with existing buildings in the area.

The existing and proposed block plans were shown; the Senior Planner noted that the proposed plan would create more of a courtyard space.

The Committee received the existing and proposed floor plans and north and south elevations.

A proposed cross-section of the site was displayed, which demonstrated how the proposed building would be contained within the wider site.

Photographs of the existing playbarn and annexe were displayed.

The Committee received computer generated visualisations of the view from the private front meadow looking west, the south elevation from the courtyard (the corrugated barn door shown open), and the east elevation.

The Senior Planner outlined the extant planning consent on the site, approved under planning application DC/19/3965/FUL.

The Senior Planner considered that the proposed design was of a high quality and would have a limited impact on the surrounding area. It was highlighted that the Highways Authority had not raised any concerns with the application and that a RAMS mitigation payment had been made by the applicant. The Senior Planner confirmed that a condition on holiday occupation would be included in any planning permission issued.

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

The Chairman invited questions to the officers.

The Planning Manager was able to confirm that Farnham with Stratford St Andrew Parish Council had not objected to the previous application on the site. The Planning Manager read out the comments received from the Parish Clerk on 12 November 2019, which stated that the Parish Council did not have any material objections to the principle of converting the outbuildings to holiday lets. The comments shared concerns held by the Parish Council about the noise and traffic during the construction phase.

The Senior Planner confirmed that the new building would have two bathrooms. The replacement building would have a similar footprint to the building it was replacing and would be two storeys high.

The Committee was advised that the development would not have any impact on the barn, a non-designated heritage asset, beyond what had been implemented under the extant planning consent to make the barn a usable space.

The Senior Planner explained that the granary continued to act as an annexe building to the host dwelling, as permitted.

In response to a question regarding disabled access, the Senior Planner displayed again the proposed floor plans and highlighted the accessibility of the new building.

The Chairman invited Mr Elvin, agent for the applicant, to address the Committee.

Mr Elvin thanked the Senior Planner for a comprehensive report and for taking a logical approach to the application. Mr Elvin considered that the proposed development brought a

number of benefits over the previous scheme and acknowledged that the application was before the Committee as it was contrary to policy SCLP6.5 of the Suffolk Coastal Local Plan.

Mr Elvin advised that the applicant had engaged with officers throughout the process of both applications including making formal pre-app submissions and revisions to the schemes. Mr Elvin highlighted that the pre-app guidance identified a replacement building as acceptable in principle; he detailed the comparison between the footprints of the existing and proposed buildings and considered the comments of Farnham with Stratford St Andrew Parish Council to be misleading.

The change in the location of the replacement dwelling was described by Mr Elvin as being to change the perception of the building when the site was viewed from the path and Low Road. Mr Elvin compared policy SCLP6.5 against the benefits of the fallback position of the site, the extant planning consent, the significant benefits the development would bring to the character and appearance of the site, the accessibility of the building and that the proposals accorded with all other local and national planning policies.

Mr Elvin concluded that the site was capable of accommodating the development, the proposals met the aims of the National Planning Policy Framework and would deliver high quality holiday accommodation in a contemporary architectural style. Mr Elvin considered that less weight should be given to policy SCLP6.5 given the benefits the development would bring.

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

Members of the Committee considered the proposals to be an improvement on the extant planning consent on the site and were in favour of the application.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

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

RESOLVED

That the application be **APPROVED**, subject to conditions as outlined below.

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 1808-A3000 and 1818-A3001 received 29/09/2020, 1808- L0101-PP01, 1808-E-001-PP01, 1808-A- 000-PP01 and 1808-A-1001-PP01 received 06/08/2020.

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

3. The construction of the new building shall not commence until details of the roof and wall materials to be used for the new holiday let, have been submitted to and approved by the local planning authority.

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, September 2019) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

5. No external lighting shall be installed on site unless a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority.

The strategy shall:

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

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

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

6. The proposed development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) details of a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead;
- or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

7. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2020). The duration of occupation by any one person, or persons, of any 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: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

8. 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 ORMK004 consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

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

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

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

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

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

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

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

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

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

10. Prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

12. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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.

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

7 DC/20/2441/FUL - The Spa Beach, The Promenade, Felixstowe

The Committee received report **ES/0568** of the Head of Planning and Coastal Management, which related to planning application DC/20/2441/FUL.

The application proposed to undertake an engineering trial using two of the existing bays that beach huts at the Spa area are usually placed on. Following discussion and detailed feedback from the Coastal Management team, the two bays most appropriate for the trial had been identified as Bay C and Bay D.

As the applicant and landowner was East Suffolk Council, the proposal was required to be determined by the Committee in accordance with the Scheme of Delegation set out in the Council's Constitution.

The Committee received a presentation on the application from the Planner, who was acting as the case officer.

The site's location was outlined, and the Committee was shown the site plan and an aerial view of the site; the proposed site plan outlined that Bay C would have a sand platform to act as a baseline and that Bay D would have an experimental design of a concrete retaining wall infilled with sand.

Photographs of views of the site looking north and northeast from Bay C, looking north and northeast from Bay D, and looking west from Bay D.

The Committee was shown proposed plans and sections.

The Planner explained that the proposals were in line with the overall strategy for Felixstowe and would play a part in alleviating coastal erosion, which would be carefully overseen through partnership working, mitigation and management with the Coastal Management team.

The proposed works would be temporary in nature and further planning permission would be sought should the trialled solution be deemed appropriate. The proposal would not result in an increase in beach hut provision and would not cause increased harm to visual amenity.

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

There being no questions to the officers, nor any public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

Members of the Committee expressed support for the application and it was noted that beach huts were an important part of Felixstowe's tourist offer and provided a source of income for the Council. Members considered that the site was a suitable location for the trial.

One member of the Committee, who was also Ward Member for Western Felixstowe, expressed some concern about the beach huts being placed in front of the Spa Pavilion and impacting on the views from its cafe. The Planner advised that the Council would be working with the various stakeholders involved in the project, including the Spa Pavilion.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

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

RESOLVED

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

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

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

2. The development hereby permitted shall be for a maximum period of one year from the date that works commence on site, after which time the structure shall be removed to the satisfaction of the local planning authority and the land reinstated to its former condition.

Reason: Having regard to the non-permanent nature of the structure, and that it is being granted as a trial to investigate the suitability of the platform and its impacts upon coastal processes.

3. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings received on 02 July 2020:

- Site location plan;
- Location plan (drawing number: 669225-S2-Rev. P08); and
- Alternative platform solution (drawing number: 669225-S2-Rev. P05).

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

4. 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.

5. No development shall commence until details of the strategy for the beach material extraction have been submitted to and approved in writing by the local planning authority. This shall specify the location(s) from where material is to be extracted, and include a Ecological Method Statement to ensure that ecological impacts are avoided or

adequately mitigated. Thereafter the extraction works shall be undertaken in accordance with the approved strategy.

Reason: To safeguard biodiversity and protected species in accordance with Policy SP14 and Policy DM27 of the East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework.

6. No development shall commence under full details of the proposed monitoring plan have been submitted to and agreed by the Local Planning Authority. This monitoring plan should relate to both the demountable wall installation and the sand platform, together with identification what impacts or outcomes would constitute a pass and lead to a proposal for works for permanent beach hut placement. This plan should include means/methods to collect data including beach profile data at both fill and donor sites, dip measurements taken from top of block to beach at fixed points at four-week intervals and after storms or persistent winds, and photographs from agreed fixed points.

Reason: The hereby permitted scheme is being permitted on a temporary basis to enable investigation of how the coastal processes would be affected by the creation of such a platform. Therefore means to monitor its effectiveness and impacts upon coastal processes need to be identified, so that it can be determined if the scheme is appropriate in terms of longer term coastal change processes, in accordance with Local Plan Policy SCLP9.3 (Coastal Change Management Area), paragraphs 166 to 169 of the NPPF and paragraph 069 of the NPPG.

Informatives:

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way

2. Works activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high-water springs mark or in any tidal river to the extent of the tidal influence. Applicants are directed to the MMO's online portal to register for an application for marine licence: www.gov.uk/guidance/make-a-marine-licenceapplication

3. The applicant is hereby advised that, if a further application is submitted for a more permanent platform solution, it should include a monitoring report containing the data collected in accordance with the monitoring plan required under condition 6 during the trial period, an assessment of the results of the collected data and conclusions/ recommendations, identified as a result of the data collected during the trial works hereby granted.

The meeting concluded at 2.33 pm

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Chairman



PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

22 December 2020

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 23 November 2020. At present there are 15 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 23 November 2020 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of 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"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held • 01/03/2016 – Planning Appeal 	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>dismissed</p> <ul style="list-style-type: none"> • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <ul style="list-style-type: none"> • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. 	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019. 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>monitored</p> <ul style="list-style-type: none"> • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further 	20/01/2021

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. Start date has now been received, Statements are due by 12/12/2019. Awaiting Planning Inspectorate Decision Appeal Dismissed with variations. Compliance by 20 January 2021 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> EN served on 21/12/2016 Notice becomes effective on 25/01/2017 Start date has been received. 	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Public Inquiry to be held on 08/11/2017</p> <ul style="list-style-type: none"> • Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. • 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). • Site visit to be conducted once compliance period has finished. • 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. • Site visit due on 07/01/2019. • 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. • 26/02/2019 – Update to be given at Committee. • Awaiting update from Legal. • 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Injunction was granted and the owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> • 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action. • Court date arranged for 28/11/2019 • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020. • Site visited. Case currently with the Council's Legal Team for assessment. • Charging orders have been placed on the land to recover costs. 	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period 	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					11/12/2020 <ul style="list-style-type: none"> Site visit to be undertaken after 11/12/20 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. Notice sever by recorded delivery 05/09/2018. Appeal has been submitted. Awaiting Start date. Start letter received from the Planning Inspectorate. 	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Statement due by 30/07/19.</p> <ul style="list-style-type: none"> • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision 	30/11/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal dismissed and amended. Compliance with both Notices by 13/08/2020 • Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020. • Further extension of time given until 30/11/20. 	
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> • Listed Building Enforcement Notice served on 17/05/2019. • Notice takes effect on 20/06/2019. Three months for compliance • Appeal has been submitted, awaiting a start date. • Start date now received by the Council, Statements due by 12/12/2019 • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with Notice due by 21/10/2020 	21/11/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Site visit on 27/10/2020 to check for compliance. Site visited on 27/10/20- EN has been complied with. Case closed 	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 Stop Notice Served 25/05/2019 comes into effect 28/05/2019. Appeal has been submitted. Awaiting Start date. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 Awaiting date of hearing from Planning Inspectorate. Hearing date set for 02/02/2021. 	30/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> • Breach of Condition Notice served 01/08/2019. • DC/19/4557/VOC Planning application submitted 21/11/2019 • Application refused 15/01/2020 • Currently within appeal period. • Application received DC/20/1387/AME to amend roof material. • DC/20/1387/AME approved 28/04/2020. • Team monitoring progress • Work due to commence early November 2020. • Site Visit planned to check compliance. 	01/12/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> • Notice served 26/11/2019 • Compliance visit to be conducted when possible. • Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place 	30/01/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>regarding next step.</p> <ul style="list-style-type: none"> • Enquires being made to take direct action. • Contractors arranged to undertake the required work. • Owner arranged for workers to undertake required work in place of Council Contractors. • Site visit due to check compliance. • Notice not complied with in full. Internal discussions being held to decide the next step. 	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> • Enforcement Notice served 10/12/2019 • Awaiting site visit to check on compliance • Site visit undertaken, summer house still in situ. Further action to be considered. • Property has now changed hands. Contact with new owner to be established. • Officers are now in contact 	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>with the new owners and are discussing a way forward.</p> <ul style="list-style-type: none"> • Six weeks given for summerhouse, decking and steps to be removed. 	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> • 17/01/2020 – Enforcement Notice served. • Appeal received. Statements due by 27/04/2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted. • Judicial review dismissed. Compliance date 26/12/2020 	26/12/2020
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> • 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date. • Appeal started. Final comments by 09/11/20 	30/01/2021

