



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

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Jocelyn Bond
Councillor Norman Brooks
Councillor Linda Coulam
Councillor Graham Elliott
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North**
to be held on **Tuesday, 8 December 2020** at **2.00pm**

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/kyj_flvnXy8

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.

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| 5 | Enforcement Action - Case Update ES/0576 Report of the Head of Planning and Coastal Management | 62 - 81 |
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Part Two – Exempt/Confidential

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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 North** held Remotely on **Tuesday, 13 October 2020 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Craig Rivett

Other Members present:

Councillor Stephen Burroughes, Councillor Peter Byatt, Councillor Judy Cloke, Councillor Tony Cooper, Councillor John Fisher, Councillor Tony Goldson

Officers present:

Jamie Behling (Trainee Planner), Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Matthew Gee (Planner - Development Management), Matt Makin (Democratic Services Officer), Phil Perkin (Principal Planner - Major Sites), Iain Robertson (Senior Planner - Development Management)

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Ashdown declared a Local Non-Pecuniary Interest in Item 13 - DC/20/2249/FUL - Orchard Barn, Somerleyton, as being Ward Member. As he knew the Applicant and objectors on the Parish Council, he advised that he would leave the meeting when the item was discussed and take no part in the consideration of the application or voting thereon.

Councillor Ceresa declared a Local Non-Pecuniary Interest in Item 12 - DC18/2687/FUL - Land adjacent 53 Ranville, Carlton Colville, as being Ward Member; and Item 11 - DC/20/1352/FUL - Royal Court Hotel, Lowestoft and Item 16 - DC/20/3172/FUL - East Point Pavilion, Lowestoft, as being County Councillor for the area.

Councillor Elliott declared a Local Non-Pecuniary Interest in Items 9 and 10 - DC/20/1912/FUL and DC/1913/LBC - 3 Saltgate, Beccles, as being Ward Member.

Councillor Pitchers declared a Local Non-Pecuniary Interest in Item 11 - DC/20/1352/FUL - Royal Court Hotel, Lowestoft and Item 12 - DC/20/3172/FUL - East Point Pavilion, Lowestoft, as being Ward Member.

Councillor Rivett declared a Local Non-Pecuniary Interest in Item 11 - DC/20/1352/FUL - Royal Court Hotel, Lowestoft, as Chairman of the Heritage Action Zone, Item 12 - DC/18/2687/FUL - Land adjacent 53 Ranville, Carlton Colville, as being Ward Member and County Councillor for the area, and Item 16 - DC/20/3172/FUL - East Point Pavilion, Lowestoft, as being Cabinet Member for Economic Development and Assets.

Councillor Brooks and Rivett declared a Local Non-Pecuniary Interest in Item 16 - DC/20/3172/FUL - East Point Pavilion, Lowestoft, as being Cabinet Members present at the meeting when funding had been allocated for its regeneration. These declarations were made during the discussion of the item.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Ashdown, Bond, Brooks, Ceresa, Elliott, Gee, Pitchers and Rivett declared that they had been lobbied on Agenda Item 6 - DC/20/1049/VOC - Land South of Chediston Street, Halesworth. They had made no response.

Councillors Ashdown, Brooks and Ceresa declared that they had been lobbied on Agenda Items 7 and 8 - DC/19/3914/FUL and DC/19/3915/LBC - Miles Ward Court, Halesworth. They had made no response.

Councillors Ashdown and Elliott declared that they had been lobbied on Agenda Item 9 - DC/20/1922/FUL - 3 Saltgate, Beccles. They had made no response.

Councillors Ashdown and Gee declared that they had been lobbied on Agenda Item 11 - DC/20/1352/FUL - Royal Court Hotel, Lowestoft. They had made no response.

Councillors Ashdown and Elliott declared that they had been lobbied on Agenda Item 13 - DC/20/2249/FUL - Orchard Barn, Somerleyton. They had made no response. Councillor Ceresa declared that she had been lobbied on Agenda Item 14 - DC/20/2348/FUL - Rosecroft Farm, Chediston. She had made no response.

4 Minutes

RESOLVED

That the Minutes of the Meeting held on 8 September 2020 be agreed as a correct record and signed by the Chairman.

5 Enforcement Action - Case Update

The Committee received report ES/0515 which summarised the outstanding enforcement cases sanctioned under delegates powers or through the Committee up to 29 September 2020. There were currently 15 such cases. The Planning Manager advised that assessment times would be looked at prior to the next meeting.

Referring to the Minutes of the previous meeting, the Planning Manager reported that confirmation had been received from the Secretary of State that he would not be intervening in the decision on the Shadingfield Chicken Sheds. The decision notice had therefore been issued to the Applicant the previous day.

RESOLVED

That the report concerning Outstanding Enforcement matters up to 29 September 2020 be received.

6 DC/20/1049/VOC - Land South of Chediston Street, Halesworth

The Committee considered report ES/0517 which gave details of the variation of conditions 4 and 6 Highways (access and footway) of DC/17/2981/OUT, Outline Application with some matters reserved for the construction of up to 200 dwellings including car parking, open space provision, associated infrastructure and access. The application which sought to amend the access into the site from a roundabout at the junction of Roman Way/Chediston Street to a priority junction on Roman Way. The application had been deferred by the Committee at its meeting on 14 July 2020 to enable the Applicant to consider alternatives.

Members received a presentation showing an aerial view of the site location plan, photographs of the location of the approved roundabout, the proposed revised access point on Roman Way, views in both directions, and plans of the approved roundabout and the new revised access.

The Principal Planner advised that the Applicant had considered alternative access and, in accordance with the technical note appended to the report with two alternatives for consideration, none were found to be better. The Applicant had undertaken a road safety audit of the proposed junction and County Highways had no objection. In response to comments made at the July meeting of the Committee, pedestrian access had been improved with further improvements for both pedestrian and cyclists links.

The Principal Planner reminded Members that the only aspect for discussion was the proposed access and it was recommended for approval subject to a Section 106 Agreement.

The Chairman invited questions.

Members sought clarification on the views of Natural England and whether that organisation had no comment or had not commented. The Principal Planner advised that Natural England had responded and had no comments to make.

The Chairman invited the public speakers to address the Committee.

Note: *There was a brief adjournment from 2.23pm to 2.25pm due to a lost connection for the first speaker.*

As an objector, Ms C Slater advised she was speaking on behalf of a group of residents and had four points to make. Firstly, the safety for cars and users needed a controlled crossing on a hazardous road in rush hour. Secondly the new access on land owned by

the Council was unsafe compared to nearby access on Dukes Drive which offered connectivity. Thirdly, the proposed and unnecessary destruction of historic hedgerow on Chediston Street was relevant and might be agreed by default; it was important to preserve the border between town and countryside. Finally, it was questionable to use a variation for what could only be considered to be a material amendment. The change was quite significant and the developer should be required to submit a new planning application. Ms Slater suggested that Members should make a site visit a previously suggested before making any further decision.

Mr P Dutton advised he was Chairman of Halesworth Town Council's Planning Committee, and stated that the proposal was not a minor change and therefore should not be considered to be a VOC. The access being moved along Roman Way was originally considered unsuitable, that had not changed so it was still unsuitable. Looking at the fields and road splay, there were a number of issues including the fact that the road was not wide enough. The road access needed to be evaluated so as not to destroy the valuable hedgerow. The application should be refused or postponed until adequate information was available. The application should not be approved as the plans did not indicate if the proposals were safe. The road was not wide enough for large vehicles when other vehicles were waiting to cross to their destination.

Ms V Balboa advised she was the Transport Consultant for the Applicant. She had addressed the Committee at its July meeting and explained that, due to the underground tank, the proposed roundabout would not meet the County Councils requirements. Other alternative options including a mini roundabout should not be installed on the site and the junction proposed was the best alternative access for the site. County Highways confirmed that the proposal met its guidance and it supported the proposal which met relevant design standards. Ms Balboa advised that the site had been allocated in the Local Plan, met relevant criteria and was providing social housing. There were no grounds to refuse the application and she requested Members follow the officer's advice and approve the application.

As Ward Member, Councillor Goldson stated he wishes to challenge the agent's statement and the information in Appendix B and stated that the drawings should be submitted to the Highway Authority for approval. The waiting lanes capacity would not be suitable as there was not sufficient width on Roman Way. The proposal was not on land that the developer owned, information requested at the July meeting had not yet been submitted. He made further reference to the attenuation tank in 2019 and the 2018 flood risk assessment, so there was clear evidence that the developer knew about the tank on site. In addition, Anglia Water planning had confirmed the pipe to the north of the development was leading to the storage tank in 2017, so there had been knowledge for the last three years. Minutes from April 2019 showed there was a conflict with the technical advice and local knowledge. Councillor Goldson recommended that the VOC be rejected and a new planning application be submitted with honest drawings. In April 2019, a site visit had been requested; to date, that had still not happened and the Committee needed to undertake such a visit to understand the site and some of the roads which were hardly wide enough for cars to pass, let alone put in a cycle way. He requested Members to reject the application now.

The Chairman invited questions.

Members were of the opinion that some of the points raised by the speakers with regard to the extent of a VOC and the need for a factual explanation of the feasibility of a cycle way on restricted space should be clarified. It was considered that the proposed VOC would change the development significantly, whereas a VOC would normally be used for relatively minor changes. Members also expressed serious concerns over the fact that such a major issue relating to the tank could be ignored by the developers when they submitted the application for a roundabout.

The Planning Manager advised that a variation was the correct process to follow; it covered wide ranging issues to vary a planning permission including layout and appearance. The proposal here was within the scope of what the government allowed and was perfectly acceptable. The Principal Planner advised that the width of the road and dimensions had been considered by the Highway Authority; the access and right turn were adequate. The visibility splays were also adequate and County Highways had made no objections to the application.

The Applicant's Agent responded by advising that, as discussed and explained at the previous Committee meeting, they were aware that there was a tank on site but not the exact location.

Councillor Goldson responded by stating he had a copy email which proved that the developer had known about the tank in February 2017. It appeared to him that misleading and false information had been provided.

A question was raised as to whether there were grounds to refuse the application. The Planning Managers advised that Members had to consider the application before them with regard to the revised access. The position of the tank had resulted in a change to the access. What might or might not have been known was not a reason for refusal.

Whilst not wholly supporting the variation, some Members accepted there was little choice but to approve the application. The site flooded and there would be a loss of hedgerow. The proposal to approve was duly seconded.

The Chairman reminded Members that they were considering the variation application for a change of access, nothing else. He advised that having checked with the officers, he was able to confirm that the Reserved Matters application could come forward to Committee. That would take everything into consideration and have to be approved before any works commenced. A site visit could be undertaken by the Committee before considering the Reserved Matters application.

The proposer and seconder agreed to that those suggestions being incorporated in the resolution to be voted upon and it was

RESOLVED

That permission be granted, subject to the variation of the Section 106 Agreement covering affordable housing, provision and future management of open space, RAMS payment and highways and bus stop improvement, and the following conditions:

1. a) Application for approval of any reserved matters must be made before 24.05.2022 and then
- b) The development hereby permitted must be begun either before 24.05.2022 or within two years from the final approval of the reserved matters, whichever is the later date.

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

2. Details relating to the layout, scale, appearance and landscaping of the site (the "reserved matters"), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

3. Details relating to the "reserved matters" pursuant to this planning permission shall not materially depart from the design principles and design proposals set down in the Design and Access Statement.

Reason: To secure a properly planned development.

4. The new vehicular access onto Roman Way and associated highway improvements shall be laid out and completed in all respects in accordance with Drawing Nos. 13455-SK005 Rev C and 13345-SK003; and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

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

5. Before the access onto Roman Way is first used visibility splays shall be provided as shown on Drawing No. 13455-SK005 Rev C with an X dimension of 4.5m and a Y dimension of 70m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

6. No part of the development shall be commenced until details of the proposed access onto B1123 Chediston Street indicatively shown on Drawing No. YOR.2819_10C have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation. Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an

appropriate specification and made available for use at an appropriate time in the interests of highway safety.

7. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

8. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

9. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

10. The new estate road junction(s) with Chediston Street (B1123) inclusive of cleared land within the sight splays to this junction must be formed prior to any other works commencing or delivery of any other materials.

Reason: To ensure a safe access to the site is provided before other works and to facilitate off street parking for site workers in the interests of highway safety.

11. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

12. Before the B1123 Chediston Street access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 215 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y

dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:

- proposed hours of work
- proposed piling methods
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding and acoustic screens
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for the recycling/disposing of waste resulting from construction works

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity and to ensure a safe development.

14. 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:

1) 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).

2) 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;
- * explanation and justification for the analytical strategy;
- * a revised conceptual site model; and
- * a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+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.

15. 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.

16. Prior to any occupation or use of the approved development the RMS approved under condition 15 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.

17. 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 the RMS approved under condition 15 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.

18. 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.

19. No development shall take place until a Construction Environmental Management Plan to mitigate both noise and air quality impacts during the construction phase has been submitted to, and approved in writing by, the local planning authority. The construction shall be carried out in accordance with the approved Plan.

Reason: In the interests of amenity.

20. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP8.40 of the East Suffolk Council Waveney Local Plan (2019) and the National Planning Policy Framework (2012).

21. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy WLP8.40 of the East Suffolk Council Waveney Local Plan (2019) and the National Planning Policy Framework (2012).

22. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:

1. Dimensioned plans and drawings of the surface water drainage scheme;
2. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
3. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
4. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
5. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
6. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
7. Details of who will maintain each element of the surface water system for the life. The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

23. Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

24. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

25. Before the development hereby permitted is occupied full details of electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2.

26. Prior to the commencement of development full details of the design of green infrastructure to provide a variety of routes of at least 2.6Km for dog walking, with connections to Rights of Way, and infrastructure such as interpretation, dog bins, and off lead areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to mitigate the impact of the development on designated sites.

27. The recommendations of the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, May 2017) and the great crested newt survey report (Cotswold Wildlife Surveys, May 2017) shall be implemented in full.

Reason: In the interests of the protection of wildlife and protected species.

28. Prior to the commencement of development an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

Reason: In the interests of the protection of wildlife and protected species.

29. Prior to the commencement of development full details of fire hydrant provision within the site shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the adequate provision of water for fire fighting.

30. With the exception of any site clearance works, site investigation works and tree protection works no development shall take place unless a Mineral Safeguarding Assessment and Minerals Management Plan for that phase has been submitted to and approved in writing by the local planning authority in consultation with the minerals planning authority. The Mineral Safeguarding Assessment shall assess the potential for the onsite reuse of mineral resource arising from groundwork, drainage and foundation excavations in accordance with an agreed methodology. The Minerals Management Plan will identify for each phase of development the type and quantum of material to be reused on site, and the type and quantum of material to be taken off site and to where. The development shall then be carried out in accordance with the Mineral Management Plan unless otherwise agreed in writing by the local planning authority.

Reason: To assess the quantity and quality of sand and gravel resources in accordance with the Suffolk Minerals and Waste Local Plan.

31. Detailed plans of the Reserved Matters pursuant to condition 2 above shall show that 40% of the dwellings within the site will meet the requirements of part M4(2) of Part M of the Building Regulations unless otherwise agreed in writing by the local planning authority. The development shall be carried out strictly in accordance with those approved details.

Reason: To ensure that adequate provision is made for adaptable and accessible homes in accordance with Policy WLP8.31.

32. Detailed particulars of the Reserved Matters pursuant to condition 2 above shall include a Sustainability Statement which demonstrates how all the dwellings within the site shall achieve the optional technical standard in terms of water efficiency of 110 litres/person/day unless otherwise agreed in writing by the local planning authority. The development shall be carried out strictly in accordance with those approved details.

Reason: To ensure new housing meets water efficiency measures in accordance with Policy WLP8.28.

33. As part of the first submission of a reserved matters application a scheme for the provision of self build/custom build dwellings within the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:

- An area of land sufficient to accommodate at least 5% of the total number of dwellings as self build/custom build dwellings;
- Arrangements to ensure the self build /custom build plots will be adequately accessed and serviced within an agreed timescale;
- Arrangements for the marketing of the serviced self build/custom build plots for a period of not less than 12 months;
- A set of design principles for the self build/custom build dwellings and requirements for the construction of the said dwellings
- Arrangements for the development of any self build/custom not taken up after a minimum of 12 months marketing.