Committee Report

Planning Committee South - 22 December 2020

Application no DC/20/3685/FUL

Location

Gault House
3A Thoroughfare
Woodbridge
Suffolk
IP12 1AA

Expiry date 18 November 2020

Application type Full Application

Applicant Chapel Properties (Woodbridge) Ltd On behalf of Mr & Mrs Buckingham

Parish Woodbridge

Proposal Demolition of existing dwelling and proposed replacement dwelling

Case Officer Danielle Miller
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Authorising Officer Katherine Scott, Development Management Team Leader – South Team

1. Summary

- 1.1. The application site is that at Gault House is 1960's chalet bungalow within a substantial plot situated within the town centre. It lies behind premises in the Thoroughfare and Church Street and the recent housing built on the former Woodbridge School site, known as Lanyard Place. The site is accessed via a private drive off the Thoroughfare.
- 1.2. The application seeks the demolition of existing 6 bedroomed dwelling and proposed replacement dwelling.
- 1.3. The application was heard by the referral panel on 8th December as a result of the Town Council's objections; the panel considered that the proposals should be heard by the planning committee in order for the issues raised in relation to impact on the conservation area and residential amenity being considered. Ten letters of objection raising similar concerns to those set out by the Town Council have been received. No other statutory consultee have objected to the proposals.

- 1.4. This application was subject to a pre-application enquiry where the advice was positive, an earlier application was withdrawn in the summer, due to the requirement for a Bat Survey. The design and conservation area has looked at this proposal at pre-application stage and on the preceding applications where it was assessed against the requirements of development within the conservation area, officers do not consider the proposals would have a negative impact, it was deemed that the sites redevelopment is of a scale suitable in terms of its location and design, particularly considered that previously approved in 2010.
- 1.5. Officers have assessed the plans against policy SCLP11.2 in terms of residential amenity and concluded that whilst there will be a change in outlook to the properties along Lanyard Place, this will not result in a loss of light or have an overbearing impact enough to warrant refusal. There is no direct overlooking to these properties, nor those surrounding the site.
- 1.6. Given the nature of residential development within the town centre, the scale of the site and the proportions of properties surrounding the buildings officers concluded the development would not result in harm to the conservation area or have a detrimental impact on residential amenity as such are recommending approval in accordance with local policy.
- 1.7. Officers recommend approval subject to controlling conditions.

2. Site description

- 2.1 The application site is that at Gault House is 1960's chalet bungalow within a substantial plot situated within the town centre. It lies behind premises in the Thoroughfare and Church Street and the recent housing built on the former Woodbridge School site, known as Lanyard Place. The site is accessed via a private drive off the Thoroughfare. The existing parking area and garage is separated from the dwelling by an attractive brick and flint wall. Abutting the southern boundary are buildings and walls that form part of listed premises in the Thoroughfare. A mature copper beech tree, the subject of a Tree Preservation Order, overhangs the site.
- 2.2 A recent approval, DC/19/2290/FUL, was granted for the subdivision of the site and the erection of a new two-storey dwelling with integral garage. The approved building is of contemporary design built in traditional materials including red brick walls and slate roof. The application site does not include this parcel of land.
- 2.3 Permission was previously granted for a replacement dwelling on this site under C/10/2452, which the agents have shown on the submitted plans as a scale comparison.

3. Proposal

- 3.1 The application seeks the demolition of existing 6 bedroomed dwelling and proposed replacement dwelling.
- 3.2 The proposed dwelling is approximately 9.5 metres high at 2.5 storeys high. The proposed building is L-Shaped with a depth of 24 metres and a length of 20 metres. The overall depth of each gable end is 6.5 metres. The materials proposed comprise of Render painted, with zinc walls to garden room and clay plain tiles, with zinc to single storey lean-to roofs.

- 3.3 The new dwelling will use the existing access off the Thoroughfare and parking turning areas approved under application DC/19/2290/FUL.

4. Consultations/comments

- 4.1 Ten letters of objection from third parties have been received, raising concerns over:

- Loss of privacy to properties along Lanyard Place
- Negative impact on outlook from properties along Lanyard Place
- Negative impact on surrounding area given the increase in height and scale
- Second floor it will overlook and have a direct line of sight (through roof lights) into those houses immediately opposite
- the northern boundary walls.
- Vehicular and pedestrian access to the proposed 6 Bedroomed dwelling has to be shared with the 4 bedroomed houses already approved on the site. This is from The Thoroughfare by a very restricted passageway shared with Barclays Bank and other properties. This will cause severe complications to pedestrians and traffic generally in this main shopping area.
- There seems to be inadequate garaging or parking provided for in the application bearing in mind the number of residents and vehicles that will be on the site.
- It provides for a far greater scale of development both in size and height than that previously approved (C/10/2452) and when coupled with the recently approved development (DC/19/2290) will be of such greater impact that it is detrimental to the
- character and appearance of the Conservation Area which was designed to protect this open green lung within the town.
- It is an overdevelopment of the site particularly having regard to the extremely limited access and the impact on The Thoroughfare as a pedestrian/single lane highway, a feature of the township.
- The overdevelopment will have a detrimental effect on surrounding properties.
- Overdevelopment of the site will cause loss of view, excessive overshadowing to properties along Lanyard Place.
- Inappropriate material choice for the conservation area.
- Loss of daylight to Lanyard Place.
- Unsuitable forms of drainage for surface water.
- Additional traffic.
- Negative impact on the Coach House at 69 New Street a Grade II* listed building.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Woodbridge Town Council	24 September 2020	7 October 2020
Summary of comments: We recommend REFUSAL as the design is contrary to planning policy SCLP11.2 in that it will affect the privacy of neighbouring properties by way of overlooking from first floor windows, and that the positioning of the dwelling within the site, combined with its height, dominates its relationship with neighbouring properties. In particular the first-floor windows overlooking properties in Church Street and The Coach House, New Street. The application is also contrary to planning policy 11.5 in terms of its scale and height within the conservation area and its neighbouring properties.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	24 September 2020	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Historic England	24 September 2020	30 September 2020
Summary of comments: Do not wish to offer any comments; advised that internal conservation specialists are consulted.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	24 September 2020	25 September 2020
Summary of comments: No objections requested condition on unexpected contamination.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	24 September 2020	7 October 2020
Summary of comments: No objections, conditions relating to on site parking and construction management plan requested.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	17 November 2020	20 November 2020
Summary of comments: Internal Planning Service consultee. Comments within planning considerations section.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	24 September 2020	30 November 2020
Summary of comments: Internal Planning Service consultee. Comments within planning considerations section.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	24 September 2020	14 October 2020
Summary of comments: Officers have read the Preliminary Bat Roost Assessment report (Abrehart Ecology, September 2020) and the Bat Survey Report (Abrehart Ecology, September 2020) and am satisfied with the conclusions of the consultant.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	24 September 2020	No response
Summary of comments: No response received		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area	1 October 2020	22 October 2020	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Conservation Area Affects Setting of Listed Building

Date posted:

Expiry date:

5. Planning policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 5.2 National Planning Policy Framework (NPPF) (2019)
- 5.3 National Planning Policy Guidance (NPPG)
- 5.4 The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

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

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

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

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

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

Policy SCLP11.5 - Conservation Areas (Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning considerations

Principle of Development

- 6.1 The site lies within the Settlement Boundary of the town where replacement of residential properties is acceptable in principle subject to it meeting other policies of the Local Plan. Given the sites location within the Conservation Area and its proximity to listed buildings, the Council has a duty to preserve the setting of listed buildings and to preserve and enhance the character and appearance of Conservation Areas. Other considerations where replacement dwellings seek to increase their scale is the impact that increase will have on neighbouring properties as such residential amenity is a key consideration, particularly in Town Centre locations where properties can be closely related to one another.
- 6.2 The size of the plot proposed takes into consideration the recent approval (DC/19/2290/FUL), as such this proposal is for the a replacement dwelling on the slightly reduced plot size. Officers consider that the site is of a reasonable size to accommodate a dwelling of the size proposed, it is also considered by officers that the scale is not inherently different from the expired planning permission C/10/2452.

Design and impact on Conservation Area

- 6.3 Policy SCLP11.5 seeks to protect the Conservation Area. Development within, or which has potential to affect the setting of, Conservation Areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and any subsequent additions or alterations. Developments should be of a particularly high standard of design and high quality of materials in order to preserve or enhance the character or appearance of the area.
- 6.4 Proposals for development within a Conservation Area should:
- a) Demonstrate a clear understanding of the significance of the conservation area alongside an assessment of the potential impact of the proposal on that significance;
 - b) Preserve or enhance the character or appearance of the conservation area;
 - c) Be of an appropriate design, scale, form, height, massing and position;
 - d) Retain features important to settlement form and pattern such as open spaces, plot divisions, position of dwellings, hierarchy of routes, hierarchy of buildings, and their uses, boundary treatments and gardens; and
 - e) Use high quality materials and methods of construction which complement the character of the area.
- 6.5 The site is located within character area 4 of the Woodbridge conservation area. The space around the existing dwelling is identified as important open/green/tree space, the wall to the south of the site is identified as an important wall and an important view is identified looking north across the site. The application is for the demolition of a dwelling in the Woodbridge Conservation Area and the erection of a replacement dwelling.
- 6.6 The principle of demolition has already been established in the 2010 application where officers stated that the existing building is of little architectural interest and that its replacement with a clearly improved design would enhance the conservation area.
- 6.7 The new proposal is for a large L-shaped dwelling positioned towards the north of the site but pulled further away from the boundary than the existing dwelling. The previously approved scheme was positioned similarly but was a more linear design. The footprint of the new proposal is similar to that of the existing dwelling, it therefore will not take up any more of the protected green space than existing.
- 6.8 The site has been subject to previous applications and pre-applications, which were looked upon favourably. Previous Conservation Officers have assessed that the loss of the existing dwelling would not detract from the Conservation Area. During the most recent application, which was withdrawn, officers commented that: "The new proposal is taller than the previous scheme, 2.5 storeys compared to 1.5, while the existing dwelling appears to be single storey. However, there are limited views from the public realm and the building is situated within a large plot. Therefore officers do not consider that this increase in height would be detrimental to the character of the Conservation Area." Since this assessment of the scheme in August 2020, the design and scale of the proposed dwelling have not been amended in a way that would affect the important open space, the important view, or other aspects which contribute to the character and appearance of the

Conservation Area. Therefore, officers would confirm that the increase in height between this scheme and previous schemes would not have a detrimental impact on the character and appearance of the Conservation Area.

- 6.9 The design of the dwelling has been changed from that previous 2010 approval, which was a contemporary take on the art and crafts aesthetic, to that of a more Georgian/Victorian aesthetic. Given the different style of buildings surrounding the site including those on Lanyard Place, which are more modern in design, officers do not consider this design approach inappropriate for the location. The overall views into the site are extremely limited to that of approach from the Thoroughfare, given the buildings positioning in the northern corner of the site, even with the increase in height the views of the property beyond that of the recently approved dwelling to the front of the site will be extremely limited. The main view of this proposed dwelling will be by those residents living in the properties on the eastern boundary along Lanyard Place.
- 6.10 Whilst there are a number of trees on the site, included a TPO, the proposals include an Arboricultural Impact Assessment which confirms that it is not necessary to fell any trees in order to achieve the proposed layout. A condition should be placed on any permission granted confirming the foundation design in relation to protecting the root protection areas of those trees to be retained.

Residential Amenity

- 6.11 Policy SCLP11.2 seeks to protect residential amenity here the council will have regard to:
- a) Privacy/overlooking;
 - b) Outlook;
 - c) Access to daylight and sunlight;
 - d) Noise and disturbance;
 - e) The resulting physical relationship with other properties;
 - f) Light spillage;
 - g) Air quality and other forms of pollution; and
 - h) Safety and security.
- 6.12 Development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity.
- 6.13 The majority of third party objections and that of the Parish Council consider the proposals to have an adverse impact on residential amenity, particularly to those properties located on Lanyard Place by way of overlooking from first floor windows and overbearing scale of the development. Furthermore it is considered that due to its scale the resultant building will have a negative impact on these properties privacy and outlook; along with their access to daylight and sunlight.

- 6.14 The diamond shapes shown on the North East elevation are not designed to offer a direct view out off. They are intended to bring in light and ventilation to the rear corridor at first floor level. The windows on this level are on the southern east elevation and north west. There are roof lights on the north east elevation however these are above the height which would constitute as offering an outlook. They are intended for daylight purposes.
- 6.15 The properties along Church Street sit on a higher elevation than Gault House, there are existing first floor windows facing towards Church Street, the nearest elevation (that being the gable end on the south west) is some 38 metres from the rear of the properties along Church Street which is a suitable distance to avoid any direct overlooking. The nearest neighbour on the south west is Stone Place, which is a pink rendered building at 2.5 stories high has no windows facing into Gault house, and is amenity space is to the south, the gable end window on the south west elevation would not have a negative impact in terms of overlooking on this property.
- 6.16 Concern was also raised with regards to overlooking to The Coach House on New Street. The windows on the North West . elevation face towards New Street, they do not offer any direct view into the Coach House, which is situated on the northern boarder of the site.
- 6.17 In relation to the proposed building having a negative impact in terms of overbearing/loss of light/outlook on properties along Lanyard Place, the agents have submitted a site section showing the height in relation to that previously approved. It shows a distance of 21 metres between the proposed building and those on Lanyard Place, where a 25 degree obstruction angle is shown from the ground floor window at 1.5 metres from the ground. This is the same calculations officers would carry out in order to demonstrate that a development does not result in loss of light to a neighbouring property. Given the proposed building has been moved a further metre from the boundary than that previously approved the increase in height of the eaves has been mitigated against in terms of any overshadowing it may have caused.
- 6.18 Officers agree that there will be a change to the outlook experienced by residents along Lanyard Place, however it is not considered, given the positioning of the building, that this would have an overbearing impact on their amenity enough to warrant refusal of the application.

Parking

- 6.19 Whilst the scale of the property is being increased from that existing, the number of rooms is the same. There are some 4 parking spaces, two within the approved cartlodge and two to the front of it in the access and parking arrangements which have already been secured through the previous permission DC/19/2290/FUL. Furthermore there is a cycle rack for up to 4 bikes and a bin storage area in this location. The highways authority have not raised any objection to the application on highway safety or in terms of parking availability.
- 6.20 Given the position of the site along the Thoroughfare it is important to consider the construction of the property and reduce the number of HGV movements at certain times of the day and ensure they adhere to an appropriate route, as such a deliveries management plan should be conditioned prior to the commencement.

Ecology

- 6.21 The site lies within the 13 km Zone of Influence of European protected sites and as such consideration must be given to the impact of recreational disturbance from new residential development, in combination with other development. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) along with policy SCLP10.1: Biodiversity and Geodiversity) seeks to support Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided. In this instance there is no additional dwelling as such no mitigation measures will be necessary.
- 6.22 Officers have read the Preliminary Bat Roost Assessment report (Abrehart Ecology, September 2020) and the Bat Survey Report (Abrehart Ecology, September 2020) and are satisfied with the conclusions of the consultant. Should permission be granted conditions related to the protection of Bats should be included.

Other Matters

- 6.23 There are no flood risk or contamination issues on the site, whilst officers note neighbour concern over surface water given Gault House's elevated position, matters in relation to soakaways are subject to separate legislation. East Suffolk Council is a CIL charging authority and attention should be paid to the informative advising on the responsibility of the applicant on this matter.

7. Conclusion

- 7.1 This application was subject to a pre-application enquiry where the advice was positive, an earlier application was withdrawn in the summer, due to the requirement for a Bat Survey. The design and conservation area has looked at this proposal at pre-application stage and on the preceding applications where it was assessed against the requirements of development within the conservation area, officers do not consider the proposals would have a negative impact, it was deemed that the sites redevelopment is of a scale suitable in terms of its location and design, particularly considered that previously approved in 2010.
- 7.2 Officers have assessed the plans against policy SCLP11.2 in terms of residential amenity and concluded that whilst there will be a change in outlook to the properties along Lanyard Place, this will not result in a loss of light or have an overbearing impact enough to warrant refusal. There is no direct overlooking to these properties, nor those surrounding the site.
- 7.3 Given the nature of residential development within the town centre, the scale of the site and the proportions of properties surrounding the buildings officers concluded the development would not result in harm to the conservation area or have a detrimental impact on residential amenity as such are recommending approval in accordance with local policy.

8. Recommendation

- 8.1 Officers recommend the application be Delegated to the Head of Planning Services for approval in accordance with local and national policy subject to controlling conditions.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following drawings

received 17th November 2020

8035-PA.20.03 REV E

8035-PA.20.04 REVE

8035-PA.20.02 REV G

received on 18th September 2020

8035-PA.20.01 REV C

8035-PA.20.04 REV D

8256-D-AIA

Tree Survey Arboricultural assessment

Preliminary Roost Assessment

Bat Survey Report

Design and Access Statement

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Bat Survey Report (Abrehart Ecology, September 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

5. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately

to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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. The use shall not commence until the area within the site shown on Drawing No.8035-PA/20/03 Rev E for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

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

7. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 8035-PA/20/03 Rev E shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

8. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority 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 site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

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

3. BS 3998: 2010
The applicant should note that the work hereby permitted should be carried out in accordance with good practice as set out in the 'British Standard Recommendation for Tree Work' BS 3998: 2010, or arboricultural techniques where it can be demonstrated to be in the interests of good arboricultural practice.

Protected Species:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds, bats their roosts and other protected species. You should note that work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that nesting birds, bats and other species will be disturbed. Likewise, badgers are protected under the Badgers Act 1992 and if disturbance is likely, a licence may be undertaken from the Ministry of Agriculture and Food before any work is undertaken.

Property Rights:

The applicant should note that this consent does not affect any private property rights and therefore does not authorise the carrying out of any work on land, or entering land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before the work starts.

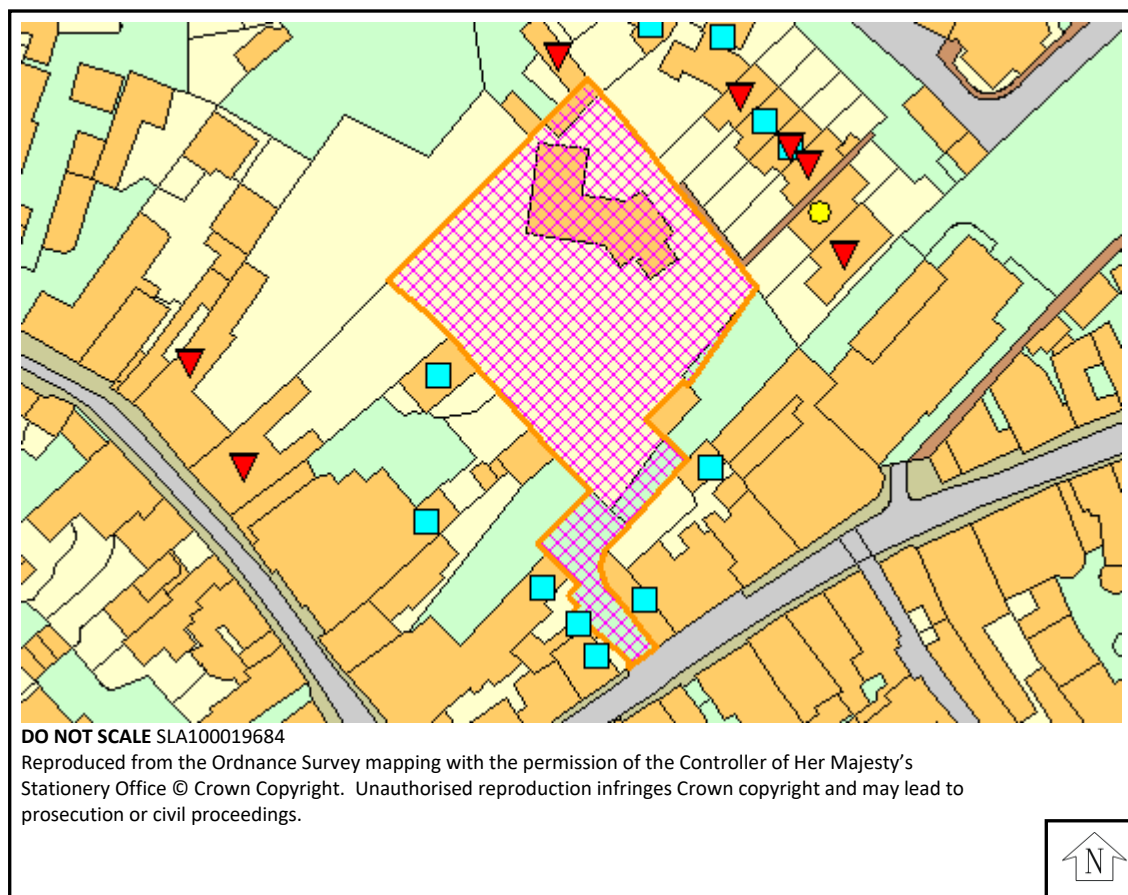
2 Year Time Limit:

The applicant should note that the work hereby granted consent shall be carried out and completed within a two-year period from the date of this consent unless otherwise agreed in writing by the local planning authority. This is to enable the local planning authority to reassess the acceptability of the work in light of changed circumstances if it has not been completed within this period.





Background information

See application reference DC/20/3685/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South - 22 December 2020

Application no DC/20/2913/FUL

Location

Home Farm
Hollesley Road
Capel St Andrew
Suffolk

Expiry date 1 October 2020

Application type Full Application

Applicant Capel St Andrew Farms

Parish Capel St Andrew

Proposal Conversion of 7 traditional barns into dwellings

Case Officer Danielle Miller
01394 444594
Danielle.miller@eastsuffolk.gov.uk

Authorising Officer Katherine Scott, Development Management Team Leader – South Team

1. Summary

- 1.1. The application site relates to Home Farm, located on the east side of Church Road. The site is situated within the countryside and within the AONB.
- 1.2. The application seeks to convert the existing farmstead into 7 residential properties.
- 1.3. The application was heard by the referral panel as Cllr Mallinder (Ward Member) raised concerns over the site's development in terms of the impact it would have on the AONB and RSPB centre; and over the loss of unique habitat and biodiversity and has concerns over the units becoming short term holiday lets. He considers that 7 units is overdevelopment and would have a detrimental impact on highway safety.
- 1.4. In addition to the Ward Members concern, the Highway Authority has raised an objection due to the visibility availability falling greatly below the standards that SCC must adopt for a location such as this. They have mitigated against this however with the understanding

that where speed levels are low the splays can be greatly reduced. A speed survey has been carried out and Highways are currently reviewing the information. Any additional comments received prior to committee shall be included within the update sheet.

- 1.5. The Parish Council have applauded the development, particularly from the historical aspect and feels that issues relating to traffic; visitor parking; and design points can be suitably addressed. The proposals have been amended to reflect the concerns over visitor parking and design and the points raised by the parish council have been addressed by the submission of revised plans, including the omission of three vehicular accesses.
- 1.6. Three letters of representation have been received, with objections on some elements of the design, all of which have been considered and where necessary amendments have been made to overcome the concerns.
- 1.7. There are no other objections from statutory consultees.
- 1.8. Officers have considered this application under SCLP 5.5 Conversion of Buildings in the Countryside for housing and have found it to be policy compliant, as such recommend approval subject to controlling conditions.

2. Site description

- 2.1. The application site relates to Home Farm, located on the east side of Church Road. The site is approximately 2.5 miles to the south of Butley and 2.9 miles to the north of Hollesley. The site is situation within the countryside and within the AONB.
- 2.2. Capel St Andrew is classified as Countryside under Policy SCLP3.2: Settlement Hierarchy.
- 2.3. Home Farm is situated in the east part of Capel St Andrew parish away from the plantations in the small, main settlement formed within the north east corner of a crossroads where the roads to Capel Green, Butley, Boyton and Hollesley meet. There is a smaller secondary settlement at Capel Green in the north part of the parish to the west of Butley Abbey. There are a few scattered farms and a mixed coniferous/deciduous wood, Oak Wood to the south east of Capel Green.
- 2.4. The farm buildings can be dated back to 1821, the buildings in there current form have been similar since 1881, with the addition of a steel farm Dutch Barn in 1957. There are 6 Barns noted on the block plan with 2 stable blocks. Barn 1 noted within the heritage reports as Calving pens/former working horse stables/milking parlour, is the largest of the barns and sits in a U-Shape with its long wing fronting Church Road. This is the most prominent of the barns on many of the approaches to the site. The reports note the buildings as being of a significant feature in the relatively open nature of the surrounding landscape. They are traditional examples of a farmstead which is characteristic to this part of Suffolk. The buildings are substantial and mostly of high quality, reflecting the relative prosperity of beef and dairy farming in the late 19th and early 20th century. The two steel framed barns with corrugated metal roofs, and the flat-roofed, rebuilt section of the traditional barn are not of significance and have a negative impact on the other buildings. It is noted that the buildings form an interesting historic group and make a significant contribution to the landscape.

- 2.5. The application has been supported by a comprehensive Historic Asset Assessment and Historic Impact Assessment which give a dated history of the buildings.
- 2.6. The proposals include converting barns 1, 3 and 4 into 7no. residential dwellings. Barn 5 will be used for undercover parking, Barn 6 will be removed and the area used for parking, and Barn 2 and the Stable buildings will be used for storage in conjunction with the dwellings.
- 2.7. Plots 1, 2 & 3 will all be located within 'Barn 1'; Plot 1 being in the southern former cart shed and original milking parlour, Plot 2 being in the central calving pens/stable building including the roundhouse element, and Plot 3 in the northern former milking parlour.

3. Proposal

- 3.1. The application seeks planning permission to convert the buildings to form 7 dwellings.
- 3.2. The site comprises 6 barns and 2 stable buildings. The existing floor plans, elevations and sections are shown on drawings PW1083_PL03-PL07.

Barn 1

- 3.3. Barn 1 consists of three elements; a central element originally used as calving pens/former working horse stables, an element to the north-east side of the yard that was formerly a milking parlour, and an element to the south-west of the yard that was formerly a cart shed/original milking parlour.

Barn 2

- 3.4. This building was formerly used for sterilizing milking machinery. It is a red brick construction, with a pitched pantile roof, and has two cells. The building is situated close to the milking parlours in barns 1 and 3.

Barn 3

- 3.5. This barn consists of two elements; a building formerly used as calf pens to the east of the complex, and a former milking parlour connected to the west elevation of the calf pens.

Barn 4

- 3.6. Barn 4 consists of two elements; an open-fronted cattle shed to the south, and a calf pen & bull pen element attached to the eastern end.

Barn 5

- 3.7. This building occupies a central location in the complex and was formerly used as bull pens. It is a three-bay brick building with a rendered finish and a pitched clay pantile roof. There are 4 pens internally with a central passageway access to each.

Barn 6

- 3.8. This is a tall, open-fronted building with a flat corrugated roof situated between Barn 5 and Stable 2. It contains the remains of a traditional barn, although the barn has been largely modified and destroyed by fire. The brick walls at the south-east end survive and have been raised with additional courses of brickwork.

Stables 1 and 2

- 3.9. These buildings consist of two ranges, each comprising three stables facing into a central yard. They are constructed of red brick with a pitched clay pantile roof. Stable 1 dates from the 19th century and the south-west corner of the brickwork is curved, replicating that of the round house
- 3.10. Plots 1, 2 and 3 will be located within Barn 1. Plot 1 (2 bed) being in the southern former cart shed and original milking parlour, Plot 2 (3 bed) being in the central calving pens/stable building including the roundhouse element, and Plot 3 (2 bed) in the northern former milking parlour. Each have a private garden area within the courtyard.
- 3.11. Plots 4 & 5 will all be located within 'Barn 3'; Plot 4 (3 bed) consisting of the majority of the milking parlour element, and plot 5 (3 bed) being in the former calf pens and the remainder (eastern section) of the milking parlour. Plot 4 will have a garden area to the west of the building. Plot 5 has a larger garden on the eastern side of the complex.
- 3.12. Plots 6 & 7 will all be located within 'Barn 4'; Plot 6 (2 bed) consisting of the northern part of the former calf and bull pens building, and Plot 7 (3 bed) consisting of the remainder of the calf and bull pens, along with the whole of the southern open-fronted cattle-shed. The main garden areas for Plots 6 and 7 will be located on the eastern side of the complex.
- 3.13. All materials required for external repairs will match those found within the existing complex.

4. Consultations/comments

- 4.1. Three letters of representation have been received which do not object to the principle of converting the buildings into residential properties but considers the number of dwellings to have a detrimental impact on highways. They consider that 3 or 4 dwellings would be more appropriate. They have requested the retention of the bat roost in Barn 5. Considers that at least two suitable nest boxes for Barn Owls should be conditioned. They also raise concerns about sustainable construction and water conservation. They also request the buildings are restricted to not allowing them to be used as second homes. There are also concerns over the impact on residential amenity to Capel Farmhouse. A right of way concern over the land is also raised.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Capel St Andrew Parish Council	7 August 2020	23 August 2020
<p>"The Parish Council believe this application to be appropriate for the redevelopment of the currently unsafe and unsightly buildings. Using the original brickwork will keep the historical element of the area. However, we do have a number of serious safety reservations which we believe need to be addressed.</p> <p>1 The plan converts old, unused garage doors to entrance doors on Plots 2 and 3. These open directly</p>		

onto the main road C339 from Hollesley to Butley. The Parish Council has been active in trying (unsuccessfully) to get a speed reduction imposed on this road. It is narrow with few passing places and large amounts of sand from the fields accumulate on the road causing a hazard. We are also concerned about the increasing number and size of the tractors and articulated lorries passing around the crossroads in Capel. They frequently pull onto the grass verges to pass each other at this corner. As can be seen from the attached Photo 1, considerable damage has been done on the opposite side of the road used as a passing place and these hollows frequently fill with water. This is opposite two proposed doors and one of the exits. Photos 2 and 3 show how narrow the verge is by the proposed doors and show how the tractors pull up close to the building. At harvest time the agricultural traffic is continual, all day every day. We consider this to be a significant danger. **We believe the doors should be on the other side of the building for safety.**



The latest accident was on 12th August 2020 when a tractor and a car were in a head-on collision close to these properties. Fortunately no-one was seriously hurt.