Reason: To ensure adequate provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

34. The approved scheme under condition 33 shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

35. No open market housing shall be developed on any of the plots identified for self build/custom build dwellings by the scheme approved under condition 33 unless evidence that the plots have been marketed in accordance with the agreed marketing requirements has been submitted to and approved in writing by the local planning authority.

Reason: To ensure sufficient opportunity for the provision of self build/custom build dwelling plots in accordance with Policy WLP8.3.

7 DC/19/3914/FUL - Miles Ward Court, Market Place, Halesworth

The Chairman advised that the presentation would cover Items 7 and 8 on the Agenda but the Committee would need to vote separately on the Full application and the Application for Listed Building Consent.

The Committee considered report ES/0518 which gave details of the application submitted for the conversion of nine existing small business units into five residential units for the over 55s at Miles Ward Court in Halesworth. The site was located within the defined physical limits for Halesworth and very close to the town centre.

Members were shown a site location plan, photographs of the access into the site off Market Place, its position in the setting of the listed buildings, the internal courtyard and the buildings in question. The Principal Planner advised that the site had been quite derelict when taken over by the Applicant in 2006 and the conversion at that time had been of a high quality. The ground floor and first floor plans showed the proposal was to provide four one-bedroomed units and one two-bedroomed unit. The elevations showed minimal changes and the proposed cycle store. There would be some minor changes to the windows and glazing and the louvres would be retained to reduce any overlooking.

The Principal Planner explained the material planning considerations and key issues and particularly highlighted the fact that the site was in a sustainable location in the centre of the town whereby conversion would be considered to be acceptable. The loss of the business premises was regrettable but minimal; the site had not been allocated as an employment site in the Local Plan. Whilst there would be no off-street parking within the site, that had been mitigated by the site's sustainable location and the provision of cycle parking, both of which would encourage sustainable methods of transport. It had been accepted that there would be little outside space due to the town centre location. Following assessment, noise and ventilation would be controlled by condition. It was considered that the alterations and conversion would secure the long term future of the building which might otherwise fall into disrepair and therefore approval was being recommended.

In addressing the Listed Building Consent, the Principal Planner advised that the proposed alterations would not have any significant effect on the adjoining listed buildings and the level of harm on the heritage assets was less than substantial.

The Chairman invited questions.

Members raised questions relating to:

- Size of the cycle storage.
- If the business units had been marketed prior to the proposal to convert.
- Gradient and surfacing of the access.
- Electric charging point for mobility scooters and handrail due to the gradient of the access.
- Comment from Economic Development.
- Nearest amenity space and personal outside space.
- Suitability of properties for the over 55s including outlook and steep access.

The Principal Planner confirmed the proposed store would take up to 10 cycles, allowing two per unit. Paragraph 8.4 in the report gave details of the occupied and vacant units. In terms of planning policy, there was no requirement to market the site as it was not classed as an employment site. It would be difficult to insist on a planning condition for surfacing but the Applicant might consider a proposal if that was Members' requirement. From the photographs, it appeared there was a handrail on one side of the access into the site. Economic Development had not supported the application.

The Principal Planner further advised that the town park was around 5-10 minutes walking distance. There was a small area of outside space in the courtyard but not all the courtyard came within the application site. The type of flats being proposed would be meeting a need for smaller dwellings in Halesworth and with a higher percentage of older persons in the town, it would meet their housing need. There was no policy requirement for the dwellings to be for the over 55s; it was a proposal being put forward by the Applicant.

The Planning Manager drew attention to policy WLP8.12 and the existing employment areas on the policies map. Change of use could be resisted if a site was in an employment area, this one was not identified as that in the Local Plan. The layout and appearance were acceptable.

The Chairman invited the public speakers to address the Committee.

Ms J Moseley advised she was speaking against the application based on evidence gathered following consultation with the residents on employment and housing. It was important to create employment opportunities in the town to support the town's economic sustainability and the smaller enterprises. There was a need for business units and these small units were in short supply. The site was to be designated as business use in the Neighbourhood Plan that was currently being produced. Housing needs assessment proposed one and two-bedroomed properties for the older

population but emphasised the need for social housing and rentals. There was little demand for one-bedroomed properties and people downsizing were looking for two-bedroomed dwellings with outside space. Those with mobility problems would not find this site easy to use and might find themselves even more isolated. The Committee should note that these business spaces were needed in the town.

The Chairman invited questions.

Members sought clarification on the demand for small business units, the lack of use on this site and any legal reasons for refusal as conversion to dwellings could take place without permission. Ms Moseley explained that local agents said there was demand but the planning blight relating to occupation would result in users not looking to use these premises. The proposals for housing accessed via a very narrow one-way street with double yellow lines was far from ideal. It would not be possible for large vehicles to access with furniture deliveries or allow supermarket deliveries direct to the home.

On behalf of Halesworth Town Council, Mr P Dutton stated that Miles Ward Court had been bought as a result of grants through the Council for the purpose of providing small business units. There were several inaccuracies in the report creating a false impact on Halesworth. The Town Council was recommending refusal on many grounds including the fact that there was a shortage of business units in the town and the site was unsuitable. Economic development had recognised that there was a shortage of B1 units and this site should have been listed in the Local Plan for business use. The reason that the units were currently vacant was because it was well known that the owners wished to dispose of the site so no-one would move in. Whilst appreciating there was a shortage of one and two-bedroomed accommodation in Halesworth, the housing stock was planned to increase by over 600 dwellings in the next five years; that would meet the need. To have dwellings on this site accessed by a very steep slope would make it difficult to access the properties particularly for the elderly or physically disabled.

Members sought clarification as to one of the significant errors in the report to which Mr Dutton was referring, the ownership of the site, and why he felt the application should be refused.

Mr Dutton explained that the report stated residents would have the benefit of a secondary school and hospital – both had closed down. As for sustainable transport, there was no regular bus service to Diss or other towns and a visit to a hospital would take all day to get there. The site had been purchased by the Town Council with funding from the District Council and as the Town Council did not have the expertise to manage the site, it had been handed over to Foundation East. The application should be refused as the slope access and accommodation was inappropriate and unsuitable.

The Applicant's Agent, Mr B Elvin, explained the background to Foundation East in that it was a not for profit organisation set up for the benefit of the community. The site had been remarketed due to poor occupancy. A lot of money had been spent on renovation and conversion and with running costs, excluding staff costs and the services of Durrants, they were running at a loss and could not continue to run the premises as they stood. The purpose of the application to seek to develop accommodation for older persons had been supported as it was a sustainably located

in the town centre creating less traffic. It was possible to walk or cycle to all services in the town and the conversion would boost the supply of housing. Deliveries into the site were not a problem now and therefore would not be in the future. It had been demonstrated that the site was no good for its current use, good grounds for approving the application.

Members asked questions relating to whether the site would be sold once converted or remain in current ownership. Mr Elvin explained that they were looking to sell so that the proceeds could be put in the charity's coffers and used elsewhere. He was not expecting to make much profit.

As Ward Member, Councillor Goldson addressed the Committee and explained that the original funding had been from an EU pot. Regardless of the age of any future residents, it would be nearly impossible to drag a wheelie bin up the slope for emptying and the steep access would be no good for a disability scooter. The tenants had left as they had been told the site was to be sold. There was no sustainable transport in the town, no regular bus service, it was impossible to get to a hospital without your own transport, and no secondary school for those age 12 years or over. There were insufficient spaces now for residents under the residents' parking scheme, so car parking off-site could not be offered. Any construction jobs or materials would unlikely bring any benefit to Halesworth as most contractors would use their own workforce.

In response to a question relating to the lack of planning objections and delivery vehicles, Councillor Goldson advised that the site was not sustainable, there were no local facilities, it backed onto an area in flood zone 2 and 3 so no one would get a mortgage. From experience, he was aware that furniture had to be manhandled down the slope, access was insufficient for ambulances and supermarket food deliveries were not an option as there was no parking on the double yellow lines in front of the access arch. Small businesses using the premises, such as architects or photographers, would not have required van deliveries to access their premises. He proposed Members defer for a site visit.

The Principal Planner advised that the north west corner of the building at the rear of the site was within the flood zone. However, in reality, it was unlikely the dwellings would be subject to flooding as the floor level was higher than a flooding event.

Whilst having sympathy with the organisation and its loss of income, and the loss of business units in the town which would undoubtedly be valuable in the future, Members were of the opinion that it was not a suitable place for sustainable accommodation which could potentially provide small dark dwellings. It was considered that the proposed flat would not be suitable for the over 55s with no individual open space, but more suitable for young people as starter homes. If the business units had been marketed with over ambitious prices, then the natural progression would be towards providing residential accommodation. Members accepted that the Neighbourhood Plan was at the informative stage; a lot of work had been undertaken and they recognised that some small business premises were required. The Committee was of the opinion that the application should be refused on the grounds of sustainability, lack of bus routes, no railway station and general

unsuitability, particularly with the access slope that would be extremely slippery in bad weather.

The Planning Manager advised that using the Neighbourhood Plan was a weak ground for refusal as the Plan was at an early stage and carried little weight. The principle of change of use was a sound policy in the Local Plan. The lack of a railway station was a weak argument because the site was in the town centre and facilities could be accessed. She referred to the paragraph 91 in the NPPF which highlighted the aim to achieve healthy and safe places and, in the Local Plan, policy 8.29 access to all and policy 8.31 lifetime design. If Members were minded to go against the officer's recommendation, the principle of loss of employment use was insufficient. Reference to the Local Plan gave the strongest grounds for refusal.

The Committee supported the refusal on the relevant Local Plan policies, access and amenity, and the lack of outside space. Having received a proposal to refuse which was duly seconded, it was unanimously

RESOLVED

That the application be refused on the following grounds:

The lack of vehicular access and the very narrow and steep access into the site will make deliveries to and from the site difficult and access to services and facilities in Halesworth difficult for pedestrians and cyclists, particularly during inclement weather conditions. Due to the configuration of the site access therefore the site will not be safely or easily accessible by occupiers of the proposed dwellings contrary to Waveney Local Plan Policy WLP8.21 and Policy WLP8.29 which expects development proposals to be to be easily accessed and used by all regardless of age, mobility and disability. Furthermore the lack of any private amenity space for any of the dwellings does not demonstrate a good standard of living accommodation or high quality design. The proposal is therefore contrary to Policy WLP8.29 and paragraphs 91 and 127 of the National Planning Policy Framework.

8 DC/19/3915/LBC - Miles Ward Court, Market Place, Halesworth

The Committee considered report ES/0519 which sought Listed Building Consent for the conversion of a building comprising nine small business units into five residential units. Although the building itself was not listed the adjacent buildings fronting Market Place were listed and this building was considered to be curtilage listed.

Having considered and refused the application under Item 7 on the Agenda, it was unanimously

RESOLVED

That Listed Building Consent be refused.

Note: *The meeting was adjourned at 4.10pm and reconvened at 4.25pm.*

9 DC/20/1912/FUL - 3 Saltgate, Beccles

The Chairman advised that the presentation would cover Items 9 and 10 on the Agenda but the Committee would need to vote separately on the Full application and the Application for Listed Building Consent.

The Committee considered report ES/0520 which gave details of the application for planning permission for the change of use of an existing care home (use class C2) at Wainford House to nine residential flats (use class C3), comprising five one-bedroomed and four two-bedroomed flats.

Members received a presentation showing the site location plan and satellite image, together with photographs of the street scene, access, modern extension, wall adjoining the churchyard, and the listed gazebo which was outside the ownership of the Applicant. The proposed block plan and floor plans gave an indication of the layout of the flats and the proposed elevations showed the existing conservatory was to be removed.

The Planner outlined the material planning considerations and key issues and explained that the principle of re-development was acceptable here as the care home was due to close under the Care Quality Commission (CQC) ruling. The property would require substantial renovations to bring it up to standard due to the current situation in the care home with shared rooms, floor levels and difficulties with access. There were no relevant policies in the Local Plan relating to the retention of care homes and it was unlikely to be taken over for future use as a care home. The windows and proposed extension were considered acceptable and the proposed parking had been moved away from the gazebo. The proposal was considered to result in less than substantial harm to the listed buildings and with the site being in a sustainable location, the under provision of parking spaces had been acknowledged by the Highway Authority; the reduced level of parking would not adversely impact on highway safety. All trees would be retained. Approval was being recommended and the Listed Building Consent.

The Chairman invited questions.

Members sought clarification on the proposed parking and number of spaces, the CQC's request for modernisation, pedestrian access and the holding objection from County Highways. The Planner advised that one marked space was for 1 Puddingmoor, there was open access and one parking space was in the existing garage. Substantial improvements would be necessary if a care home was to continue to be provided on the site; the proposal before Members would be sympathetic to the building. The land providing the pedestrian access was in the same ownership. He confirmed the holding objection from County Highways had subsequently been removed; the proposal was not supported but there was no objection due to the sustainable location.

As an objector, Mr R Sword made reference to the restoration of the building, some proposals could be considered good, the façade and the boundary facing the church. However, there remained the problem with parking with only room for six cars. It was quite obvious this was insufficient parking particularly if there were visitors to the site. If cars drove in, there was insufficient space to turn round and vehicles should not reverse out into a busy road. Highways comments implied there was the possibility of providing four spaces at the rear of 1 Puddingmoor but that did not take

into account the walnut tree and the astro turf currently surrounding it would harm the tree. Note should be taken of the importance of the gazebo and the land around it, and old plans before the 1980s showed the beautiful gardens. The parking and access remained a problem.

Members sought clarification on the impact of losing care home beds due to the shortage in the town, what policies were in place to protect the provision and if the premises had been advertised in its current state.

The Principal Planner stated that the Local Plan did not contain any policies that would protect the provision of a care home. It seemed that the home was going to close in any event because of the issues surrounding the conversion of the property into accommodation that was suitable and in accordance with today's standards. Members were advised that there was no requirement to advertise the property in its current state and no policy requirement to retain the care home facility.

A Member commented that the building was providing totally unsuitable accommodation in small rooms or residents sharing rooms and access was difficult with narrow corridors. It was in fact a quality building and the proposal to convert would retain the building and stop it falling into a state of disrepair. There being no further discussion, it was

RESOLVED

That permission be granted, subject to the following conditions:

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

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

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

- Site Location Plan, 2019-08 - 0110 Rev B, received 01/07/2020
- Proposed site and floor plans, 2019-08 - 1200 Rev H, received 22/07/2020
- Proposed elevations, 2019-08 - 2101 Rev A, received 26/05/2020
- Heritage Impact Assessment, received 26/05/2020 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. Before the development is commenced details of the areas and infrastructure for the electric vehicle charging points and powered two wheeled vehicle provision shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of highway safety and sustainable travel, to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking where on-street parking and manoeuvring could be detrimental to highway safety. This needs to be a precommencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

4. Prior to occupation of any property hereby approved, the cycle storage as detailed on drawing; 2019-08 - 1200 Rev H, shall be installed and thereafter retained and used for no other purpose.

Reason: In the interests of highway safety and sustainable travel, to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking where on-street parking and manoeuvring could be detrimental to highway safety. This needs to be a precommencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

5. Before the development is commenced, details of the areas to be provided for the presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: In the interests of highway safety, to ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users. This needs to be a precommencement condition to coordinate the bin placements with the parking and cycle storage areas and avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

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

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities
- v. Measures to control the emission of dust and dirt during construction
- vi. Scheme for recycling/disposing of waste resulting from demolition and construction works.
- vii. Construction/working times
- viii. Details on how the existing trees on site, as shown on drawings; 2019-08 - 1200 Rev H, are to be protected for the duration of building and engineering works in the vicinity of the tree to be protected.

Reason: to avoid unacceptable impact upon residential development during the demolition and construction phases.