We are therefore also concerned about safety with regard to a possible additional sixteen vehicles, including visitors, regularly using the access points to the properties. **Note: this more than doubles the number of private residents' vehicles in the immediate vicinity.**

It is calculated that twelve vehicles will exit onto on Church Road towards Boyton. We suggest mirrors be installed opposite the exits as a safety precaution.

We strongly disagree with the statement at the end of paragraph 7.00(iv) of the Design and Access Statement: ***The adjacent roads are quiet country roads with good visibility that can easily accommodate additional traffic that may be generated as a result of the conversions.***

This does not agree with our general surveys. This is a very successful and busy agricultural area and subsequently the roads service numerous heavy vehicles, particularly during harvest time. With the anaerobic digester now in operation in Rendlesham it is not unusual to have in excess of sixty tractors with trailers per day passing the site. The onion store on the opposite corner will also generate extra traffic when it comes into full operation, with traffic coming from all four directions at the crossroads. In addition there is considerable traffic at shift change times from Hollesley Prison. **It is not a quiet country road.** We will continue to campaign for a speed reduction with the aim of reducing the possibility of more accidents.

- 2 Conversely, we are also concerned about the minimal number of visitor parking spaces as there is no available space outside the perimeter to park on the roadside. For Plots 5 and 7 could it be considered to place their parking within the confines of the gardens to lessen the

impact?

- 3** The doubling of very local traffic will also increase the noise and air pollution. This does not take into consideration the pollution produced from the agricultural traffic to the onion store and workshops on the opposite side of the road which is not yet fully operational.
- We do applaud the use of electrical charging points for each parking space and would hope to see good ecological practice used throughout the build.
- 4** The use of two buildings as offices for Capel St Andrew Farms might mitigate the volume of vehicles and traffic and we would find that acceptable. However this is not listed in the planning application **but is mentioned in the Preliminary Ecological Appraisal**. Clarification of this is needed.
- 5** Our famous metal statue of St Andrew is a listed asset of the parish and we are pleased that it will be preserved. We would also like to see the Victorian post-box preserved as this is now a rare object, particularly with the quote 'This flap is in place to prevent snails entering'.

The council feel overall that they applaud this development, particularly from the historical aspect. If these significant access safety issues can be mitigated by the developer and traffic calming instigated by the County Council it will be an asset to the village.

I trust that you will take the above comments into consideration when making your decision in respect of the above-mentioned Planning Application."

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	7 August 2020	28 August 2020
Summary of comments: Recommended refusal on highway safety grounds due to the visibility splays shown on Drawing No. : PW1083_PL08 Rev. A not being commensurate with current standards and therefore contravening NPPF paragraph 108. The visibility available falls greatly below the standards that SCC must adopt for a location such as this. Due to the sites unsustainable location, residents would be heavily reliant on using a vehicle and therefore the sites vehicular accesses, all of which are substandard, would be heavily utilised for residential traffic indefinitely.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	7 August 2020	No response
Summary of comments: No response received		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	7 August 2020	7 August 2020

Summary of comments:

Private Water Supply

It is unclear whether the development will involve a connection to the mains, or a private water supply. If the development involves connecting to an existing private water supply, or the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).

Contaminated Land

The Contaminated Land Phase 1 assessment recommends a Phase 2 investigation, which can be secured by condition.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	7 August 2020	No response

Summary of comments:

No response received

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	19 August 2020	No response

Summary of comments:

Internal Planning Services consultee, so comments incorporated within planning considerations section

Consultee	Date consulted	Date reply received
Ecology (Internal)	19 August 2020	14 September 2020

Summary of comments:

Internal Planning Services consultee, so comments incorporated within planning considerations section

Consultee	Date consulted	Date reply received
CIL (Internal)	19 August 2020	No response
<p>Summary of comments:</p> <p>Internal Planning Services consultee, so comments incorporated within planning considerations section</p>		

Consultee	Date consulted	Date reply received
Ward Councillor	N/A	9 September 2020
<p>Cllr Mallinder (Ward Member) - comments in full</p> <p>"In reference to the above mentioned planning application I have great concern of such a large development in a predominantly rural area close to an RSPB centre and in the middle of AONB designated landscape .</p> <p>As barns are changed in usage to residential units there is a significant loss of a unique habit and biodiversity -esp for birds - barn owls, swallows and swfits all under threat in the creeping development of our natural landscape .</p> <p>There is also a concern if units are used for short term holiday lets this will increase disturbance to local natural environment .</p> <p>Although SCC highways will report on their concerns it is worth nothing that such a large development will have negative impact of the already inadequate local roads . 7 units would likely lead to 14 + cars. Road safety at this location is a big local concern .</p> <p>With reference to the national planning policy framework , The proposal also fails to meet any of the exceptions referred to in paragraphs 77, 78 & 79 of the NPPF which refer to "Rural Housing" and clearly states that developments should "reflect local needs". No such local need is met through this application."</p>		

Consultee	Date consulted	Date reply received
Suffolk Coasts And Heaths Project	12 August 2020	12 August 2020
<p>Summary of comments:</p> <p>The existing cluster of barns lies wholly with the Suffolk Coast & Heaths AONB.</p> <p>The AONB team has not raising objections to the principle of converting the existing barns as it will bring them back into use, preserve their future and remove modern agricultural elements from the site. This will be a positive enhancement within The AONB.</p> <p>Their primary concern is the amount of fenestration being proposed on some of the elevations on individual barns.</p>		

Barn 1

Concern over the number and size of the rooflights being proposed particularly on the western elevation fronting Church Road. It is acknowledged that there are already openings in the roof of the barn however these are not currently glazed. The same applies to the 2 existing timber door openings on this elevation which are also currently unglazed.

Barn 3

We welcome the proposed use of timber shutters on the larger window openings on the east elevation of this barn which will help manage light spillage at night. Consideration should be given to adding similar shutters to the larger windows on the southern elevation of this barn too.

As part of the conversion of this barn much smaller roof windows are proposed on the eastern elevation. These are much more discrete and subtle than the roof windows proposed in barn 1. If the principle of adding these smaller roof windows is acceptable in principle while also maintaining the historic integrity of the barn complex our preference would be to use these on barn 1 as well.

Barn 4

As before we welcome the proposed use of timber shutters on the eastern elevation of the converted barn.

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 5.2. National Planning Policy Framework (NPPF) (2019)
- 5.3. National Planning Policy Guidance (NPPG)
- 5.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

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

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

Policy SCLP5.3 - Housing Development in the Countryside (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.5 - Conversions of Buildings in the Countryside for Housing (Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

6. Planning considerations

Principle of Development

- 6.1. The site is located within the countryside where there are fewer opportunities for development than those within settlement boundaries.
- 6.2. The countryside includes a number of small settlements, which have no or very few, services and facilities and are therefore not considered to be suitable locations as a focus for new development. However, consistent with policy in the National Planning Policy Framework the Council recognises that there is a need for housing in the countryside in certain circumstances and where this can help to sustain thriving rural communities.
- 6.3. Policy SCLP5.3 sets out the circumstances where new housing in the countryside would be supported. These are:
 - a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);
 - b) Limited development within existing clusters (in accordance with Policy SCLP5.4);
 - c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;
 - d) Subdivision of an existing larger dwelling;
 - e) Conversion of an existing building (in accordance with Policy SCLP5.5);
 - f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);
 - g) Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.

- 6.4. The above confirms that the conversion of an existing building (SCLP5.5) could be supported outside of the settlement boundary, providing it meets the criteria within the policy set out to further protect the surrounding area.
- 6.5. Rural buildings outside of settlements should ideally be used for the purposes for which they were constructed; however there are instances where commercial uses are no longer viable and a residential use may be appropriate. The National Planning Policy Framework supports the re-use of redundant or disused buildings in the countryside for residential purposes where this would enhance the immediate setting.
- 6.6. A key consideration in relation to proposals for conversions is the extent to which the immediate setting is enhanced through that conversion. In this respect, the conversion should not result in the creation of residential curtilages or other features that would detract from the rural nature of the area and the buildings, such as porches and openings. Only extensions and alterations that are essential to enable the building to be converted for residential use should be made.
- 6.7. Policy SCLP5.5 notes the following criteria:
- a) The building is redundant;
 - b) The building provides a positive contribution to the landscape;
 - c) The conversion does not require significant alteration;
 - d) The design maintains or enhances the structure, form and character of the rural building;
 - e) The design of the conversion, including any necessary works to the curtilage, does not have a harmful effect on the character of the landscape;
 - f) Any impacts on the natural environment are adequately mitigated for;
 - g) The conversion enhances the immediate setting of the area; and
 - h) The site is served by an appropriate existing access.
- 6.8. The nature of redundancy has been adequately addressed within the design and access statement which states: "The agricultural use of the buildings ceased in the late 20th century when the dairy herd was sold, and the buildings proved unsuitable for changing farming practices. The farming business evolved and the farm now grows 3,000 acres of vegetable and arable crops. The outcome was that larger steel-framed modern agricultural barns were required that were more suitable for larger agricultural machinery; these were erected on the site on the opposite corner of the crossroads and are proposed for removal under this application. The traditional buildings were infrequently used for storage of various bit of agricultural paraphernalia in the years following the sale of the dairy herd, but sufficient storage space is now available elsewhere. The traditional buildings have therefore been entirely redundant for a number of years."
- 6.9. The site falls within the AONB and this, alongside the submitted Historic Asset Assessment, demonstrate that the buildings enjoy considerable architectural and historic interest as a non-designated heritage asset and make a valuable contribution within the wider protected landscape setting. The complex is in an open landscape setting on a valley slope to the River Tang (a tributary of the Butley River) and makes a very attractive contribution to the farmed landscape in this part of the AONB, this view is shared by the Parish Council and the AONB team.

- 6.10. The proposal respects the historic footprint of the buildings, where the overall form and scale are not changing as a result of this application. The design and proportions of the replacement windows closely resemble the existing with verticals predominating, allowing the building to retain features of its agricultural identity.

- 6.11. The character of the farm buildings will be retained, and little alteration will be carried out, with no extensions proposed outside of the existing building footprints. The more modern aspects, the two steel framed barns with corrugated metal roofs, will be removed, so that the historically important buildings will become more visible and their original contribution to the site context will be revealed.

- 6.12. The lack of defined curtilage for the farmstead is an important factor in both its agricultural character and appearance and its setting in the surrounding landscape, it is also an important consideration under the policy requirements. The proposals include a generous curtilages to plots 6 and 7 which are visible and open to the countryside beyond.

- 6.13. Officers note the creation of a residential curtilages and the separation of plots has been done effectively with the important open space to the north of Church Road being retained and open. All of the vehicular parking spaces will be located either within existing buildings, or within the central courtyard and will therefore be obscured by the surrounding buildings, this is the same for other domestic paraphernalia such as bin stores which will be retained within this central area. It is an important consideration to ensure that the landscaping around the curtilage is suitable for its location this can be controlled by way of condition.

- 6.14. Officers consider that this farmstead is an attractive traditional group of buildings which form part of the landscape setting, the conversion as noted above requires little in the way of alterations externally other than fenestration which would come with any conversion; the overall form and character of the farmstead will be retained and enhanced through this conversion; whilst it is accepted that there will be domestic curtilage as part of the conversion, this has been designed to run well within the confines of the surrounding area and indeed the residential garden to the north. The site is separated from the further countryside by Church Road which provides a separation between the built up area on the north to the more open countryside to the south rather than overextend into the countryside, furthermore the use of the courtyard for parking provisions ensure that the level of domestic paraphernalia extending from the group of buildings is minimal. Officers consider that the conversion enhances the immediate setting of the area and the existing buildings is one that is worthy to retain under this policy. As such officer find the principle of development in this instance acceptable under policy SCLP 5.5.

Design, Amenity and Parking

- 6.15. In terms of design, the buildings make an impressive group and are well worthy of retention possibly through conversion and adaptation to sympathetic new use.

- 6.16. Policy SCLP11.1 Design Quality and SCLP11.2 Residential Amenity are concerned with the overall design quality and impact on amenity proposed development has. The farmstead buildings are single storey, with no first floor windows other than roof lights for the only first floor accommodation which is located in Barn 1 (Plots 2 and 3). The amenity issues raised by the neighbouring resident with regards to Barn 3 (Plot 4) related to the ground floor windows on the northern elevation which abuts the boundary, officers have

discussed this with the agents and the drawings have been amended to ease concerns. The windows in that elevation are existing openings, where the windows have been changed to obscure glazing with windows that are permanently fixed shut. There are Velux windows in the two rear bedrooms to allow for suitable ventilation and access to daylight.

- 6.17. The level of parking provision required can be influenced by the location of new development, accessibility to public transport, provision for cyclists and the availability of public and on-street parking. Policy SCLP7.2: Parking Proposals and Standards states that proposals will be expected to have regard to the parking standards contained in the Suffolk Guidance for Parking (including subsequent revisions), excluding the elements of the Guidance related to 'Residential Parking Design', unless other local planning considerations indicate otherwise. Proposals should also accord with both the East Suffolk Area Parking Plan and the Suffolk Parking Management Strategy, or Neighbourhood Plans for the area where applicable.
- 6.18. There are 3no. existing vehicular access points to the complex; one on the western side onto Church Road, and two on the southern side onto "The Drift". All are established access points that have been used by farm machinery in the former use as a working farm.
- 6.19. The Highways Authority have raised an objection that the visibility available falls greatly below the standards that SCC must adopt for a location such as this. Due to the sites unsustainable location, residents would be heavily reliant on using a vehicle and therefore the sites vehicular accesses, all of which are substandard, would be heavily utilised for residential traffic indefinitely. Officers note that the access off Church Road on the east side of the site is currently used as vehicular access to the residential property to the north. Given the Parish Council concerns over the speed of traffic on this road, the applicants have agreed to block off this access to vehicles and use it solely as a pedestrian point of access to alleviate concern. The bin collection point has been retained at this access and vehicular access to plot 3 parking is now through the main body of the site. Both of the existing access points are well established and have been used for many years to serve the agricultural barns without any issues.
- 6.20. The only access that Highways felt suitable was to the south between store 7 and Barn 4. Officers note that the Highway Authority have the ability to greatly reduce visibility splays where the level and speed of traffic is deemed acceptable. The agent has provided local knowledge on the area noting that the side road (to the south of the site) is very lightly used. It serves Ferry Farm (The applicant's residential property) and two other dwellings plus a small number of farm buildings. The access does loop round to Boyton but the majority of traffic for Boyton is direct from Church Road. Given the location of the barns near to the junction with Church Road and the nearby bend the speed of traffic passing the site is less than 20mph generally and the traffic is generally farm related.
- 6.21. Officers consider the Highway comments unreasonable in this instance where the site has been used for a number of years by heavy farm traffic and the access points are well established. Mitigation measures have been undertaken by way of the removal of the vehicular access off Church Road to the west of the site and the smaller vehicular accesses to the gardens of Plot 5 and 6. This has greatly reduced the risk to highway safety and controls the vehicular traffic to just two of the existing accesses.

- 6.22. Officers consider the parking and vehicular access arrangements for the site suitable where the proposals have been amended to overcome the concerns raised by the Parish Council and mitigated against the objection raised by the Highway Authority.

Landscaping

- 6.23. The proposal to use timber post and rail fencing for the outer boundary of the site is appropriate for the rural setting although fencing may not be necessary along the Church Road boundary. The use of native hedging to delineate the garden boundaries will provide soft boundaries and avoid introducing alien features. The surrounding landscape is predominantly open agricultural land with a patchwork of arable and pasture fields with hedged boundaries. One of the features of the immediate surroundings is the grassland to the east of the farm buildings, on the north side of Dock Lane. This has the appearance of a former green and it is important that this area, part of which is proposed as gardens for plots 5, 6 & 7, remains as open as possible to preserve the rural landscape associated with the farm buildings.
- 6.24. The AONB Team have reviewed the proposals and do have objections to the principle of converting the existing barns as it will bring them back into use, preserve their future and remove modern agricultural elements from the site. It is considered that this will be a positive enhancement within the AONB.
- 6.25. The primary concern raised related to the amount of fenestration being proposed on some of the elevations on individual barns. In response to this the level of roof lights has been dramatically reduced following the initial submission and the larger opening have been reduced.
- 6.26. The use of timber shutters on the eastern elevation of the converted barn is important to reduce light spillage into the AONB towards the estuary.
- 6.27. Given the sensitive nature of the site within the AONB it is considered important for planting to be native and reflect what is growing locally as such a landscaping strategy would be a suitable condition to place on any approval granted.
- 6.28. Given the potential for light spill into the AONB and the harm affect this can have on the landscape it is necessary to include a condition relating to the submission of details of any external lighting proposed for the site. Lighting should be kept to a minimum to conserve the tranquillity and dark skies in this part of the AONB.

Ecology

- 6.29. Officers have read the Ecological Impact Assessment (EcIA) (Liz Lord Ecology, August 2020) and note the conclusions of the consultant which can be conditioned as enhancement and mitigation measures.
- 6.30. The submitted Bat surveys have recorded that barn 5 contains a small, non-breeding common pipistrelle day roost and buildings 3 and 13 contained old evidence of brown long-eared bat feeding perches. The mitigation measures identified are appropriate in principle, the roost in building 5 should be retained in this building unless it can be demonstrated that this is not feasible. Plans submitted with the application do not confirm where the mitigation features will be located, whilst the detailed design and location of bat roost mitigation will be the subject of the required Natural England development

licence, given the nature of the different mitigations (e.g. timings and methods of demolition/conversion) required I would also recommend that a Construction Environment Management Plan (CEMP) is secured for the site, should permission be granted, this can be conditioned on any approval granted.

- 6.31. With regards to ecological enhancements for bats, the measures identified in the report will enhance roosting opportunities on the site. The details of the types and locations of these could be covered by condition.
- 6.32. External lighting has the potential to result in a significant adverse impact on nocturnal species (particularly bats) and badly located lighting could compromise the bat roost mitigation and enhancement measures proposed. It does not appear that any external lighting is shown on the plans of the proposed development and therefore officers would recommend a condition controlling this is included, should permission be granted.

Reptiles

- 6.33. An area of habitat suitable for reptiles was recorded on site. The measures proposed in the EclA are considered adequate to mitigate impacts on this group.

Barn Owl

- 6.34. Surveys at the site recorded roosting barn owl (a Suffolk Priority species) and officers note comments from third parties indicating that barn owls may have historically bred at the site. Whilst the EclA recommends the provision of a barn owl nest box to provide alternative roosting habitat, as evidence of roosting/potential for nesting was found in three of the buildings on site (and there has potentially been historic breeding on the site as well) the installation of two nest boxes would be more appropriate. If two suitable trees are not available on site then installation could take place on other neighbouring land (either under the control of the applicant or with the agreement of the landowner) or pole mounted boxes could be used. The installation and retention of nest boxes can be secured by condition.

Breeding Birds

- 6.35. Surveys recorded the presence of nesting swallows in buildings 13 and 14, with nesting opportunities for other species also present in other buildings on the site. A number of mitigation measures are proposed, including nesting features for swallows on the building containing Store 2/Store 6. These mitigation measures have been shown on the relevant drawings.

Habitats Regulations Assessment (HRA)

- 6.36. As recognised in the EclA, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC; the Orfordness-Shingle Street SAC; the Deben Estuary SPA; Deben Estuary Ramsar Site and the Sandlings SPA) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This has been secured and officers have undertaken an appropriate assessment on the site.

CIL

- 6.37. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

- 6.38. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). where it is for the change of use of a building over 100sqm in internal area to create of a new dwelling.

7. Conclusion

- 7.1. The proposals respect the structure, form and character of the Home Farm buildings and will retain the significant architectural features recorded in the Heritage Asset Assessment. No extensions are proposed. It is considered that the proposals are in accordance with NPPF 16 paragraphs 185, 189 and 192 and will sustain and enhance the significance of the non-designated heritage assets, putting them to sustainable viable use consistent with their conservation.
- 7.2. The application accords with policy SCLP5.5 Conversion of Buildings in the Countryside for Housing, where there is no detriment of the landscape setting or impact on residential amenity in accordance with SCLP11.1 and SCLP11.2, there is suitable provisions for parking and mitigation has been made in accordance with the Habitats Regulations in accordance with SCLP10.1 Biodiversity and Geodiversity.