Note: *Due to technical issues, the meeting was adjourned from 4.50pm to 4.53pm.*

10 DC/20/1913/LBC - 3 Saltgate, Beccles

The Committee considered report ES/050521 which sought Listed Building Consent for the change of use of an existing care home (C2) to nine residential flats (C3) and associated works. The proposal was considered to have an acceptable impact on the Listed Building and was deemed to constitute less than substantial harm to the heritage asset. That harm was outweighed by the provision on nine flats in a highly sustainable location and safeguarded the continued use of a Listed Building. Having considered and approved the application under Item 9 on the Agenda, it was

RESOLVED

That Listed Building Consent be granted subject to the following conditions:

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

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

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

- Site Location Plan, 2019-08 - 0110 Rev B, received 01/07/2020
- Proposed site and floor plans, 2019-08 - 1200 Rev H, received 22/07/2020
- Proposed elevations, 2019-08 - 2101 Rev A, received 26/05/2020
- Heritage Impact Assessment, received 26/05/2020 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. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:

- (a) Large scale timber joinery details including vertical and horizontal sections, glazing bars, glazing, ironmongery and finish.
- (b) Large scale details of the eaves, brick type, bond mortar colour and joint finish, large scale details of windows and doors including material, sections sizes glazing and finish.
- (c) Any ventilation/extractor fan grills/terminals flues and external waste pipes required as part of the works, including their location and details including appearance, material and colour
- (d) Large scale joinery details of any new doors including material, ironmongery and finish.
- (e) Details of how the kitchen is to be installed within the front main room facing

into Saltgate, including how the units are to be installed in front of the window and how will the services including the waste is to be accommodated.

Reason: The reason for the condition to be pre-commencement is in order to safeguard the special architectural or historic interest of the building.

4. All new external rainwater goods and soil pipes on the visible elevations shall be of metal, painted black.

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

5. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

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

Note: Due to technical issues, the meeting was adjourned at 4.50pm and reconvened at 4.53pm.

11 DC/20/1352/FUL - Royal Court Hotel, 146 London Road, Lowestoft

The Committee considered report ES/0522 which gave details of the application for full planning permission for the re-development and extension of the former Royal Court Hotel in order to provide 16 residential flats and a café at ground floor level.

The Principal Planner advised that the initial application has been for 29 flats, no parking and a café but that had been significantly amended and reduced in response to officer feedback. The revised scheme was supported by the Town Council and previous objections from statutory consultees had been resolved. The site was in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre, and the vacant building detracted from the character, appearance and vitality of the area.

Members received a presentation showing an aerial photograph, the site location plan, the building itself, street scene and views in both directions along London Road South. The proposed block plan gave an indication of the current access into the site and areas for bin storage, secure cycle storage and car parking provision providing eight spaces. The proposed floor plans gave an indication of the proposed layout, size of accommodation and outside space associated with three of the ground floor flats and roof terrace for two of the second floor flats. Historic England has no objections to the proposed elevations which would include dormer windows and roof lights.

The Principal Planner outlined the material planning considerations and key issues including:

- Change of use and Kirkley District Centre.
- Design and heritage considerations.
- Residential Amenity.
- Affordable housing and vacant building credit.
- Flood risk.
- Highways, parking and sustainable transport.
- Regeneration and public benefits.

The Principal Planner drew particular attention to the fact that the site had ceased its tourism use in 2009, since then there had been no consistent use and the property had been purchased in 2019 by the Applicant. The design would result in benefits to the site and the Conservation Area and would have no significant impact on local residents. The accommodation being provided would have natural daylight and he reminded the Committee that internal space standards were guidance only, not adopted policy. Full details relating to affordable housing and vacant building credit were as detailed in the report. Whilst in a flood risk area, the use being proposed was not more vulnerable than previous uses and tidal flood barriers were in place as identified by the Environment Agency who had no objections. County Highways had accepted the parking provision due to the site being sustainably located and conditions, if approved, included charging points and cycle storage.

It was considered that the proposed development accorded with the Development Plan and represented a sustainable form of development delivering significant public benefits. Approval was therefore being recommended.

The Chairman invited questions.

Members sought clarification on:

- Room sizes being below minimum standards.
- Removing permitted development rights on the ground floor commercial space so as to avoid future conversion into additional flats.
- Flat saturation zone.
- Adequate bin storage.
- Access for wheelie bin emptying.

The Principal Planner explained that the amended scheme showed absolute minimum floor space and the outlook and organisation of the rooms provided a reasonable standard of accommodation. Any permission granted would be strictly in accordance with the plans. Condition 8 covered the use of the café which actually removed the permitted development rights for other uses. The Principal Planner referred to the relevant policy WLP8.4 with regard to flat saturation areas but advised Members that the policy sought to limit the conversion of residential properties into flats, whereas the application site was formerly a hotel. If the hotel was used as a hotel, it could provide up to 22 bedrooms. The wheelie bins would be stored at the rear of the site adjacent to the car parking and taken to the entrance on London Road South or the Esplanade on collection days. While appreciating there would be 16 bins, the proposed

flats were only likely to create a similar level of waste generated by the previous hotel use.

The Chairman invited the public speakers to address the Committee.

As Agent, Mr I Douglass endorsed the officer's report and the recommendation for approval and asked for the Committee's support. He was pleased with the progress on the project which had resulted in a policy compliant scheme. He would be happy to answer any questions.

The Applicant, Mr S Khan, advised he was pleased with the officer's report and recommendation for approval. He had been redeveloping throughout the UK for a number of years from design through to selling and letting. His intention was to create high quality homes and help to regenerate Lowestoft. They had been working with Lowestoft Rising, the Town Council and Chamber of Commerce. Mr Khan believed in the public benefits this would bring to Lowestoft and also reduce anti-social behaviour around a run down site in the town. The site would be brought back into use, create an improved street scene and create new dwellings. Appropriate building materials would be used and they hoped to commence work soon.

Members asked questions relating to :

- Quality and 37sqm flats being the bare minimum.
- The flats being for sale or let.
- Type of tenancy to be offered.
- Viability of the café when there was plenty of café provision in the area.
- Type of café and market research.
- Insufficient parking spaces.

Mr Khan advised that the proposal and flat sizes was down to viability of the project. The scheme contained a good mix of flats in what he considered to be a high quality development. It was proposed to sell the flats, some letter of intent had been received. Failing that, the flats could be rented to the general public or let to the offshore industry on long term 12 month tenancies. Mr Khan was proposing a vegan/vegetarian café offering a basic healthy option. He confirmed that the parking spaces would be on a first come first served basis; addition parking could be allocated off-site on a nearby development of 120 spaces at The Port House if required.

As Ward Member, Councillor Byatt expressed some concern over the offer of parking spaces at The Port House 5 minutes walking distance away. It appeared there was insufficient space for 32 bins, one blue and one black for each flat. Consideration should also be given to the 37sqm minimum size of the proposed flats; one-bedroomed might be suitable for two people but what about storage for personal belongings. It seemed that people were to be squashed into small areas. There was no reference to solar panels and would local contractors be used? Whilst the town did not want rabbit hutches for living accommodation, the proposed development would regenerate the site. However, consideration should be given to the quality of life for the future residents.

Members welcomed the proposal to see the redevelopment of the building which would improve the area; however, concern was expressed on several points including overdevelopment, parking provision, insufficient bin storage and no details as to a satisfactory method for wheelie bin collection. It was considered to be a disappointing opportunity, where a high quality development could be provided. A proposal to refuse the application was duly seconded.

The Principal Planner advised that condition 4 addressed precise details relating to bin storage having to be agreed prior to works commencing. It might be possible to reduce the secure cycle storage from 40 bicycles to 22 and expand the bin storage in the area to the rear of the building. There was the potential for a bin presentation area at the front of the site where the access joined London Road South. The Principal Planner further advised Members that those matters of concern could be dealt with by the recommended planning condition and would not be grounds to refuse the application.

Mr Douglass understood the Members' legitimate concerns; however, this was a great opportunity with investment to bring the site back into use. Conditions were being imposed and they could work through some of the issues raised. There was the opportunity for private bin collection and for the storage area at the rear to be increased. To address the point made by Councillor Byatt, the building had a basement and they might be able to use that to offer storage for residents.

The Planning Manager reminded Members of the importance of the building, If the Applicant was willing to undertake further work with the officers to address issues that had been raised, Members might wish to consider a deferral and bring the application back to the next meeting of the Committee.

It was proposed and duly seconded that deferral was an option for further work to be undertaken to address room sizes, storage space, bin storage and collection possibly by a private contractor.

Mr Khan agreed they could work with the officers to come to resolve issues that had been raised and address the concerns that had been expressed.

On a procedural matter, the Democratic Services Officer explained that one proposal which had been seconded was on the table and that was to refuse the application. That motion had to be voted on first unless the proposer and seconder withdrew their proposal. With the agreement of the proposer and seconder, the proposal to refuse was withdrawn.

There being no further discussion, the proposal to defer which had been seconded was voted on and it was

RESOLVED

That, to enable further matters to be addressed by the Applicant and officers, the application be deferred and brought back to Committee at its next meeting in November 2020.

Note: Councillor Elliott left the meeting prior to the vote being taken at 5.42pm.

12 DC/18/2687/FUL - Land adjacent 53 Ranville, Carlton Colville, Lowestoft

The Committee considered report ES/0523 which gave details of the planning application to construct a two-storey dwelling on the end of a terrace of seven properties on land adjacent to 53 Ranville. The Principal Planner advised that it was considered that there was sufficient space and the application was before Committee to enable the car parking situation to be fully considered.

Members were shown a site location plan and aerial view of the site, together with photographs of the terrace, existing parking, the plot on which the property was proposed to be developed and the reclaimed part of the site which was adjacent to the adjoining bank with pathway and footbridge on the far side. The existing and proposed layout and proposed elevations gave an indication of the property to be built, together with the provision of car parking spaces.

The Principal Planner drew attention to the principle of development, design and car parking arrangements, and advised that the site was located within the settlement limits of the town and was sustainably located. The design was similar to existing properties and provided adequate amenity space. It was considered that there would be adequate parking with an unusable space having been reinstated, the new dwelling being provided with two spaces and No. 53 using the communal parking. It was considered that the proposed dwelling would not cause detriment to the character and appearance of the locality or the residential amenity and was therefore being recommended for approval.

The Chairman invited questions.

Members questioned the following:

- The fact that the proposal did not meet the minimum space standard of 70sqm for the size of the dwelling and the 11.5sqm required for a bedroom had not been achieved.
- Landscaping and the retention of trees.
- If there was sufficient space necessary for cars to reverse off the proposed driveway into the communal parking area if it was full with parked cars. and there was a car parked on the turning space.
- How the communal spaces were allocated to the properties.

The Principal Planner advised that the floor area had been measured by the Agent as 69sqm which was only marginally below the recommended standard, compared to the existing properties in the terrace that provided 64sqm of living space. The two larger bedrooms were 9.5sqm and, if considered appropriate, one could be extended with the other being reduced. The embankment at the side of the site was not part of the application side and there was no reason for the trees to be removed. It might become necessary to lop the overhanging branches during construction. There should be adequate width for cars to undertake a three point turn when moving off the driveway. The communal spaces were not allocated to specific properties; the two end of terrace properties had their own spaces and the remaining six dwellings would have 1.5 spaces per dwelling in the communal area.

The Chairman invited the Applicant to address the Committee in accordance with the public speaking rules.

Mr P Underdown advised the proposal was for a new three bedroomed property with parking. They had removed the overhanging branches and cleared space at the end of the terrace which gave an allowance of 2.3m per vehicle. with nine spaces for six properties. At the end of the parking area, there should be sufficient space for a turning circle for cars to reverse into and manoeuvre satisfactorily. The new dwelling would have its own two parking spaces and not interfere with the vehicles parked in the communal area.

Members sought clarification on the loss of the two parking spaces currently available for No. 53, any right of way and the overhanging trees. Mr Underdown explained that the original parking on the side of No. 53 was extra. A right of way would be created to allow access to the rear of No. 53 for bins, etc. There would be a bin store at the side for the new dwelling. They had been in touch with the Council and Highways due to the overgrown trees and a tree surgeon had been in and maintained the trees.

Comment was made that consideration should be given to the Town Council's comments objecting to the proposal and the possible congestion that might be caused. The Council should consider holding its standards over the build area; the design of the bathroom could not be any smaller and it might be better to build a two-bedroom property on the site. The rooms were small and therefore could be considered to be overdevelopment. It was proposed that the Committee consider deferral to allow a change in design of the proposed dwelling. That was supported.

Mr Underdown explained that the dwelling was for his son who was returning from America and he would consider reducing the proposal to a two bedroomed property.

The Planning Manager advised that space standards were advisory only and not policy documents in either the Local Plan or the NPPF. Given where the country was with the Covid epidemic, it could be considered to be beneficial to have a third bedroom/study if an occupant was working from home. In future, if this application was granted, permission would not be needed for putting up or removing a stud wall. She suggested that if Members were minded to approve the application, the amended plans could be agreed in consultation with the Chairman and Vice-Chairman of the Committee.

On a procedural matter, the Democratic Services Officer explained that one proposal which had been seconded was on the table and that was to defer pending receipt of a modified plan. That motion had to be voted on first unless the proposer and seconder withdrew their proposal. With the agreement of the proposer and seconder, the proposal to defer was withdrawn.

It was then proposed and duly seconded that the application be approved subject to amended plans being received that were satisfactory and agreed in consultation with the Chairman and Vice-Chairman of the Committee. There being no further discussion, it was

RESOLVED

That, in consultation with the Chairman and Vice-Chairman of the Committee, permission be granted subject to satisfactory amended plans being received and the following conditions:

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

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

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawing no. 2319.18.1F received 13 October 2020, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority. NEEDS CHANGING

Reason: To secure a properly planned development.

3. The external materials to be used shall match as closely as possible in type, colour and texture those on the existing adjacent house.

Reason: To ensure the satisfactory external appearance of the development.

4. The use shall not commence until the area within the site shown on 2319.18.1F 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.

5. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures

identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

Note: The Committee adjourned at 6.10pm and reconvened at 6.18pm.

13 DC/20/2249/FUL - Orchard Barn, The Street, Somerleyton, Lowestoft

Having declared an interest in Item 13 on the Agenda, Councillor Ashdown left the meeting room. The Vice-Chairman, Councillor Ceresa, took the chair.

The Committee considered report ES/0524 which gave details of the application seeking planning permission for the change of use of an existing outbuilding and extension to form a new dwelling. The site was located within the defined settlement boundary and the principle for new residential development was considered appropriate.

Members received a presentation showing the site location plan and settlement boundary, together with photographs of The Street in both directions, access to the site and within the site, the proposed block plan and visibility splays which gave adequate views. The proposed elevations and floor plan with 3D model gave an indication of the proposed dwelling.

The Planner outlined the material planning considerations and key issues, including the fact that the site was in an established residential area. The site was also in the Conservation Area but the proposal would have limited impact on that and on neighbour amenity. Although County Highways had commented on the visibility splays, the access road was low speed and had many accesses fronting the road. All trees were to be retained and there would be a RAMS contribution. It was considered that the proposal adhered to both national and local planning policy and was being recommended for approval subject to appropriate conditions. The Planner drew attention to the update sheet that had been circulated subsequent to the publication of the Agenda and which proposed an additional condition to remove permitted development rights.

Members sought clarification as to the distance between the tree shown on the plan and the roadway into the site. The Planning confirmed he would check while the meeting was progressing and report back.

The Chairman invited the public speakers to address the Committee.

Mr N Livingstone explained where he lived and was objecting to the proposal; he was the one most adversely affected. He had purchased his property from the applicant's

daughter in 2008 and acknowledged that the track was already established but that was on the back of a pottery studio in a small building. The increase to the building and high roof was close to his fence and would be physically obtrusive. The proposal was over large and unneighbourly and the track was so close to his living area, its use would interfere with their privacy. Mr Livingstone stated there were serious omissions and errors in the report to obscure objections. The Committee needed to be aware of several points. In 1993 a planning application had been refused on the plot as it was back land development and nothing had changed since then. In July 2020, the Parish Council had refused the application and in July and August the Highway Authority had also refused permission.

In response to a Member's question seeking details of one omission in the report, Mr Livingstone referred to paragraph 7.7 in the report and explained that he would be overlooked and have to contend with a high roof extending the whole length of his garden. He made further reference to the access which was unsuitable for a fire engine to gain access the proposed dwelling.

As Applicant, Mr Morris stated he would try to keep to simple facts. In his opinion in Somerleyton, there would be no detrimental and only minimal impact on the area. He just wished to live in Somerleyton in a converted building which had been in use for the last 15 years. None of the trees would be affected and none would be felled. The access had been in use over that period of time and would continue to be in use. While using the building as a studio, they had travelled to use the facility and that would not change; the proposal to live there would result in less travel. He believed the Parish Council did not reflect the views of the villagers, only the personal views of the councillors themselves. There was no conflict with the emerging Neighbourhood Plan; paragraph 7.23 encouraged the use of buildings. Mr Morris asked the Committee to endorse the recommendation and approve the application.