8. Recommendation

- 8.1. Officers recommend the application be Delegated to the Head of Planning Services for approval in accordance with local and national policy subject to controlling conditions.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the documents listed below:

Received 19th October 2020

PW1083_PL_08RevB

PW1083_PL_10RevB

PW1083_PL_09RevB

PW1083_PL_12RevA

Received 8th October 2020

PW1083_PL_16RevA

Received 11th Aug 2020

Ecological impact assessment

Received 4th Aug 2020
Design and Access Statement
Heritage Assess Assessment
Heritage Impact Assessment
Structural inspection report
Preliminary Ecological Assessment
PW1083_PL_15
PW1083_PL_14
PW1083_PL_13
PW1083_PL_11
PW1083_PL_07
PW1083_PL_06
PW1083_PL_05
PW1083_PL_04
PW1083_PL_03
PW1083_PL_02
PW1083_PL_01

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EclA) (Liz Lord Ecology, August 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

5. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or
 - h. Use of protective fences, exclusion barriers and warning signs.

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

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

7. The development shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a. a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead; or
 - b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development

8. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

9. No external lighting shall be installed on site unless a "lighting design strategy for biodiversity" has been submitted to and approved by the local planning authority.

The strategy shall:

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

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

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

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

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

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

11. 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 to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

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

12. Prior to any occupation or use of the approved development the RMS approved under condition 2 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

14. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. 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.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part[s] [1], Class[es] [A;B;C;D;E] of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.
Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

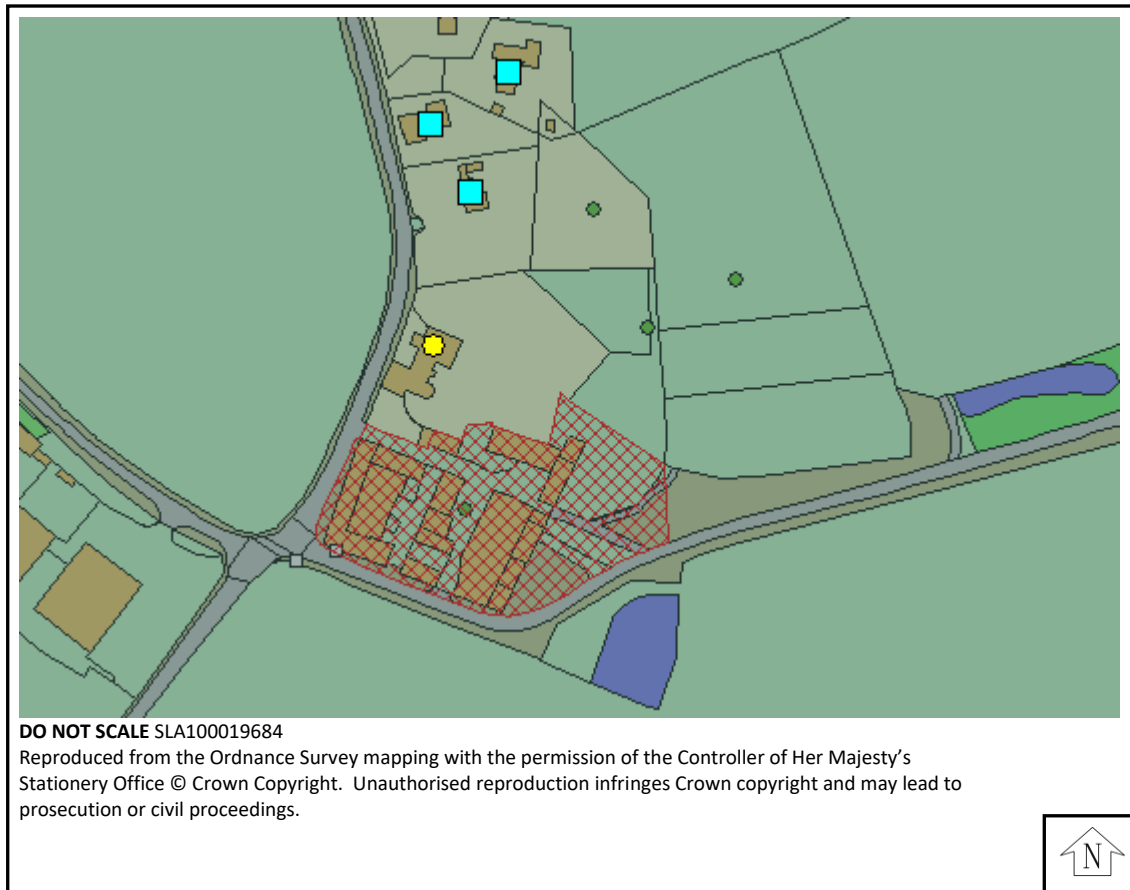
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. It is unclear whether the development will involve a connection to the mains, or a private water supply. If the development involves connecting to an existing private water supply, or the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).





Background information

See application reference DC/20/2913/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South - 22 December 2020

Application no DC/20/4028/FUL

Location

Public Conveniences
The Ferry
Felixstowe
Suffolk
IP11 9RZ

Expiry date 7 December 2020

Application type Full Application

Applicant East Suffolk Council

Parish Felixstowe

Proposal Proposed public toilets drainage improvements, construction of annex building for treatment plant and reconfiguration of public toilet building.

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Authorising Officer Katherine Scott, Development Management Team Leader – South Team

1. Summary

- 1.1. The proposed development seeks permission to make improvements to the public toilet's which include the construction of an annex building for a sewage treatment plant to the rear and the reconfiguration of the public toilet building.
- 1.2. As the applicant is East Suffolk Council, the proposal is to be determined at Planning Committee, in accordance with the Scheme of Delegation.
- 1.3. The recommendation is to approve subject to conditions.

2. Site description

- 2.1. The public Conveniences at The Ferry in Felixstowe is a toilet block serving the public run by East Suffolk Council. The site falls within the AONB to the south of the point of the river Deben meets the sea.
- 2.2. The toilet block is on the land owned by Felixstowe Ferry Sailing Club positioned in between the road and the club itself. Opposite the site is a public car park and behind the toilet block is a storage container. This area is primarily made up of a few small tourist-based businesses and a few holiday accommodations and dwellings.
- 2.3. A recent change in regulations means that the site can no longer discharge waste into the river Deben. As an interim measure the tank was sealed and therefore required the tank to be emptied up to three times a week during busy periods. This is currently the ongoing situation.
- 2.4. The applicants planning statement advised that the Public Conveniences are very used, averaging 40 uses per hour in the summer, and therefore they are considered to be an essential public service that should be retained.

3. Proposal

- 3.1. The proposal seeks to refurbish and modernise the existing toilet block. This includes the removal of the of the underground septic tank and replace with an overground treatment plant to the rear of the toilet block housed in a new building.
- 3.2. The new building is proposed to be physically attached to the rear of the existing toilet block, and constructed with a red brick plinth with horizontal cladding above. The building is proposed to have an eaves level of approximately 3.7m and a ridge of approximately 5.5m. It would therefore be taller than the toilet block which has a ridge height of approximately 3.8m, but lower than the Sailing Club which has a ridge level of approximately 7.35m. This height is required to accommodate the proposed tank and associated plant.
- 3.3. The submitted Planning Statement, explains that the proposal is in the form of a treatment plant, as this is the most practical and financially viable Option. The statement explains that it is not feasible to connect the public conveniences to the mains sewer, as the nearest mains sewer is located on Cliff Road, adjacent to the Felixstowe Ferry Golf Club, approximately 1.7km (1.06miles) from the existing toilet block. The distance would result in a requirement for significant engineering including a new pumping station, mains pipework, partial road closure/traffic management and upgraded electrical connection. The applicants have advised that they considered this option, but the costs are high and with limited funding opportunities, it was discounted.
- 3.4. The Planning Statement also explains that the installation of a drainage field was also considered, but discounted as it would require land outside of the ownership of East Suffolk Council to be utilised in order to enable effluent to be dispersed via a system of sub-surface irrigation pipes. The land around the Public conveniences is also low lying and therefore not suitable for this approach.

- 3.5. Therefore, the proposal is to support the existing septic tank with a sewage treatment plant to be housed within the new building. Due to the significant use of the toilets, and the resulting volumes of soil waste, a large treatment tank is required, and the scheme is for a 13m long Klargestert treatment tank that would site alongside the existing tank.
- 3.6. Due to the history and risk of flooding at the site, the Klargestert is recommended to be installed with a piled subterranean structure or a plant room to prevent its floatation in a flood event. Due to the proximity of the location to the existing toilet block and the sailing club, there are concerns regarding the effects of piling, so an above ground treatment tank and plant are proposed, to enable the long term provision of public conveniences at this location.

4. Consultations/comments

- 4.1. Eight representations of Objection raising the following material planning considerations:
- Noise/Odour pollution - Residents are concerned over the potential background noise of the treatment plant including low frequency noise from the plant machinery/pumps.
 - Design - Scale, Overbearing: Objections were raised that the tank would look unsightly above ground and that the building housing it is too large and therefore the tank if needed should be built underground.
 - Fire/Access Hazard - The building will be clad in timber whilst the holding tank will be plastic. As the building backs onto the kitchen of the sailing club it is felt that if there was a fire, this could cause damage to the storage tank and leak releasing large amounts of effluent.
 - AONB - The building will have a negative impact on the AONB.
 - Re siting of container - Currently a shipping container sits where the proposed sewage treatment plant is proposed. Questions have been raised over where the shipping container will be relocated.
 - Misjudgement of calculations - There is scepticism over the need for such a large tank and whether or not this is the most cost effective option.
 - Common Land - It is claimed the proposal will be built on common land and how the applicant will be looking to seek approval to build on this.
 - No 21 day notice was erected

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	13 October 2020	22 October 2020
Summary of comments: Felixstowe Parish Council "Committee recommended APPROVAL but ask that consideration is given to including appropriate flood resilience measures to the existing conveniences."		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	13 October 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	13 October 2020	20 October 2020
Summary of comments: No objection subject to pre-commencement condition relating to the submission of further noise information, as the currently submitted noise assessment is insufficient.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Head Of Coastal Management	13 October 2020	22 October 2020
Summary of comments: Comments included within officers planning considerations.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: n/a

Expiry date:

5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 5.2. National Planning Policy Framework (NPPF) (2019)
- 5.3. National Planning Policy Guidance (NPPG)
- 5.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

National Planning Policy Framework

Policy SCLP6.1 - Tourism (Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

6. Planning considerations

Planning Considerations - Principle

- 6.1. The alterations are proposed due to the change of regulations within the Environment Agency General Septic Tank General Binding Rules 2020 ("General Binding Rules"). Therefore, for the continued viability of the public toilets as a community facility, a new drainage system has to be installed.
- 6.2. Policy SCLP6.1 states that the council will manage tourism in a way that "protects the features that make the area attractive to visitors, and supports local facilities". The toilet block in this destination is obviously an important facility in the area, especially throughout the summer months and therefore should be sought to be retained if possible.
- 6.3. Under paragraph 8.4 of the Local plan it states that "The Council considers it is important to retain community facilities across the plan area to both serve the local community and support tourism activities in the area."