The Chairman invited questions.

In response to an earlier question, the Planning confirmed that the distance between the tree (previously mentioned) and the track was 3.5metres.

Members asked questions relating to:

- Distance from the road to the property for the emergency services.
- Back land development not being encouraged.
- In 1993 Parish Council views were refusal on access and adverse effect on neighbours, so what had changed.

The Planner advised that access for emergency services was a building control matter and that would be addressed at the Building Control application stage. The Planning Manger advised that there were two relevant policies in the Local Plan; design and conservation and impact on the character of the area. The policy was tight on back land development and taking a balanced judgement, the building already existed and access to it was in place. It was not affecting the street frontage, therefore, it was considered acceptable. Policy 8.33 covered residential gardens and urban infilling and policy 8.39 related to developments being of high standard. The planning balance was

for Members to weigh up. Although she could not confirm the closeness to existing properties, the 1993 application was for a more intense use proposing two dwellings.

Some Members expressed some concern over the proposal to convert the building from a studio into a permanent dwelling and how it would affect the neighbouring properties. Comment was made that the existing building was currently used and it was likely only one or two cars would be using the access. The proposed design was single storey. The Principal Planner advised Members that there had been a number of applications in other areas whereby refusal had been proposed on back land development due to access passing houses being considered as unneighbourly. However, in such cases, disturbance would be limited and any appeal would fall with the developer.

The Applicant confirmed that they hoped to create the area as a pleasant space and he was able to confirm the access was sufficient to allow builders' lorries and fire engines to access the site.

The Planning Manager reminded the Committee that someone living in the building was not a planning matter; it was the principle of use of the building, not the tenure, that was under consideration.

Approval was proposed and duly seconded. There being no further discussion, it was

RESOLVED

That permission be granted, subject to the following 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:

- Site location plan, 02 A, received 06/08/2020
- Proposed plans, 03, received 19/06/2020 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. 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 ORMAS 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.

4. 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.

5. Prior to any occupation or use of the approved development the RMS approved under condition 4 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.

6. 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.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building, structure or alteration permitted by Classes A (extensions or alterations), B (additions to the roof), C (other alterations to roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part

1, and Classes A and B (Solar equipment) of Schedule 2 Part 14 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development, protect the setting of the Conservation Area and protect the amenity of neighbouring residents.

Note: Councillor Ashdown re-joined the meeting at 6.49pm and took the Chair.

14 DC/20/2348/FUL - Rosecroft Farm, Chediston Green, Chediston, Halesworth

The Committee considered report ES/0525 which gave details of the planning application for the siting of four shepherd huts for short term holiday letting, the installation of treatment plant, provision of four parking spaces on existing hard standing and soft landscaping.

Members were shown an aerial photograph, site location plan, the boundary of the property and proposed siting of the shepherd huts. Further photographs gave views of the parking hardstanding, entrance, views across the hut field, and the elevations and floorplan of the huts. The proposal also included cutting back the hedge at the entrance to improve the visibility splay.

The Senior Planner explained the material planning considerations and key issues including the principle and the need for tourist accommodation. The access had previously served farm traffic and it was considered to have limited impact on the highways. The proposal was similar to glamping and each hut would accommodate two persons only. Lighting would be addressed by condition. It was considered that the scale of the development proposed was appropriate to the nature and setting of the site and that the road network could accommodate the volume of traffic generated by the proposal. It would not cause an unacceptable loss of amenity to nearby neighbouring properties and it was a sustainable location, near to the cycle networks and town. The Parish Council supported the proposal and there had been no neighbour objections. It was considered the proposal was in accordance with the Local Plan and the NPPF and was therefore recommended for approval.

In response to a question relating to any type and quantity of hut/caravan being positioned on the site, the Senior Planner confirmed that a condition, if the application was approved, limited the permission to four huts as proposed.

The Chairman invited the Applicant to speak.

Miss H Cambridge explained that the application was to put the shepherd huts on their land which would be operated similar to a glamping site. They were proposing a small scale, sustainable business in a tranquil and rural setting, which would allow visitors to get away from busy lives in a tranquil and peaceful setting. The shepherd huts would be low impact, could be moved and, due to the nature of the experience, such a small scale was vital. There would be no TVs or radios and no group bookings or pets. Given the seasonality of the business, there was likely to be only two cars per day. Storage for bicycles was on offer in an existing barn, adjacent to the proposed car parking. Miss Cambridge confirmed that they had been talking to Suffolk Wildlife Trust on the subject of mixed species hedgerow; that would minimise any noise for

neighbours and offer privacy for all. Her partner would be working on a second phase which would include a wilding meadow and orchard.

In response to a question, Miss Cambridge confirmed that they were proposed four units only and, at this stage, they had no plans to extend in the future.

As Ward Member, Councillor Burroughes advised that, although he lived locally, he had no personal interest. The issue had been raised by neighbours hence his reason for speaking. He wished to point out that the village had a population of around 200 people and a similar application had recently been refused due to the detrimental impact on the local setting, traffic movements and impact with no local facilities. There seemed to be no consistency if one application had been refused and this one was for approval. Lighting, noise and amplification would need to be tightly regulated and meet environmental conditions in accordance with the Local Plan. Having raised local concerns, if approval was granted, it would be important to ensure no future growth via appropriate conditions. The site used to be a pig farm and a noise condition would ensure there was minimal impact on residents who had moved to the village for tranquillity.

Miss Cambridge advised that Rosecroft Farm was their home as well as their business and they did not want such concerns to affect their home. There would be no public events or music.

The Planning Manager advised that the proposal was small scale. To address concerns over any future increase, she confirmed that would be a separate application subject to consultation and Environment Health on noise. The proposal before Members was a low level use with just four units and any permission granted could include a condition restricting amplified music.

Members agreed that was a way forward and the Chairman sought clarification from the Applicant. Miss Cambridge confirmed that was fine as they had not intended any music on their glamping site.

The Committee considered that to be a balanced approach and welcomed the attractive design. There being no further discussion, it was unanimously

RESOLVED

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the site and location plan, block plan, proposed elevations and floorplans and drawing no. DS1147P received on 22 July 2020 and the services plan received on 20 August 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 units herein referred to shall be occupied for tourism accommodation purposes only and shall not be occupied as a person's sole, or main place of residence. The duration of occupancy by any one person, or persons, of the units shall not exceed 56 days in total in any one calendar year. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the premises, and of their main home addresses, and shall make this information 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.

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances 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.

5. The number of units on the site shall be limited to four.

Reason: In the interest of the amenity of the surrounding area.

6. Before the access is first used visibility splays shall be provided as shown on the 'Visibility Splay' drawing received 28 August 2020; and thereafter retained in the specified form. Notwithstanding the provisions of Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter

the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

7. Prior to first use of the site full details of the indicative planting plan shown on the approved block plan shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme. The landscaping scheme shall be completed within the first available planting season following first use of the site. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

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

8. Details of secure and covered cycle storage shall be provided to and agreed in writing by the Local Planning Authority. The facilities as approved shall be provided prior to first occupation of the units and shall be retained thereafter.

Reason: To encourage people to travel using non-car modes.

9. Prior to first use of the site a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The units shall then be managed in accordance with the approved details.

Reason: In the interest of the amenities of occupiers of nearby residential properties.

10. No amplified or other music shall be played on the site at any time which is audible outside of the shepherd hut units.

Reason: Where the residential amenity of the surrounding area requires protection by minimising disturbance by noise.

15 DC/20/3084/FUL - 24 St Marys Street, Bungay

The Committee considered report ES/0526 which sought planning permission for the construction of a single storey residential dwelling, with domestic store and re-arrangement of parking facilities on land adjacent to 24 St Marys Street and to the rear of properties 18 to 20. The site was located within the town settlement boundary, in a sensitive location within the Bungay Conservation area. Properties 24 to 28 St Marys Street and Castle Arches were within the ownership of the Applicant and the proposed development site had been formed by acquiring land associated with those properties, with access through a public car park owned by the Council. The application was before Committee as land within the application site was owned by the Council.

Members received a presentation which gave details of the site location plan with aerial view, the existing parking arrangements, the land forming the site, and the proposed block plan, floor plan and elevations.

The Senior Planner referred to a previous application that had been refused in October 2019 and showed the elevations, block plan and floor plan as a comparison and which showed a smaller footprint. Whilst the site was in a sustainable location, the Committee needed to consider the heritage impact of the proposal adjacent to listed buildings, in the Conservation Area. It was considered to cause harm with the introduction of a modern bungalow in an area that was historically characterised by rear yard areas. As a result, the application was being recommended for refusal. In addition, the access would conflict with the manoeuvring of cars. Although there would be some impact on the residential amenity in terms of overlooking from neighbours, the level of this impact would be acceptable in this urban area.

A Member questioned the previous application that had been refused for a smaller property and asked if the Applicant had been closely working with the relevant officer. The Senior Planner confirmed that there had been no pre-application discussions. Several applications had previously been received and refused, one of which had been appealed and dismissed by the Planning Inspectorate. Full details of the planning history of the site were set out in paragraphs 3.3 and 3.4 of the report.

The Chairman invited the public speaker to address the Committee. Whilst speaking, a revised scheme was shown to Members which had been received as a late submission.

Mr J Putman explained he was agent for the Applicant and was reluctant to say he was disappointed in the Committee report which was contradictory and illogical. He particularly referred to paragraph 7.8 in the report whereby the wings on the proposed dwelling reflected a traditional form of development and paragraph 9.1 relating to the intrusive feature. He had consulted the Council's Conservation Officer who advised the design might be acceptable when it was reduced and he had agreed it was most unobtrusive being only visible from within the plot. The site location plan demonstrated the many developments around the site including the Coopers site which was inappropriate as were other ugly buildings. Mr Putman was of the view that the revised scheme demonstrated other objections could be resolved but he understood that could not be considered due to timing. That proposal with acceptable revisions could be approved and he Committee might wish to defer following advice from officers. The proposal enhanced the area and, under paragraph 16 in the NPPF, the Government wanted new housing and this was providing that.

Members were familiar with applications on the site and agreed that the proposal looked large and incongruous in the Conservation Area. Further noting the issues with the public car park, Members unanimously supported the officer's recommendation for refusal and

RESOLVED

That planning permission be refused for the following reason:

1. The proposal is to construct a single storey property in a backland location to the rear of properties fronting on to St. Marys Road. The property would be sustainably located in terms of access to services and facilities within Bungay Town Centre but would be situated in an area of heritage significance within the setting of several listed buildings, within the Bungay Conservation Area.

The proposal for a dwelling in this location, particularly of this form and footprint, would appear as a discordant and intrusive feature and would fail to respect the historic grain of this area which is characterised by long narrow rear 'yard' areas to the frontage properties with associated ancillary buildings, where they occurred. The proposed dwelling does not meet the requirements of the NPPF and Local Plan WLP8.29 in terms of high-quality design and fails to integrate into the surrounding built and historic environment required by policy WLP8.33. It would provide a cramped form of development which fails to give regard to the character, form and pattern of development in the surrounding area.

The application would have a negative impact on the setting of several Listed buildings, by causing harm to their significance by introducing an alien form of development within this sensitive location. The proposal also fails to preserve or enhance the Bungay Conservation Area. The harm would be less than substantial in terms of paragraph 196 of the NPPF but a moderate to high level on this spectrum. The public benefit of the proposal would not outweigh this harm.

The proposal would therefore be contrary to the objectives of East Suffolk Council - Waveney Local Plan (Adopted 20 March 2019) Policies: WLP8.33 - "Residential Gardens and Urban Infilling", WLP8.29 - "Design", WLP8.37 - "Historic Environment" and WLP8.39 - "Conservation Areas"; section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and section 16 of the NPPF.

16 DC/20/3175/FUL - East Point Pavilion, Royal Plain, Lowestoft

The Committee considered report ES/0527 which gave details of the application for minor alterations and extension to east Point Pavilion in Lowestoft. The works included an internal strip out/reconfiguration of interiors, insertion of sliding folding doors, infill extensions, new door to WC block, proposed louvres and vents and proposed signage.

The application was before Committee as the Applicant was the Council.

Members were shown site location plan, photographs of the building, the proposed elevations with new doors and minor fenestration changes and the proposed floor plan.

The Principal Planner advised that an amount of Government funding via the Towns Fund has been allocated by Cabinet for the regeneration of East Point Pavilion. Taking into account the design and heritage considerations and the public benefit of the proposals, the application was being recommended for approval.

At this point in the meeting, Councillors Brooks and Rivett declared that, as Cabinet Members, they had been present at the meeting when the funding had been allocated by Cabinet.

A Member commented on the fact that, previously, the building had been too hot in summer and too cold in winter and would that be addressed as part of the renovation works. The Principal Planner advised that he had not been aware of issues associated

with temperature; however, it should be noted that this application was for minor works, the first of several applications.

As Ward Member, Councillor Byatt wished to congratulate the Head of Operations and his Team on the proposal for the building and he hoped the application would not be turned down. He further commented on the WCs and was not particularly keen on the colour of the design.

Members welcomed the proposal and there being no further discussion, it was unanimously

RESOLVED

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers PL-200, PL-100, PL-002 and EX-001.

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

17 DC/20/2327/FUL - Beech Tree Farm, East Green, Kelsale Cum Carlton

The Committee considered report ES/0528 which sought permission to extend an existing barn sideways and erect a shed that would connect the two existing parallel barns on the site for the storage of hay and farm equipment at Beech Tree Farm, Kelsale Cum Carlton. The application was before the Committee as the Applicant was related to a member of staff.

Members were shown the site location plan, an aerial view and existing block plan together with photographs of the site and existing barns, the proposed floor plans, 3D model and elevations.

The Planner explained the application would extend barn one sideways infilling part of the space between the two barns in a lean to form, following the pitch of the existing roof and using matching materials. It was also proposed position an open shed across the back of the two barns connecting them in a U form. The principle was satisfactory and the proposal complied with policy. With no objections from the Parish Council or any statutory consultees, approval was being recommended.

Councillor Burroughes, as Ward Member, advised that he had no concerns over the proposal which was supported by the Parish Council.

Members agreed to approve the application in accordance with the report and there being no further discussion, it was unanimously

RESOLVED

That permission be granted, subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Plan received 26/06/2020 and Proposed Plans received 07/07/2020, 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. The hereby permitted building(s) shall only be used for agricultural purposes, and for no other uses (including any other order specified in the Use Classes Order and/or any other use which maybe permitted through The Town and Country Planning (General Permitted Development) (England) Order 2015, or any orders revoking or redacting those Orders).

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

The meeting concluded at 7.39pm.

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Chairman

Minutes of a Meeting of the **Planning Committee North** held via Zoom, on **Tuesday, 10 November 2020** at **2:00 pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Malcolm Pitchers, Councillor Craig Rivett

Other Members present:

Councillor Peter Byatt, Councillor Tony Cooper, Councillor Janet Craig, Councillor Debbie McCallum, Councillor David Ritchie

Officers present:

Liz Beighton (Planning Manager), Joe Blackmore (Principal Planner), Mark Brands (Planning Officer), Sarah Davis (Democratic Services Officer), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Iain Robertson (Senior Planner), Melanie Seabrook (Planner (Policy and Delivery))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Andree Gee; Councillor Tony Cooper attended as her substitute.

2 Declarations of Interest

Councillor Jenny Ceresa declared a Local Non-Pecuniary Interest in Item 5 of the agenda as the Suffolk County Councillor for the Lowestoft South Division, and a Local Non-Pecuniary Interest in Item 8 of the agenda as Ward Member for Carlton Colville.

Councillor Malcolm Pitchers declared a Local Non-Pecuniary Interest in Item 5 of the agenda as Ward Member for Kirkley and Pakefield.

Councillor Craig Rivett declared a Local Non-Pecuniary Interest in Item 5 of the agenda as the Chairman of the London Road, Lowestoft High Street Heritage Action Zone, a Local Non-Pecuniary Interest in item 8 of the agenda as Ward Member for Carlton Colville, and a Local Non-Pecuniary Interest in Item 9 of the agenda as both the Suffolk County Councillor for the Pakefield Division and a member of the Lowestoft Flood Risk Management Project Board.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

4 Enforcement Action - Case Update

The Committee received report **ES/0557** 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 up until 26 October 2020. At the time of the report's publication there were 15 such cases.