- 6.4. It is therefore considered that a new sewage treatment plant and the refurbishment of the toilet block as acceptable in principle and in line with the strategy of the Suffolk Coastal local Plan to support the tourism economy.

Planning Considerations - Visual Amenity, Street Scene and Landscape

- 6.5. The proposed building to house the sewage treatment plant is larger than the toilet block and will be seen behind it, however not larger than the Sailing Club. The form is of a simple ancillary building with no windows, timber clad with a tiled roof. The style is that of what you would expect to find in the area and would appear as any type of storage building.
- 6.6. The position of the building is between the public toilets and the Sailing Club and therefore would be noticeable but would not be prominent within the street scene due to the higher height of the Sailing Club. The building is within an existing grouping of buildings and does not break any existing building lines.
- 6.7. The building is therefore considered to be of a reasonable size and scale for its location due to its simple appearance and the size of neighbouring buildings, preserving the appearance of the AONB. It is therefore compliant with the principles of Policy SCLP11.1.

Planning Considerations - Residential Amenity

- 6.8. A number of concerns have been raised due to the installation of the above ground sewage treatment plant.
- 6.9. Noise: As the exact noise levels at source are not yet known we would require further assessment details to demonstrate that acceptable levels are achievable. When full figures of the plant and buildings/enclosures are calculated and further consideration to tonality has been evidenced to show that the NNR45 criteria has been considered, the proposal is likely to be considered acceptable. It is expected that the proposed target levels are applied to the two plant rooms cumulatively (so WTP and pumphouse combined).
- 6.10. The Head of Environmental Protection has been consulted on the matter and has advised that this could be resolved via a pre-commencement condition as it is likely that the required noise levels could be reached through sound mitigation methods.
- 6.11. Odour: The Head of Environmental Protection have been consulted on the application and have raised no concerns over the impact odour may have on the surrounding area. It is therefore considered that if housed and stored correctly there should be no harm to the surrounding environment.
- 6.12. Scale, Overbearing: The building itself is not larger in any respect than the sailing club building and would cause no greater sense of overbearing upon occupants of adjoining properties. Due to the relatively thin form of the building and its position away from any direct neighbours, the structure is unlikely to cause any significant loss of light or shading and therefore is considered acceptable in terms of Residential amenity under policy SCLP11.2.

Planning Considerations - Flooding:

- 6.13. The site falls within flood zone 3, and is therefore in an area at risk of flooding. The existing toilet block is proposed to be retained in its current use, and the new building is proposed to house treatment plant to facilitate the continued use of the building. Therefore, there

would be no material change of use of the existing building, and no additional type of use is proposed.

- 6.14. The use is classed as a less vulnerable development for the purposes of assessing flood risk. Therefore, although the site is located within flood zone 3, and therefore at high risk of flooding, the proposal is acceptable under the flood risk classification table provided by the Environment Agency.
- 6.15. As the proposals are for improvements to and to facilitate the continued use of the existing public toilet block serving Felixstowe Ferry, it is not reasonable or practical for the treatment building to be sited elsewhere, apart from immediately adjacent to the existing toilet block.
- 6.16. The application includes a Flood Risk Assessment which explains that the tank within the building will be encased in concrete below ground level, and maintenance access is to be provided via steps and a platform 1.2, above existing ground level.
- 6.17. In accordance with the guidance with the Environment Agency flood risk classification table, the scheme should use flood resistant and resilient construction techniques to minimise the risk of damage by flood water as reasonably practical. Such measures includes siting the control panel as high as reasonably practical to prevent failure/malfunction in the event of a flood.

*Other Concerns raised by Third Parties

- 6.18. Concerns have been raised over the lack of figures provided within the application when calculating the required treatment capacity. Although it is useful to know how this has been calculated, it is not a requirement within the planning process and will be given little weight, as the judgement is based on the proposal alone and not alternatives that could be built. The same is relevant for the other options considered within the planning statement. Although other options have been considered and it is useful for the context of the scheme, the applicant does not have to provide evidence for why each additional option was not viable, especially for a minor development such as this.
- 6.19. Fire Hazard: It has been brought to the attention of officers that the kitchen to the sailing club is located directly behind the proposed sewage treatment plant. Although fire risks are always a concern the erection of a sewage treatment plant does not significantly increase the risk of a fire in the area. The area is not considered high risk of fire and any building that is positioned here will have to comply with building regs whilst the sewage treatment plant will have its own fire safety specification. The bottom half of the tank itself is encased in concrete reducing the risk of leakage whilst the sailing club itself will have preventative measures in the walls, reducing the chance of fire spreading.
- 6.20. Concerns have been raised regarding the re-siting of the existing shipping container. Although it is not necessary to determine the application, it has been discussed with the applicant that the relocation of the shipping container on the site would not require planning permission as it is not operational development and it is also not a change of use. Therefore, its relocating would not be considered development.

- 6.21. If the building is to be built on Common Land this is not a material planning consideration and therefore should not be considered within this application. This issue would have to be overcome through a separate application process.
- 6.22. Comments have been made regarding the fact that a site notice was not posted. East Suffolk Local Planning Authority has the requirement to either consult all adjoining neighbours of the site or displaying a site notice under the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Suffolk Council has historically undertaken both forms of representation in order to maximise awareness of development. However due to Covid-19 restrictions, and inline with amendments to the Procedural Regulations this year, it was agreed that only consultation by letter would be undertaken until a time that saw less restrictions over travelling and a safer environment to visit sites and post notices. Therefore, the required consultation has been undertaken in accordance with the current regulations, as letters were sent to adjoining properties.

7. Conclusion

- 7.1. It has been considered that the public toilets provide a highly used service for tourism and local residents and help to maintain the economic and community based sustainability of the area. It is therefore judged important to preserve the long term viability of the facility for these reasons. The proposal is considered acceptable in terms of design and of a low risk to the area provided further noise assessment details can be provided. On balance and as noted above there is no significant impact on neighbour's amenity from the development and it is therefore considered to comply with the policies listed above and therefore should be approved subject to conditions.

8. Recommendation

- 8.1. The application is recommended for approval subject to the conditions detailed below.

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 15-12-52/02, 03B, 04A, 05 and 10 received 09/10/2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Prior to commencement of the development a noise assessment must be submitted to include all plant and machinery proposed within/on the toilet block and hereby permitted treatment plant building. This noise assessment shall be based on BS4142:2014+A1:2019. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. The report shall also give further consideration to tonality and evidence to show that the NNR45 criteria has been considered in relation to LFN.

Where identified as necessary by the noise impact assessment and prior to commencement of the permitted activity, details of a scheme to mitigate noise from plant and machinery installed shall be submitted in writing to the local planning authority for approval. The scheme details shall be assessed in accordance with the methodology within BS 4142:2014+A1:2019 and achieve a target rating noise level relative to typical background sound levels at the nearest residential dwelling to be agreed with the local planning authority.

Only the approved scheme shall be implemented retained and maintained thereafter.

Reason: To ensure that noise from the community development is not detrimental to the residential amenity of neighbouring residents. Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics.

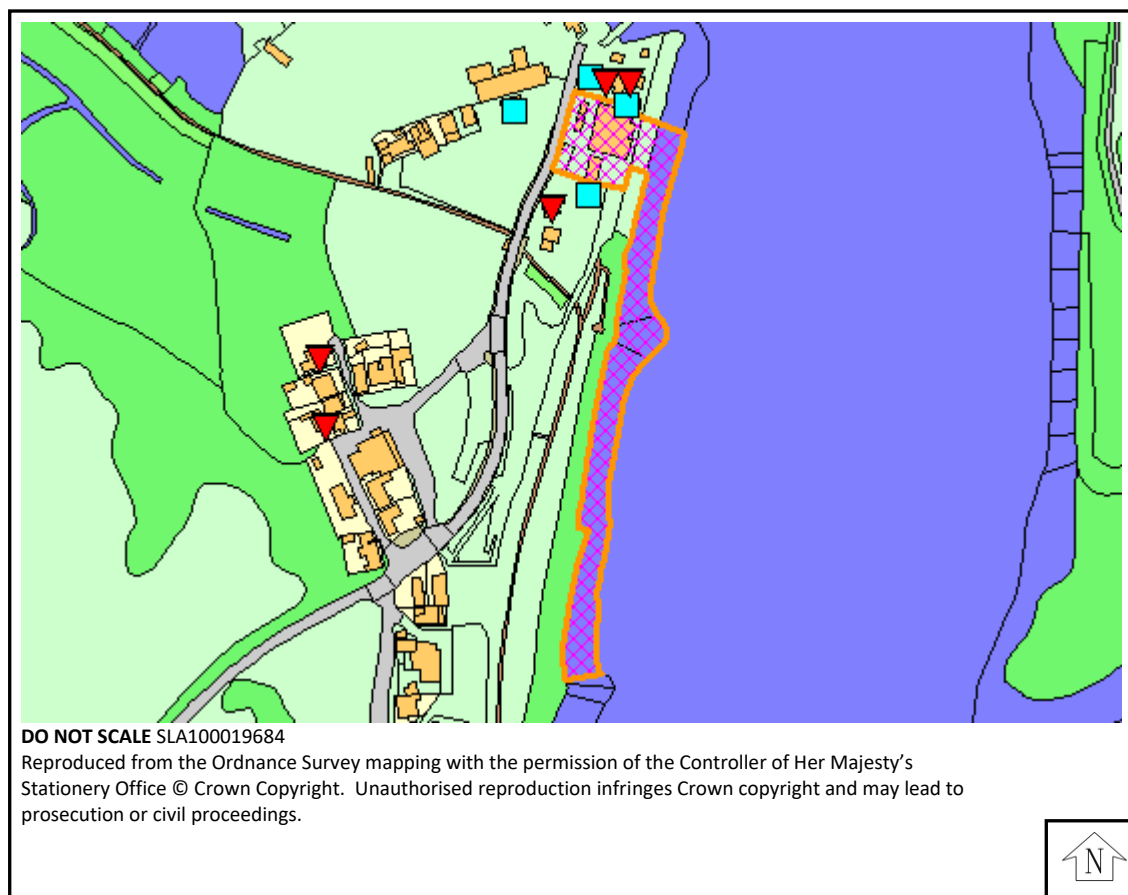
Informatives:

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





Background information

See application reference DC/20/4028/FUL on [Public Access](#)

Map



Key

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