The Assistant Enforcement Officer stated that a site visit to Willow Farm, Chediston Green, Chediston, had confirmed that compliance had been achieved on the site.

The Planning Manager advised the Committee that a short extension of time to achieve compliance had been given at The Stone House, Low Road, Bramfield, as following a site visit it had been established that there had been difficulties to arrange the specialist removal of all of the refrigeration units due to the COVID-19 pandemic.

The Committee was advised that a recent site visit to Pine Lodge Caravan Park, Hazels Lane, Hinton, showed no continued occupation of the site.

There being no questions to the officers, the Chairman moved to the recommendation to receive the report.

On the proposition of Councillor Rivett, seconded by Councillor Ceresa it was by unanimous vote

RESOLVED

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

Due to a procedural issue, and for the avoidance of doubt, the vote on this item was re-taken following the conclusion of item 5 of the meeting.

5 DC/20/1352/FUL - Royal Court Hotel, 146 London Road South, Lowestoft

The Committee received report **ES/0558** of the Head of Planning and Coastal Management, which related to planning application DC/20/1352/FUL.

The application sought full planning permission for the re-development and extension of the former Royal Court Hotel to provide 15 residential flats, and a café at ground floor level.

A scheme for 16 residential flats and a ground floor café was considered by the Committee at its meeting on 13 October 2020, where a decision was deferred to allow officers to negotiate with the applicant and their agent on changes to the proposed plans to address key concerns raised by members. Those concerns were around three issues: size of the proposed flats and resultant living conditions; bin provision, storage and presentation; and car parking provision. Since the deferral, the applicant/agent had engaged positively with officers and an amended scheme had thus been brought forward for consideration.

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

The site's location was outlined, and the Committee was shown an aerial view of the site that demonstrated its relationship with nearby buildings.

The Committee was shown photographs that displayed the frontage of the site, its relationship to the neighbouring Kirkley Centre and adjacent buildings to the north, the view towards the site from the surface car park, views from the site to the north and the south, and the frontage of the site to London Road South.

The proposed block plan was displayed. The Principal Planner outlined the agreement that the applicant had made with East Suffolk Norse for refuse collection; waste will be collected by East Suffolk Norse directly from the site, similar to commercial collections, and residents would not be required to present bins on London Road South.

The proposed floor plans were presented; the key changes were on the first floor where the reduction in the number of flats by one had resulted in an increase of the gross square metre area of the other flats on that floor.

The proposed elevations were displayed, and the Principal Planner outlined minor changes that had been made to the fenestration.

The Committee was provided with interior design concept images submitted by the applicant, which gave an indication of the standard the applicant would be working to.

The Principal Planner outlined the additional parking that would be provided for residents at East Suffolk Council car parks through a corporate subscription via the RingGo system.

The material planning considerations and key issues were summarised as the amended scheme (the floor area of the flats, waste management, car park provision), change of use and Kirkley District Centre, design and heritage considerations, residential amenity, affordable housing and Vacant Building Credit, flood risk, highways, parking and sustainable transport, and regeneration and public benefits.

The amended recommendation to approve, as set out in the update sheet, was outlined to the Committee.

The Chairman invited questions to the officers.

The Principal Planner explained that Vacant Building Credit had been applied to the scheme as the building had been vacant for over ten years. The result was that the site was required to provide less than one whole affordable unit; this had been rounded up to a single unit and the applicant had agreed that this would be delivered at an alternative site.

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

Mr Douglass advised that the applicant, along with officers, had considered the original scheme had been in accordance with national and local policies; he noted that the applicant had taken onboard the concerns expressed by the Committee in respect of the application and had

amended the scheme, reducing the number of flats from 16 to 15. Mr Douglass noted that this reduction resulted in units on the first floor increasing in size.

Mr Douglass highlighted that, despite the reduction by one unit, eight car parking spaces had been retained on site by the applicant which exceeded the parking ratios required by the Highways Authority. The applicant had also signed up to a corporate package with RingGo to provide further spaces off-site in nearby East Suffolk Council car parks.

Mr Douglass explained that an agreement had been made in principle with East Suffolk Norse regarding waste management; larger bins would be provided and waste would be collected directly from the site on a weekly basis.

The proposed cafe on the ground floor would offer healthy eating options to residents and the wider community, which Mr Douglass said met the objectives of paragraph 91 of the National Planning Policy Framework (NPPF) regarding access to healthy food.

Mr Douglass considered that the scheme was uniquely sited for workers in the offshore and nuclear energy industry and highlighted the number of jobs in those industries expected to come forward in the local area. Mr Douglass added that should this demand not come forward the site stood up on its own as an open market scheme.

The Chairman invited questions to Mr Douglass. The Chairman noted that Mr Khan, the applicant and Mr Orford, the architect, were also present to answer questions.

Mr Khan confirmed that he intended to retain as many original features of the building as possible and would commit to retaining the sash windows at the front of the property.

Mr Khan confirmed that the flats would be offered unfurnished.

The Chairman invited Councillor Peter Byatt, Ward Member for Kirkley and Pakefield, to address the Committee.

Councillor Byatt was in favour of improving the site and thanked the applicant for listening to concerns and amending the scheme; he sought clarification regarding bin storage and collection locations. The Principal Planner confirmed that collections could be from Wellington Esplanade but would most likely be from London Road South.

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

Members of the Committee were supportive of the application and considered the scheme would be an asset to the area. Members acknowledged that the applicant had taken onboard the Committee's concerns and had made amendments to the scheme to address these issues.

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

On the proposition of Councillor Ceresa, seconded by Councillor Pitchers it was by unanimous vote

RESOLVED

That the application be **APPROVED** subject, but not limited to, the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing Nos. 1854-00-10, -1854-00-11, 1854-00-12, 1854-00-13, 1854-00-14 received 18 August 2020; and Site Location Plan Drawing No. 1726-002, received 31 March 2020.

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

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

Reason: In the interest of good design. To ensure that final finish is of a high-quality and will preserve and/or enhance the Conservation Area.

4. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: any means of enclosure; areas to be provided for the secure, covered and lit cycle storage; parking layouts; the areas and infrastructure to be provided for the manoeuvring and parking of vehicles including electric vehicle charging points and powered two wheeled vehicle provision; hard surfacing materials; bin storage areas; and any other minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise approved by the local planning authority.

Reason: to secure a well-designed functional layout for the external areas of the site that provides for multiple modes of sustainable transport in accordance with Local Plan policies WLP8.29 and WLP8.21.

5. 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 an assessment of UXO (unexploded ordnance) risk is undertaken. The assessment must be taken by a competent person and conform with current guidance and best practice.

Reason: In the interest of ensuring construction works can be undertaken safely; a precautionary approach is required.

6. Prior to commencement of development, plans and details shall be provided to show how the recommended Flood Risk Mitigation and Evacuation measures outlined in Chapter 6 of the submitted Flood Risk Assessment (MARCH 2020 REPORT REF: 2484/RE/03-20/01) are to be precisely incorporated into the development. Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure the new residential accommodation is resilient to tidal flood risk for the long term accounting for climate change, in accordance with Local Plan policy WLP8.24.

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

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

8. The ground floor commercial space (as shown on Drawing No. 1854 00 11) shall only be used as a café. The area shall not be used for any other purpose within use Class E (Commercial, business and service uses) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 unless expressly permitted in writing by the local planning authority.

Reason: in the interest of the amenity of residents above the café; and to ensure that the ground floor commercial use accords with the policy objectives for the Kirkley District Shopping Centre.

9. The ground floor cafe use hereby permitted shall not be open to customers outside the following times:

- 07:30 to 18:00 (Mondays to Saturdays)
- 08:30 to 17:00 (Sundays and Bank Holidays)

Reason: in the interest of the amenity of residential occupants of the building.

Informatives:

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

6 DC/18/0789/FUL - Car Park and adjacent Land at Links Road, North Denes, Lowestoft

The Committee received report **ES/0559** of the Head of Planning and Coastal Management, which related to planning application DC/18/0789/FUL.

The application sought planning permission for a single storey café, with play area and toilet facilities to be located adjacent to the car park on Links Road. The Committee considered the

application at its meeting of 19 December 2019, resolving to delegate authority to approve the application to the Head of Planning and Coastal Management subject to the submission of further ecological and contaminated land assessments to officer agreement.

Further negotiations had taken place between officers and the applicant in the intervening period regarding matters of contaminated land and ecology. However, as these issues had not been addressed through the required survey work, the application had been returned to the Committee, with the recommendation for refusal due to insufficient information regarding ecological impacts and ground contamination investigation.

Officers explained to the Committee that these matters could not be dealt with by planning conditions, in this instance, because of the interrelationship between potential remediation works and ecological impact, all of which needed to be understood prior to any planning permission being granted.

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

The site's location was outlined. The Planner explained that the land was owned by Lowestoft Town Council and recalled the issues between the landowner and the applicant, which were ongoing. The applicant was not willing to commit to the required survey work whilst the landowner was unwilling to give consent to development or lease the land to the applicant.

The proposed block plan was displayed, and the Planner described the proposed design as being unique. Officers considered that the scheme would have been of benefit to the area but noted that the situation had reached an impasse and could not be progressed at this time.

The material planning considerations were stated as contaminated land and ecology, with key issues highlighted as being covenants, notice of implementation and landowner consent.

The recommendation to refuse 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.

A member of the Committee considered the situation a missed opportunity but considered the recommendation to be a sensible one.

On the proposition of Councillor Rivett, seconded by Councillor Ceresa it was by unanimous vote

RESOLVED

That the application be **REFUSED** due to insufficient information in respect of ecological and contaminated land assessments.

The reason for the decision to refuse permission is that insufficient information has been submitted to allow the local planning authority to make a full assessment of the proposed

development particularly in relation to ecological impacts and imported soil and remediation of any potentially contaminated land.

In the absence of these surveys the proposed development is considered to be contrary to the adopted East Suffolk (Waveney) Local Plan 2019 policy WLP8.34 Biodiversity and Geodiversity.

Informatives:

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

7 DC/20/2737/FUL - OS7554, Mill Road, Peasenhall

The Committee received report **ES/0560** of the Head of Planning and Coastal Management, which related to planning application DC/20/2737/FUL.

Planning permission was sought for the construction of a two-storey dwelling comprising eight bedrooms, with up to four of the rooms let for bed & breakfast accommodation, with studio and carport, and associated landscaping works.

The site was situated outside but adjacent to the settlement boundary of Peasenhall. The site benefited from an extant outline planning permission for four residential properties (Ref: DC/15/2706/OUT) for which an application for approval of reserved matters was currently under consideration (Ref: DC/20/0075/ARM).

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

The site's location was outlined, along with its relationship with Peasenhall. The Senior Planner outlined the changes to Peasenhall's settlement boundary in the recently adopted Suffolk Coastal Local Plan which resulted in the site being adjacent to the revised boundary. The Committee was advised that this improved the sustainability of the site compared to when outline planning permission was granted.

The site's layout was displayed. The dwelling would be constructed in a traditional Suffolk farmhouse form with a garden and decking. It was explained that an area to the north of the site would be sectioned off due to its environmental importance and would be dealt with by way of an environmental management plan.

The Senior Planner highlighted that some roadside hedgerow would be lost, to improve the site access, but this was minimised in the proposed scheme. Replacement planting would take place within the site.

Photographs were displayed demonstrating views south towards the nearest dwelling, east from the site, north-west from the site, north towards the site, and the existing access.

The Senior Planner highlighted examples of the character of development surrounding the site.

The proposed elevations were displayed, and the Senior Planner detailed the building materials that would be used and the fenestration that was proposed.

The Committee received perspective concept images of the development's design quality. The Senior Planner explained that the scheme was in accordance with paragraph 79(e) of the National Planning Policy Framework (NPPF), regarding the development of isolated homes in the countryside, as it was considered that the design was of exceptional quality.

The proposed floor plans and both the existing and proposed street scene were displayed to the Committee.

The Senior Planner outlined the indicative layout for four dwellings approved under planning application DC/15/2706/OUT.

The material planning considerations and key issues were summarised as the principle of housing, B&B use, design, highways, landscape character, ecology/RAMS, neighbour amenity, and the extant planning permission for four dwellings.

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

There being no questions to the officers the Chairman invited Mr Porter, agent for the applicant, to address the Committee.

Mr Porter explained that the applicants had been successful in the catering business, working for well-known restaurants, and were looking to relocate to a new family home with a small B&B element which would allow them to retire. The applicants had a desire to contribute to both the local economy and local area with a high standard design, which had influenced their choice of architect.

Mr Porter said that the linear form of the development had been designed to complement the existing access to the site. The studio at the northern end of the building was to be used by the applicants' son. The studio annex would also provide sheltered parking and further utility storage for the commercial element of the property.

The use of rural timber cladding, the large amount of glass on the ground floor and detailing on the exterior of the building was outlined by Mr Porter. The cladding had been chosen with sustainability in mind and would allow for a much higher thermal performance of the building envelope. Mr Porter confirmed that the applicants were looking to use local suppliers.

The overall landscape strategy was described by Mr Porter as protecting biodiversity of the site going forward.

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

A member of the Committee proposed the recommendation to approve the application, commenting that the scheme was a good one and would improve the site. The Member considered that the design was positive and sustainable.

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 Brooks, seconded by Councillor Pitchers it was by unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following 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 drawing nos.PL_P200, P300, P101 and PL_E001 received on 22 July 2020 and drawing nos. P201, P200 Rev A, 301 and the Hedgerow Plan and Management Statement by Abrehart Ecology Ltd received on 29 September 2020 and drawing no. P100 rev B received on 02 October 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. Before the access is first used visibility splays shall be provided as shown on Drawing No. PL_P100 Rev B and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (As amended) (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would provide sufficient visibility for vehicles to enter the public highway safely and that vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

5. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. PL_P100 Rev B and with an entrance width of 3m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

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

6. The use shall not commence until the area(s) within the site shown on Drawing No. PL_P100 Rev B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained 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 residential studio/annex hereby approved shall only be occupied and used for ancillary accommodation or for a purpose incidental to the enjoyment of the dwelling house and shall at no time be subdivided from the curtilage of the main dwelling, or used as an independent unit of residential accommodation.

Reason: The building is not suitable for use as a separate residential property.

8. The air source heat pump shown on the drawing no PL_P100 rev B shall be installed in accordance with the Microgeneration Certification Scheme (MCS) Planning Standards or equivalent and shall thereafter be maintained to that standard.

Reason: To protect the amenities of the occupiers of nearby premises in terms of noise nuisance.

9. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (Abrehart Ecology, May 2020) and Great Crested Newt Survey (Abrehart Ecology, May 2020).

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

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

Reason: To ensure that nesting birds are protected.

11. 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.

12. Prior to first occupation a long-term management plan for retained and created habitats on the site (including those retained or created for great crested newts) will be submitted to and approved in writing by the local planning authority. Habitat management will be delivered in accordance with the approved Strategy.

Reason: To ensure that optimal habitat management for biodiversity, including protected species, is undertaken on site in the long term.

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

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

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

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

14. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 13 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of

15. The landscaping scheme shall be carried out in accordance with the details shown on drawing no. P100 Rev B and the Hedgerow Plan and Management Statement by Abrehart Ecology Ltd and shall be completed in the autumn (October -December) planting season following occupation of the property, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason To ensure a satisfactory appearance within the landscape

16. Details in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority before the work is begun. The work shall be carried out in accordance with such approved details:

- Representative details of fenestration and external doors and the position relative to the external cladding.
- Detail of the hidden gutter and downpipes.
- Detail of cladding to soffits where there are overhangs and projections.
- Exact height of stainless-steel flue above roof level.

Reason: In order to ensure the property is suitably detailed.

17. 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@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. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk

4. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service. SCC would be pleased to offer guidance on the archaeological work required and, in their role as advisor to East Suffolk Council, SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

5. The mixed-use nature of the proposal hereby approved is not considered to fall within any specific use class within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and is therefore considered to be 'Sui Generis'. Therefore, planning permission would be required for any change of use to the property.

8 DC/20/2440/FUL - Country Cottage, Black Street, Gisleham

The Committee received report **ES/0561** of the Head of Planning and Coastal Management, which related to planning application DC/20/2440/FUL.

This planning application is for the construction of a building for storage of wood and equipment in association with the management of woodland at Home Covert.

The Waveney Local Plan did not contain policies relating directly to rural activities in the countryside, with only policy WLP8.13 providing guidance on where employment uses would be permitted referring to uses B1, B2 and B8. Due to the lack of a standalone policy for agricultural or forestry development, and in the absence of exceptions to WLP1.2 (that seeks to restrict development outside of the settlement boundaries in the countryside) the proposed development was considered to be contrary to the local development plan. Based on the scheme of delegation, and because of these policy limitations, it was considered by officers that the proposed development represented a departure from the Local Plan that would need to be determined by the Committee.

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

The site's location was outlined, and the Committee was in receipt of the proposed floor plan and elevations.

Photographs showing the application site, an aerial view of the site, the street looking north and south, and the site access were displayed to the Committee.

Further photographs were received showing the associated woodland and the street scene.

The material planning considerations and key issues were summarised as the impact on the landscape, the impact on highways safety, the design and scale, and the use of the building.

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

The Chairman invited questions to the officers.

The Planning Officer advised that he did not have any figures of the projected increase of traffic movements on and off the site; he explained that the felling of trees would take place between December and January and this would be the time of year when there was the most activity on the site. The Planning Officer noted that the Highways Authority had not objected to the application.

There being no further questions to the officers, no public speaking on the application, and no debate from the Committee the Chairman moved to the recommendation to delegate

authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

Due to connection issues, Councillor Elliott left the meeting at this point.

On the proposition of Councillor Pitchers, seconded by Councillor Brooks it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to no additional material planning objections being received prior to 28 November 2020 (the date of expiry of the press advert); and subject to the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the plans and supporting documentation received 2nd July 2020, 17th August 2020 and 20th October 2020.

Approved drawings Block plan S 1754

Proposed floor plans and elevations and site location plan S 1754 01

Site plan of Home Covert S 1754 10

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

3. The two field aspects of the site shall be planted with a triple row of native shrub based hedgerows within 12 months of the commencement of the development or such other period as shall be agreed in writing by the Local Planning Authority. Planting shall take place in the autumn planting season to a planting and maintenance specification that shall be agreed in advance in writing with the Local Planning Authority, and any plants which die during the first 3 years shall be replaced in the next planting season.

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

4. The building shall be used for the storage of wood and equipment associated with the woodland at Home Covert (drawing no S 1754 10) and for no other purpose, unless otherwise approved by the local planning authority through the grant of planning permission.

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

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.

9 DC/20/2905/FUL - Land behind Velda Close, Lowestoft

The Committee received report **ES/0562** of the Head of Planning and Coastal Management, which related to application DC/20/2905/FUL.

Planning permission was sought for alterations to the pumping station and ancillary equipment approved under planning permission ref. DC/19/0210/FUL, for flood defence works around Velda Close/Aldwyck Way. The application was before the Committee as it had been submitted on behalf of East Suffolk Council.

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

The site's location was outlined. The Committee was shown a satellite image of the site and photographs showing aerial views of the site, views of the site from Tom Crisp Way, and views of the site from Velda Close.

Councillor Elliott returned to the meeting at this point. It was clarified that as he had not been present for the duration of the whole item that he would not vote on its determination.

The block plan and proposed elevations were displayed.

The material planning considerations and key issues were summarised as the principle of development, the character and appearance of the development, amenity, and flood risk.

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

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

Members of the Committee were delighted to see that this scheme had come forward and highlighted the importance of the works to protect homes in the area from the sort of devastation caused by flooding in the area previously.

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 Rivett, seconded by Councillor Ceresa it was by a majority vote

RESOLVED

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

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

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

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

- Site location plan, 72114-JBAU-ZZ-01-DR-C-1002, received 16/07/2020
- Proposed pumping station sections, 72114-JBAU-VP-01-DR-C-1302, received 16/07/2020
- Proposed pumping station sections, 72114-JBAU-VP-01-DR-C-1321, received 16/07/2020
- Proposed elevations and details, AO/15541/B, received 16/07/2020

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 floodlight hereby approved, shall only illuminate the site whilst repairs/maintenance operations and other work is taking place at the pumping station, and shall be switched off when such work is not taking place.

Reason: To protect the amenity of neighbouring residents

10 DC/20/3386/FUL - 1a Princes Walk, Lowestoft

The Committee received report **ES/0563** of the Head of Planning and Coastal Management, which related to planning application DC/20/3386/FUL.

The application sought planning permission for a single storey side extension to the dwelling. The application was before the Committee for determination because the applicant was an employee of East Suffolk Council.

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

The site's location was outlined, and the Committee was shown an aerial view of the site. The Principal Planner outlined where on the site the extension would be constructed.

Photographs of the site were shown that displayed street views towards the site and the existing vegetation screening in place.

The existing and proposed plans were displayed.

The material planning considerations and key issues were summarised as the design, residential amenity, and policy WLP8.29 of the Waveney Local Plan.

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

There being no questions to the officers, public speaking on the application, or debate from the Committee 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 Ceresa it was by unanimous vote

RESOLVED

That the application be **APPROVED** with conditions as below:

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

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

2. The development hereby permitted shall be carried out strictly in accordance with Drawing No. PW-PL01, received 02 September 2020.

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

Informatives:

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

The meeting concluded at 3.18 pm

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Chairman

PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

8 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.

| 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 | 31/01/2021 |

| LPA Reference | Date of Authorisation (Panel/ Delegated) | North/South | Location | Breach | Status | Date by which Compliance Expected (or Prosecution Date) |
|---------------|--|-------------|----------|--------|---|---|
| | | | | | <ul style="list-style-type: none"> • 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. | 30/03/202 |

| 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 North - 8 December 2020

Application no DC/20/2191/FUL

Location

St Felix School
Halesworth Road
Reydon
IP18 6SD

Expiry date 14 September 2020

Application type Full Application

Applicant St Felix School

Parish Reydon

Proposal Creation of two sports pitches

Case Officer Joe Blackmore
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1. Summary

1.1 This application seeks planning permission for the development of two sports pitches on land at St Felix School, Reydon.

1.2 Outline planning permission has been granted (ref. DC/15/3288/OUT) for the development of up to 69 dwellings on existing playing fields within the grounds of St Felix School ("The School"). This residential development was approved as enabling development to fund a number of physical works to the school premises and its grounds to ensure the continued viability and operation of The School. The scheme was approved on 5 February 2019. The planning permission remains extant.

1.3 Linked to the planning permission is a S106 Legal Agreement ("The S106") securing a number of planning obligations. Most relevant to this application is that the S106 required, amongst other things, that The School and/or the developer obtain planning permission for replacement playing pitches of at least equivalent quality and quantity to the existing; and that the pitches be provided and made operational prior to commencement of the residential development.

- 1.4 This application seeks to provide those replacement sports pitches in order to facilitate the delivery of the housing development and linked enabling works. This application has been subject of pre-application engagement by officers of the Council with the applicant and their retained agent. During the determination period of the application there has also been considerable discussion with key statutory consultees such as Sport England and Natural England. The outcome of those positive discussions has fed into the scheme being presented to members today for determination.
- 1.5 The proposal comprises two sports pitches: Pitch 1 located to the south side of the existing School buildings; and Pitch 2 located to the south side of the existing playing fields (where the housing development would take place).
- 1.6 There has been considerable local interest in the scheme, comprising a mix of objection and support. In terms of statutory consultee responses, Sport England support the application; and, further to officers carrying out an Appropriate Assessment under the Habitats Regulations (2017), Natural England do not object to the proposal. However non-statutory consultees such as Suffolk Wildlife Trust, and the Suffolk Coast and Heaths AONB Unit, raise concerns with the application in regard to ecological and landscape/visual impacts, amongst other things. All the comments are summarised in section 4 of this report with the comments of the Parish Council included in full. Full copies of all the consultation responses received can be viewed on the Council website by any interested party.
- 1.7 Officers consider that the proposed development is acceptable in planning terms. The S106 linked to the extant planning permission for residential development set parameters that would see all 16,000 square metres of replacement sports pitches being located wholly within the County Wildlife Site ("CWS"). Officers have worked collaboratively, as encouraged by the NPPF, with the applicant so that a scheme can be supported which provides improved sports facilities - gaining support from Sport England - but with a lesser impact on the CWS, when compared to the parameters of The S106. This involves only Pitch 2 being located within the CWS, with Pitch 1 being located to the south of the existing School buildings. Officers consider that this represents the correct balance of replacing the sports pitches to be re-developed for housing under the extant planning permission, whilst minimising the ecological and landscape/visual impacts arising from the proposed development.
- 1.8 Accordingly, the application is recommended for approval subject to a Deed of Variation being agreed on The S106 to reflect the amended location of the replacement sports pitches put forward in this application.
- 1.9 The application has been referred direct to the Planning Committee (North) by the Head of Planning and Coastal Management due to the significant local interest, and because the application is related to the extant housing planning permission that was also considered by the Planning Committee (formerly of Waveney District Council).

2. Site description

- 2.1 The School is located to the west of Reydon on the A1095 Halesworth Road which connects the A12 to Reydon and Southwold.

- 2.2 The School site comprises 28 hectares and is divided into two almost equally sized parts by Shepherd's Lane. All of the School buildings and many of its playing fields are located to the west of Shepherd's Lane. The land to the east comprises additional playing fields.
- 2.3 Halesworth Road forms the northern boundary to The School grounds albeit it is visually and physically separated from the site by a well-established tree belt that is protected by a series of Tree Preservation Order ('TPO') Groups. To the south of Halesworth Road is a development of twenty residential properties known as St Georges Square.
- 2.4 The School is outside the defined physical development limits of the Main Town of Southwold and village of Reydon, it is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty ('the AONB') and within an area of Heritage Coast.
- 2.5 Part of the St Felix School Grounds is a County Wildlife Site (Waveney 74) (CWS) and part of the application site falls within the CWS. A number of European Designated Sites, including the Minsmere-Walberswick Special Protection Area (SPA) and Minsmere-Walberswick Heath and Marshes Site of Special Scientific Interest (SSSI) are located within 1 km of the Site.
- 2.6 The School, whilst not statutorily or locally listed, is of architectural and historic merit and may be considered as a non-designated heritage asset.
- 2.7 The application site, which extends to 1.6 hectares in total, comprises two separate rectangular parcels within the wider school grounds, one to the south of the main school buildings; and one to the east of St Georges Lane, within the CWS.
- 2.8 Relevant planning history includes:
- DC/20/1450/FUL – approved May 2020 – granted planning permission for the extension of the sports hall to create new changing rooms, with associated revisions to the car parking arrangements.
 - DC/15/3288/OUT - approved in February 2019 - granted outline planning permission for residential development, public open space and associated infrastructure on the former playing field, to the south of Halesworth Road and east of St Georges Lane.

3. Proposal

- 3.1 The application seeks full planning permission for the development of two sports pitches.
- 3.2 Pitch 1 would be a high-quality sports pitch covering some 7,260 square metres on land to the south of The School buildings. It will require engineering works to improve and level the playing surface, and it is proposed that this pitch will be used for Rugby Union, among other things.
- 3.3 Pitch 2 would be located within the CWS, to the south of the existing playing fields (to be re-developed), and to the east of St Georges Lane. The plans for this pitch initially showed a very low-key approach, where there would be no engineering works. However, many local residents and interested parties commented that the area would not be useable because of

the lack of engineering works proposed; thus, in consultation with Sport England, amended plans were put forward to detail works to Pitch 2 comprising:

"First remove all weeds. Levels are to be adjusted such that material from the higher areas on the north west side are used to infill the lower areas on the south east side. The pitch playing surface is to be level / flat. Should there be a gradient then it must not exceed 1 in 80.

In order to ensure that all existing rabbit holes are filled in, the whole surface of the pitch area is to be rotavated using a heavy duty hydraulic rotavator. The Contractor to check the moisture content of the soil especially as it is likely that this ground has never been tilled before.

During the appropriate planting season apply suitable compost and re-seed with an approved sport pitch grass mix to be agreed with Sport England. Once seeded area is to be protected and kept moist / regularly watered during the grass seed germination period."

- 3.4 Pitch 2 would be enclosed by rabbit proof fencing, with self-closing gates on the north, east and southern boundaries; and a grounds maintenance access gate on the western boundary.
- 3.5 Pitch 2 would comprise 4,944 square metres of football pitch, and 3,931 square metres of wider playing area to general playing field standard.
- 3.6 In combination, therefore, the two sports pitches would amount to:

Total Area of Pitch 1 (Rugby) 7,260 square metres + Pitch 2 (Football) 8,875 square metres
= 16,135 square metres.

4. Consultations/comments

- 4.1 In response to publication/consultation, there has been considerable local interest in the application. There have been over 130 representations received. There have been 62 letters/emails in support of the application. There have been 74 letters of objection (including from groups such as Reydon Action Group for the Environment "RAGE"; and Southwold and Reydon Society).

Response to the First Round of Consultation

- 4.2 Letters of support received raising the following key planning reasons (inter alia):
 - The existing pitches are poor quality and application will provide improved sports facilities to pupils and community;
 - Enhancing the school facilities will make it more competitive and help secure existing jobs at the school;
 - The pitch within the school grounds will cause little disturbance to nearby residents;
 - The pitch to the east of Shepherd's Lane is well-screened by mature trees;
 - As a large employer in the local area the School needs to be supported;
 - The community needs the housing delivery, which would be on a suitable infill gap;
 - Facilities will benefit the well-being of pupils;
 - Provides community facilities in the village;

- Development will not harm the surrounding location;
- Facilities for exercise will be of benefit in response to Covid-19; and
- Development will allow for the improved maintenance of the gorse area.

4.3 Letters of objection received raising the following key planning reasons (inter alia):

- The development not required or wanted by the local community;
- Loss of green environmentally sensitive area in the AONB;
- No employment generation from the development;
- Already too much congestion on the local roads;
- The playing field is not to be levelled or turfed therefore being unusable;
- The AONB is important for tourism and development will harm its attractiveness to tourists;
- A number of mature trees, areas of gorse and other shrubs, will be destroyed;
- The extra houses will cause a strain on local services;
- The extra traffic accessing the Halesworth Road will be very dangerous;
- This application does not conform to required planning conditions, that supplied pitches must be of as good a quality and additional;
- One of the pitches is currently in use for athletics, and the second pitch slopes in both its length and width, making it unsuitable for purpose.;
- The proposal does not comply with the s106 agreement to provide 16,000 square metres of replacement sports pitches. There is a shortfall of 11,905 square metres.
- The development will harm the County Wildlife Site;
- Loss of Open Space;
- Due to the poor nature of the proposed pitch 2 it will be of little value as a local amenity to the local community, as well as losing the amenity of an equestrian site;
- Poor accessibility to the pitches and facilities;
- The proposed new pitch is half the size previously required by the Council;
- St. Felix does not intend to re-turf, level or drain the current surface;
- The playing field on the equestrian course will be of no public benefit;
- The application involves the loss of part of the County Wildlife Site. The Area of Outstanding Natural Beauty must not be built upon;
- Part of the development is in a County Wildlife Site (CWS) and will result in habitat loss and concomitant biodiversity losses. - The ecology report is inadequate;
- The promise made to replace the equestrian centre has been dropped;
- No landscape and visual impact assessment has been made (required under Local Plan policy WLP8.35 because site is within the AONB);
- Car parking provision inadequate;
- The development is contrary to the Reydon Neighbourhood Plan 5 policy 'Maintaining Protection of the Countryside Around the Village'.
- The proposal is not sufficiently defined and detailed;
- There is no need for the proposed development;
- It would allow further creeping suburbanisation of the western settlement fringe of Reydon outside the existing village footprint;
- It does not offer like for like replacement of the existing playing field or a replacement equestrian facility;
- It would provide little or no community benefit;
- It would cause substantial harm to the ecology and biodiversity of the St Felix School Grounds County Wildlife Site.

- That harm can be avoided by retaining the existing playing field to the north of proposed Pitch 2;
- The harm to ecology and biodiversity cannot be mitigated or compensated. The suggested proposals for compensation / offset are entirely theoretical;
- The Applicant has misused Natural England's Biodiversity Metric 2.0 tool and the resultant calculations which suggest the possibility of net biodiversity gain are demonstrably wrong;
- The proposal would result in the felling of at least 12-15 and possibly as many as 25 trees including 100+ year old oaks;
- It would cause significant harm to the character and appearance of the area contrary to NPPF 172; and
- It would be contrary to the emerging Reydon Neighbourhood Plan.

4.4 A neutral letter of representation has also been received that, amongst other things, questions claims made by RAGE (Reydon Action Group for the Environment).

4.5 The Local Ward Member, Cllr Beavan, has objected to the application for the following reasons:

"This application does not satisfy the planning conditions. that replacement pitches must be supplied that are at least as good and additional. One of the pitches is not additional as it is used for athletics. The other is not suitable for playing football on."

Response to the Second Round of Consultation on Amended Plans (received 23 September 2020)

4.6 Letters of objection received that raise key planning issues (inter alia), in addition to re-iterating previous objections summarised above:

- Disagree with the comments of Sport England. Qualitative pitch improvement does not make up for the quantitative shortfall;
- Pitch south of school buildings is already a high-quality pitch, so the application does not create a new pitch.
- Proposal conflicts with paragraph 97 of the NPPF;
- The pitch within the CWS would be too small and unusable;
- There is still no landscape and visual impact assessment;
- Revised plans for pitch in the CWS now include details of the removal of more trees;
- Due to the poor nature of the proposed pitch in the CWS it will be of little value as to the local community, as well as losing the amenity of an equestrian site.
- The proposed removal of sixteen trees and the proposed levelling of the site would harm the character and appearance of the area;
- the revised plans show that more trees would need to be felled, confirms that the site will be levelled, and that fencing and personnel / vehicular access routes and gates installed, all of which will result in greater destruction and degradation of the Country Wildlife Site, its ecosystem and ultimately the sites integral part within the natural beauty of the Blyth Valley;
- A Habitats Regulations Assessment is required to understand impact on foraging Nightjar;
- No details of the fencing and floodlighting to the pitches;
- The revised scheme exacerbates the negative impact on the CWS; and

- As a standalone application this application is contrary to policy.

4.7 Further letters of support were also received, but no new material planning matters were raised in those letters, beyond what has been summarised in paragraph 4.2, above.

4.8 Cllr Beavan has also commented further on the amended plans, as follows:

“The updated plans do not alter my objections to this application.”

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|-----------------------|----------------|---------------------|
| Reydon Parish Council | 18 June 2020 | 26 July 2020 |

Full Comments:

“This planning application is for two replacement playing fields at St Felix which is a legal (S106) requirement of the permission given previously for the building of 69 houses on the existing playing field alongside the Halesworth Road, east of St George’s Square. We believe this application should be rejected for the following reasons:

1. Without the destruction of the existing large and good quality playing field, there would be no reason at all for this application which is for significant development in the AONB, contrary to national and local planning policies (significantly NPPF para 175 and WLP8.35), including damage to the St Felix County Wildlife Site which enjoys further protection and is included in the “most valued areas of the countryside” in Policy RNP5 of the Reydon Neighbourhood Plan. The Reydon Neighbourhood Plan is a material consideration for this application since its Examination is now complete and a final “Post Examination” Draft is awaiting publication of a Decision Notice by East Suffolk Council, pending the delayed referendum which will take place next year due to the Covid Health Emergency.

2. What is proposed is not an adequate replacement for the playing field which is to be lost:
a. One of the “new” playing fields will be on a field currently used for athletics.
b. The total size of the proposed fields is considerably less than that of the field which is to be lost.
c. The quality of the proposed pitches will be low, especially Pitch 2 which will be restricted by trees and affected by rabbit holes.
The application cannot, therefore, be judged to meet the requirements of the S106 conditions set for the housing development that the existing playing field will be replaced with playing fields of the same or better quality.

3. The proposal is also not acceptable since one of the proposed playing fields will encroach significantly onto the County Wildlife Site. The proposed compensatory works to the wildlife site are wholly inadequate and unlikely to be fully realised for many years. Important landscape features of one of the few remaining unspoiled Suffolk estuary valleys will be lost and sensitive habitats will be damaged. We believe that a full assessment of this application, together with the housing approved scheme, needs to be made under both the habitat and environmental impact

regulations. Assessing these interrelated applications separately will not properly consider the overall impact on a sensitive environment in the AONB.

4. Finally we are also concerned that the quality of the new playing fields will be poor compared to what will be lost to housing. The poor quality will significantly limit their use and diminish or eliminate entirely any possible or claimed community benefit. This will be exacerbated by the inadequate parking provision. We note that there are no proposals included in the application for providing and maintaining community use despite the emphasis given to this when the applicant was proposing the housing application.

For these reasons, we believe this application should be rejected. We also believe that this application should be determined by the Planning Committee since it is aimed at discharging (wholly inadequately) the S106 conditions for the housing development which were set by the Planning Committee. Members will, we are sure, be disappointed at the poor quality of the applicant's response to its carefully considered and legally binding requirements."

Statutory consultees

| Consultee | Date consulted | Date reply received |
|-----------------|----------------|---------------------|
| Natural England | 18 June 2020 | 1 July 2020 |

Summary of comments:

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

Comments updated by response received 27 July 2020:

"As submitted, the application could have potential significant effects on the qualifying bird species of Minsmere-Walberswick Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The further information submitted by RAGE has made us aware that nightjar, a qualifying species of Minsmere-Walberswick SPA, have been recorded in this location previously, and we understand that the habitat is currently suitable for this species. The application site may therefore consist of land functionally linked to the SPA (which under legislation is protected as if situated within the SPA).

Therefore we now recommend that the ecology team provide an ecological addendum which will provide a review of the likely usage of the site by nightjar (and any other species associated with Minsmere-Walberswick SPA).

Furthermore, a habitats regulations assessment should now be carried out by your authority.

Please re-consult Natural England once this information has been obtained."

| Consultee | Date consulted | Date reply received |
|-----------|----------------|---------------------|
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| Suffolk County - Rights Of Way | 18 June 2020 | No response |
| Summary of comments: No comments received. | | |

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| Consultee | Date consulted | Date reply received |
| Sport England | 18 June 2020 | 9 July 2020 |
| Summary of comments: <i>"In principle, sport England is supportive of the revised proposals, as they will provide enhanced playing field provision, to compensate for the loss of the playing field which will be developed for residential. We are prepared to accept a quantitative reduction, but only because of the qualitative improvements that will be delivered. It is also clear that there is local demand for football to use the new areas of playing field, and the potential for the new playing fields to be used for rugby training, if demand grows to the point where Halesworth cannot accommodate it all."</i> | | |

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| Consultee | Date consulted | Date reply received |
| Suffolk County - Highways Department | 18 June 2020 | 8 July 2020 |
| Summary of comments: No objections. | | |

Non statutory consultees

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| Consultee | Date consulted | Date reply received |
| Suffolk Wildlife Trust | N/A | 22 October 2020 |
| Summary of comments: Object to the application on ecological grounds. | | |

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| Consultee | Date consulted | Date reply received |
| Ecology (Internal) | 18 June 2020 | 14 July 2020 |
| Summary of comments: Internal planning consultee. See Planning Considerations section and appendix 1 (HRA: Appropriate Assessment | | |

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|-----------------------------------|----------------|---------------------|
| Consultee | Date consulted | Date reply received |
| Suffolk Coasts And Heaths Project | 18 June 2020 | 8 July 2020 |

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| Summary of comments: Advice given. Concerns over pitch 2 in the CWS. |
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| Consultee | Date consulted | Date reply received |
|------------------------------------|----------------|---------------------|
| Suffolk County Archaeological Unit | 18 June 2020 | 1 October 2020 |

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| Summary of comments: No objections; conditions recommended. |
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| Consultee | Date consulted | Date reply received |
|---------------------------|----------------|---------------------|
| Landscape Team (Internal) | 18 June 2020 | 8 July 2020 |

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| Summary of comments: Internal planning consultee; see report. |
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| Consultee | Date consulted | Date reply received |
|-------------------------------------|----------------|---------------------|
| Environmental Protection (Internal) | 18 June 2020 | 1 July 2020 |

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| Summary of comments: No objections; conditions recommended. |
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Re-consultation consultees

| Consultee | Date consulted | Date reply received |
|--------------------|-------------------|---------------------|
| Ecology (Internal) | 24 September 2020 | 19 October 2020 |

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| Summary of comments: Internal planning consultee. See Planning Considerations section and appendix 1 (HRA: Appropriate Assessment). |
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| Consultee | Date consulted | Date reply received |
|-----------------|-------------------|---------------------|
| Natural England | 24 September 2020 | 2 November 2020 |

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| Summary of comments: <i>"We note that the Council has undertaken an Appropriate Assessment as requested by Natural England in our written advice dated 27th July 2020 (our ref: 322763). The HRA concludes that the proposal may result in the loss of a small area of habitat potentially suitable for nightjar. This loss is not considered large enough within the context of the surrounding forging habitat and no significant impacts are anticipated. We accept that the land take is de minimis when considered in the context of the surrounding habitats, however this land is within a County Wildlife Site. We reiterate the advice provided on the 27th July 2020, which states that County Wildlife Sites should be used for development as a last resort, as they contain valuable habitats for a range of species"</i> |
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and often support local communities. The Wildlife Trust should be consulted for a detailed response on effects to local sites and appropriate mitigation."

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Environmental Protection (Internal) | 24 September 2020 | No response |
| Summary of comments: No comments received. | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Reydon Parish Council | 24 September 2020 | 23 October 2020 |
| <p>Full comments:</p> <p><i>"Reydon Parish Council wishes to reiterate its previous objections stated which still apply to this revised proposal. We believe that rather than addressing previous concerns, the revised application makes matters worse as Pitch 2 will create more harm to the environment in the form of more tree felling and habitat damage caused by pitch leveling. Moreover, these changes do not provide a pitch of the quality previously recommended by the applicants specialist consultant (Total Turf Solutions). The poor quality will severely limit any potential community use. The proposed new fencing will harm the visual character of the landscape. Finally Policy RNP5 of the Reydon Neighbourhood Plan must now be given significant weight. It identifies the St Felix Wildlife Site as one of the most valued areas of the countryside around the village and this application does not meet the criteria set for development in these areas.</i></p> <p><i>It is not needed to preserve the character and integrity of the site (indeed it harms them)</i></p> <p><i>There is no demonstrable need for the development to take place here as the applicant could simple choose to retain the existing playing field that this proposal is designed to replace.</i></p> <p><i>There is a suitable alternative site, namely the existing playing field.</i></p> <p><i>The impact on the landscape is not adequately mitigated as set out above."</i></p> | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Suffolk Coasts And Heaths Project | 24 September 2020 | 22 October 2020 |
| <p>Summary of comments:</p> <p>Object on the grounds that the scheme will not conserve or enhance the Natural beauty of the AONB or the local parkland character.</p> | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Suffolk County Archaeological Unit | 24 September 2020 | No response |
| <p>Summary of comments:</p> <p>No comments received.</p> | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Suffolk County - Highways Department | 24 September 2020 | 9 October 2020 |
| Summary of comments: No objections on the grounds that the proposed development is unlikely to result in an unacceptable impact on highway safety nor a severe impact on the highway network. | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Suffolk County - Rights Of Way | 24 September 2020 | No response |
| Summary of comments: No comments received. | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Sport England | 24 September 2020 | 6 October 2020 |
| Summary of comments: "Sport England would therefore wish to support this application as it will result in high quality playing field provision, that can make a contribution to school and local clubs pitch requirements. It is considered that this application makes a positive contribution towards the overall scheme meeting exception 4 of our playing fields policy, relating to replacement playing field provision." | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Landscape Team (Internal) | 24 September 2020 | No response |
| Summary of comments: Internal planning consultee; see planning consideration section of this report. | | |

6. Publicity

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

| Category | Published | Expiry | Publication |
|-------------------|--------------|--------------|----------------------------|
| Major Application | 10 July 2020 | 31 July 2020 | Beccles and Bungay Journal |
| Category | Published | Expiry | Publication |
| Major Application | 10 July 2020 | 31 July 2020 | Lowestoft Journal |

7. Planning policy

National Planning Policy Framework (NPPF)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.23 - Protection of Open Space (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.30 - Design of Open Spaces (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019)

Reydon Neighbourhood Plan Policy RNP 5: Maintaining Protection of the Countryside Around the Village

8. Planning considerations

Policy Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.
- 8.2 The development plan comprises the East Suffolk Council - Waveney Local Plan (“The Local Plan”) and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.
- 8.3 The Reydon Neighbourhood Plan (RNP) is now at a fairly advanced stage, although not yet ‘made’ and formally adopted due to delays caused by the Covid-19 pandemic. Given its advanced stage, the RNP can now be given significant weight in determining applications, and the relevant policies therein are listed in section seven, above.

Principle of Development

- 8.4 Many of the objection letters received state an opposition to the residential re-development of the existing playing fields. However, that development has been considered and approved under the extant planning permission (ref. DC/15/3288/OUT). This application

relates to the development of sports pitches and, whilst it is obviously linked to the permitted residential development – through the requirements of The S106 – it is not for this application to address whether housing on the existing playing fields is acceptable, or not; that has already been considered and approved by this Council and as such is a lawful permission.

- 8.5 The S106 linked to the extant outline planning permission requires certain works to replace the sports pitches to be lost to development. The S106 sets out that:

“4.1.2 The Owner shall, in making an application for the Replacement Playing Pitches, obtain the Council's approval in writing of an implementation scheme to ensure that the Replacement Playing Pitches provided are of equivalent or better quality to the existing sports pitches on the Development Land;

4.1.3 The Replacement Playing Pitches shall, upon obtaining all necessary consents, be laid out and be available for use by the Owner prior to the Commencement of the Development on the Development Land and in any event within 6 months of the obtaining of the relevant consents for the Replacement Playing Pitches or the sale of the Development Land whichever is the latter;

4.1.4 No Development shall Commence on the Development Land unless and until the Replacement Playing Pitches have been laid out in accordance with any necessary consents or if no formal consents are required then as agreed in writing with the Council and made available for use by the Owner and the Community Users. Until such time as the Replacement Playing Pitches have been completed and made available for public use, the existing pitches at Saint Felix School shall be available for use by the public as per the arrangements current at the date of this Deed.”

- 8.6 The ‘Replacement Pitches’ are defined in The S106 as:

"replacement playing pitches of at least equivalent quality and quantity (16,000 sqm) to the existing playing pitches on the Development Land in accordance with details set out in the Feasibility Study prepared by Total Turf Solutions Limited dated 28 March 2017 to be provided on the Retained Land. The location of the replacement playing pitches to be to the south of the existing rugby pitch on the Retained Land as shown on plan at precise location(s) to be agreed with the Council as part of the planning permission/consent for such pitches or if no formal consent is required, then as agreed in writing with the Council."

- 8.7 The Feasibility Study prepared by Total Turf Solutions, dated 28 March 2017, is therefore tied into The S106 and the provision of replacement pitches should follow that approved document. This document has also been submitted with this application.
- 8.8 The proposed sports pitches would fall within a Local Plan defined area of Open Space, where policy WLP8.23 (Protection of Open Space) is relevant. WLP8.23 identifies the importance of open spaces to local communities – both in terms of support for physical and mental health but also in supporting biodiversity, the aesthetic quality of the public realm, and enhancing the wider green infrastructure network.

8.9 Policy WLP8.23 sets out that:

“There will be a presumption against any development that involves the loss of open space or community sport and recreation facilities.

Open spaces are identified on the Policies Map.

Proposals for the development of open spaces will only be permitted in exceptional circumstances where:

- *The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;*
- *An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or*
- *The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.”*

- 8.10 Alongside WLP8.23, Policy WLP8.30 covers the ‘Design of Open Spaces’ and sets out a number of considerations for the design of new open spaces, in relation to location, access, layout, use and appearance.
- 8.11 In addition, Policy WLP8.22 states that proposals for new community services and facilities, will be supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement it will serve, and will not adversely affect existing facilities that are easily accessible and available to the local community.
- 8.12 As the proposed development is sports pitches/playing fields in an area of designated open space, the development is compatible with that designation and thus there is no conflict with WLP8.23. There will be no loss of open space. The proposal will result in an improvement to the facilities available, which will not just be of benefit to school pupils, but also to the community, as the pitches will be made available for community use in accordance with the requirements of The S106. Therefore, the proposed development, in principle, accords with Policies WLP8.22 and WLP8.23 of the Local Plan.

Sport Pitch Provision and Sport England Advice

8.13 NPPF paragraph 97 sets out that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

8.14 As the proposal relates to playing fields, Sport England are a statutory consultee. Sport England have assessed the proposal against NPPF para.97, above, and against their own

playing fields policy. In response to the amended plans, Sport England has commented, concluding that:

"Sport England considers that the replacement provision will provide high quality playing fields for the school and local community, access to which will be secured via a community use agreement. There is a particular opportunity to tie in with Sole Bay United Juniors FC, and it is clear the club and school have a good relationship."

Sport England would therefore wish to support this application as it will result in high quality playing field provision, that can make a contribution to school and local clubs pitch requirements. It is considered that this application makes a positive contribution towards the overall scheme meeting exception 4 of our playing fields policy, relating to replacement playing field provision."

8.15 A key issue with this application is that the proposed Pitch 1 would be located on amenity grassland to the south of The School buildings. This area is clearly used for some sporting activities – mostly summer athletics (as evident from aerial photographs showing painted lines for running track etc.). Sport England therefore consider that the re-development of the existing playing fields for housing, and then the detailed replacement pitches put forward in this application, will result in a quantitative reduction in overall space. However, when added to the improvements to playing fields to the south of The School, Sport England consider that the benefits to The School and local community outweigh any benefits from the existing poor-quality playing fields. It is notable from Sport England's consultation response that they have consulted with The Suffolk FA and RFU to inform the provision of their response.

8.16 Revisiting The S106 linked to the extant housing permission, The S106 defines the 'replacement pitches' as (officer emphasis added):

*"replacement playing pitches of at least equivalent quality and quantity (16,000 sqm) to the existing playing pitches on the Development Land in accordance with details set out in the Feasibility Study prepared by Total Turf Solutions Limited dated 28 March 2017 to be provided on the Retained Land. The location of the replacement playing pitches to be to the south of the existing rugby pitch on the Retained Land as shown on plan **at precise location(s) to be agreed with the Council as part of the planning permission/consent for such pitches or if no formal consent is required, then as agreed in writing with the Council.**"*

8.18 It is clear from the definition of 'replacement pitches' within The S106 that, in considering any planning application for the development of the replacement pitches, that the precise locations would need to be agreed through the application process.

8.19 Pitch 1 would be within The School grounds on the Retained Land identified in The S106. Whilst the land to the South of The School buildings may be used for seasonal athletics, amongst other things, it does not represent a high-quality sports pitch such as that proposed within this application, and as detailed in the Total Turf Solutions Feasibility Report. There would be significant betterment of the sport pitch provision at The School arising from this development proposal, as evidenced by the support from Sport England. That the land on which Pitch 1 would be developed is used for some sporting activities does not change that the proposal put forward in this application represents a comprehensive

scheme to replace the sports pitches to be re-developed for housing. Officers raise no objection to the principle of locating the two sports pitches in the areas proposed and consider that it accords with The S106 to secure replacement pitches to offset the impacts which would arise from the housing development.

- 8.20 In order for the detailed proposal subject of this application to accord with The S106 linked to the extant housing permission, a minor modification to The S106 is required through a Deed of Variation. The proposal is that all four of the plans attached to The S106 are replaced and thus references to the plans in The S106 need to be updated. In addition, the definition of 'Replacement Playing Pitches' would be adjusted to specifically mention land to the south of the School Buildings. In essence, the plans in The S106 would be updated to reflect the location and size of the sports pitches proposed in this application. The applicant has submitted a Draft Deed of Variation to this effect, that is being considered by the Council's Legal Team. Any recommendation of approval would therefore be subject to this Deed of Variation being formally agreed and signed by all parties.

Ecology: St Felix School Grounds County Wildlife Site (CWS)

- 8.21 The application has been reviewed extensively by the Council's Ecologist with officers also liaising with Natural England who, in their final comments of 2 November 2020, raise no objections.
- 8.22 Reydon Action Group for the Environment (RAGE) have submitted extensive information both to the Council and Natural England directly. Officers have considered the additional information that has been provided by the applicant; as well as Natural England's consultation responses of 27 July 2020 and 02 November 2020; and the report provided by Whittingham Ecology on behalf of RAGE (including additional comments made by Whittingham Ecology, received 26 October 2020).
- 8.23 Proposed replacement sports pitch 1 is in an area identified as amenity grassland to the south of the main school buildings. Based on the information provided the construction and operation of the proposed pitch is unlikely to result in a significant adverse impact on designated sites, protected species or UK Priority habitats or species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), subject to the mitigation measures identified in the ecological reports being implemented.
- 8.24 Proposed replacement sports pitch 2 is located within the north-eastern part of St Felix School Grounds County Wildlife Site (CWS), which is designated for its mosaic of heathland habitats. The area of the proposed pitch is identified as being predominantly semi-improved grassland with acidic indicators on free draining, sandy soil, with a small amount of scrub/trees also present.
- 8.25 Whilst the updated plans for this pitch (drawing ref. DR-A-0120 Rev. P5) identify that works will be relatively low key and will re-use material from within the site to create a sufficiently level surface (which then be seeded with the sports turf seed mix), nevertheless the works will negatively change the vegetation communities present in this part of the CWS. The proposal will therefore result in the loss of part of the CWS (quoted as 3% in the application documents).

8.26 Waveney Local Plan policy WLP8.34 states that:

“Proposals that will have a direct or indirect adverse impact on locally recognised sites of biodiversity or geodiversity importance, including County Wildlife Sites, Biodiversity Action Plan habitats and species, will not be supported unless it can be demonstrated that new opportunities to enhance the green infrastructure network will be provided as part of the development that will mitigate or compensate for this loss.”

8.27 The application proposes implementing a habitat management plan for the wider CWS as a means of compensating for the change of grassland from acidic semi-improved to a more amenity type. Whilst there is a need for the production and implementation of such a plan, it would need to be ensured that any such plan did not compromise the existing ecological value of the CWS.

8.28 It is noteworthy that The S106 linked to the extant housing permission would see the replacement pitches located wholly within the CWS, and this would be far more harmful than the proposed development which splits the provision into two pitches - the most heavily engineered of which will be located to the south of The School buildings, outside the CWS. That represents a significant ecological improvement over the parameters of The S106.

8.29 In any case, the creation of pitch 2 will cause some harm to the integrity of the CWS and that conflict with Policy WLP8.34 must be weighed in the balance as part of the consideration of this application. That being said, officers recommend ecological conditions to help mitigate the impact of development, including:

- Development to be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Assessment.
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.
- A construction environmental management plan (CEMP: Biodiversity) to be approved pre-commencement of development.
- A landscape and ecological management plan (LEMP) for St Felix School Grounds County Wildlife Site to be approved pre-commencement of development.

8.30 The LEMP would include cyclical cutting of gorse to create a more varied age structure; removing some areas of gorse to create additional acid grassland; altering the mowing regime to encourage scarce plant species; removing the former go-kart track to create an area of open grassland; and managing public access onto permissive footpaths within the CWS. According to the applicant, and based on Biodiversity Metric calculations, this package of measures will result in biodiversity enhancements that equate to a 10% net gain. In any case, subject to the detail being agreed by condition, it would have a significant mitigatory effect.

Ecology: Habitats Regulations Assessment (HRA)

- 8.31 Part of the proposed development site (pitch 2 area) provides some suitable habitat for foraging nightjar. Whilst there is some potential that birds from the population associated with the Minsmere-Walberswick SPA and Minsmere-Walberswick Ramsar Site may forage across the site the amount of habitat to be lost is very small when compared with the available habitats both within the designated sites and in the surrounding areas. It is therefore concluded that the proposed development “alone” will not result in an Adverse Effect on the Integrity of the European designated sites identified.
- 8.32 No other plans or projects which would result in the loss of nightjar foraging habitat associated with the Minsmere-Walberswick SPA or Ramsar Site have been identified. It is therefore concluded that the proposed development “in-combination” will not result in an Adverse Effect on the Integrity of the European designated sites identified.
- 8.33 Having considered the proposed development, officers conclude that the project will not have an Adverse Effect on the Integrity of the European designated sites identified.
- 8.34 Having made this appropriate assessment of the implications of the project for the sites in view of those sites’ conservation objectives, and having consulted Natural England and fully considered the representations (no objection) received from them, officers conclude that the project can proceed under regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended).
- 8.35 The above is a summary of the HRA: Appropriate Assessment (AA) undertaken; a full copy of the AA can be found at appendix 1, and details fully the reasons why officers consider that the accords with WLP8.34, in respect of the HRA implications of the proposed development.

Landscape and Visual Impact

- 8.36 The site falls within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). NPPF paragraph 172 sets out that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

8.37 The objectives of the NPPF, in respect of the natural environment, are found in Local Plan Policy WLP8.35 (Landscape Character) which sets out that:

“Proposals for development should be informed by, and be sympathetic to, the distinctive character areas, strategic objectives and considerations identified in the Waveney District Landscape Character Assessment (2008), the Settlement Fringe Landscape Sensitivity Study (2016), the Broads Landscape Character Assessment (2016), the Broads Landscape Sensitivity Study for Renewables and Infrastructure (2012) and the most current Suffolk Coast and Heaths Area of Outstanding Natural Beauty Management Plan.

Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and where possible enhance:

- *The special qualities and local distinctiveness of the area;*
- *The visual and historical relationship between settlements and their landscape settings;*
- *The pattern of distinctive landscape elements such as watercourses, commons, woodland trees (especially hedgerow trees) and field boundaries, and their function as ecological corridors;*
- *Visually sensitive skylines, seascapes and significant views towards key landscapes and cultural features;*
- *The distinctive landscapes of the Suffolk Heritage Coast;*
- *The natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty; and*
- *The unique landscape and characteristics of the Broads.*

Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network.

Development will not be permitted where it will have a significant adverse impact on:

- *The landscape and scenic beauty of the protected landscapes and the settings of the designated areas of the Broads or the Suffolk Coast and Heaths Area of Outstanding Natural Beauty; or*
- *Locally sensitive and valued landscapes including Rural River Valleys and Tributary Valley Farmland character areas.*

Development within the settings of the Broads and Area of Outstanding Natural Beauty or within the Area of Outstanding Natural Beauty itself will be informed by a Landscape and Visual Impact Assessment to assess and identify potential impacts and to identify suitable measures to avoid or mitigate these impacts.

Proposals for development should protect and enhance the tranquillity and dark skies of both the Waveney District and Broads Authority areas.”

8.38 Emerging Reydon Neighbourhood Plan Policy RNP5 seeks to protect countryside around the village, and sets out that:

“Development outside the settlement boundary should protect and where possible enhance the natural beauty and special qualities of the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty in accordance with Policy WLP 8.35 of the adopted Waveney Local Plan.

The following areas (as shown on Policy Map RNP Map 3) are identified as the most-valued parts of the countryside in the neighbourhood area:

- *Reydon Wood;*
- *The Hen Reedbeds;*
- *Pottersbridge Marshes;*
- *Reydon Smere;*
- *Smere Marshes;*
- *Reydon Common Marsh;*
- *St Felix County Wildlife Site; and*
- *Riverside Grazing Meadow and Marshes*

Within the most-valued parts of the countryside identified above, proposals for development will not be supported unless:

- *the development is needed to preserve their character and integrity;*
- *a demonstrable need for the development to take place in the location has been satisfactorily evidenced;*
- *there are no suitable and available alternative sites outside of these areas; and*
- *the impact on the landscape is mitigated through sensitive design and a detailed landscaping scheme.”*

- 8.39 The application has been reviewed by the Council’s Arboriculture and Landscape Manager. Pitch 1 is wholly within the context of the school infrastructure context and it will have no impact on existing landscape character and will offer no adverse visual impacts. It requires the removal of one tree which is already in structural decline and should be removed on safety grounds regardless of the pitch proposal. The creation of Pitch 1 presents no grounds for objection for reasons related to landscape and visual impact.
- 8.40 Pitch 2 is to be created further east in the school estate. This Pitch requires the removal of six oak trees and part of a group of self-seeded trees (mostly birch). The Oak trees and birch are all considered to be in sound condition and of good longevity, so their loss is regarded as an adverse impact arising from this aspect of the proposal. The tree removal and pitch construction replacing existing acid grassland will have minor impact on landscape character and consequently on visual impact.
- 8.41 The Suffolk Coast and Heaths AONB Unit has objected to the application, particularly in regard to impacts on users of nearby public rights of way (PROWs). At face value there is some validity to their concerns, but it is also important to factor in the magnitude of the perceived change and officers judge that it is relatively limited. The two nearby PROWs are not immediately adjacent to the site, so views of the proposed playing field site are, to varying degrees, filtered by existing vegetation. The most visible aspects are likely to be goalposts where they are visible above scrub vegetation and trees. Officers accept that the sensitivity of the site is High, but for Visual receptors, the magnitude of change is Low to Medium/Low and for a limited extent and range of view. So, in strict Landscape Visual Impact Assessment terms, the case for objection on visual impact grounds is not overly strong. There will be a degree of landscape character change, but it is limited in extent and can be partially mitigated by appropriate replacement planting.

- 8.42 It is also noteworthy that a scheme where the proposed replacement pitches are located wholly within the CWS would bring greater impact to the special quality of the AONB; in that regard, the detailed proposals put forward are a significant improvement over the parameters set within the existing S106 linked to the extant housing permission. In any case, the limited visual and landscape impact arising from the development would represent some conflict with the objectives of NPPF paragraph 172, and policies WLP8.35 and RNP5.

Other Matters

- 8.43 The existing School buildings have some architectural and heritage value and, therefore, could be considered Non-Designated Heritage Asset (NDHA). Local Plan Policies WLP8.37 and WLP8.38 work together to conserve and enhance the historic environment, in accordance with the NPPF. In respect of the NDHA that is the School buildings, it is the new sports pitch to the south of the buildings that could have an impact on its setting. However, as it is development functionally linked to the day-to-day activities of the school and will retain the openness to the south side of The School, there would be no harm to the significance of the NDHA. Pitch 2 is much farther to the east and, with intervening vegetation, no likely to have any impact on the significance of the NDHA. There is thus no conflict with WLP8.38 and WLP8.38.
- 8.44 The proposal does not involve any new vehicular access nor significant traffic generation. Some local concern states that there would be a lack of parking provision associated with the new sports pitches; however, there is considerable parking provision within the School grounds. As the pitches are replacing existing sports pitches, there is unlikely to be significant traffic generation over-and-above the existing situation. The County Highways Authority has reviewed the application and raise no objections, on the grounds that the proposed development is unlikely to result in an unacceptable impact on highway safety nor a severe impact on the highway network. Officers agree with that view and consider that the scheme is acceptable in highways safety terms in accordance with WLP8.21. There is thus no conflict with NPPF paragraph 109, which is clear that development should only be refused on highways grounds where would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.45 In amenity terms, the proposed sports pitches are a considerable distance from residential property and thus unlikely to cause material harm. The main matters raised by local residents are in respect of ecology, landscape/visual impact, and then the impact of the housing re-development of the existing playing fields approved under the extant outline permission. Those matters have been addressed within this report but, in terms of direct impact from the proposed sports pitches on the living conditions of local residents, officers are of the view that no such harm would arise. Thus, there is no conflict with the residential amenity objectives of WLP8.29 (Design).
- 8.46 The County Council Archaeological Service has recommended conditions to secure a programme of archaeological investigation. These are recommended in accordance with policy WLP8.40 (Archaeology).

9. Conclusion

- 9.1 The extant outline planning permission for residential development of existing playing fields/sports pitches at St Felix School was approved as an enabling form of development to

generate funds to be re-invested into The School building and its grounds. These enabling works will offer benefit to pupils at The School, through improved facilities, in addition to making the education offer more competitive in the market which will safeguard existing jobs and potentially lead to job creation in the future.

- 9.2 Linked to that housing development is The S106 which ensures that replacement pitches would be provided at the appropriate time (before residential development commences), but acknowledges that a planning permission would also be required for the specific works of those replacement pitches. The objective of The S106 being to ensure that the housing development does not result in a loss of sports pitches without appropriate mitigation in place; Sport England being the key consultee to guide this matter.
- 9.3 The S106 set parameters that the entirety of the replacement pitches would be wholly within the County Wildlife Site (CWS) and thus, to an extent, the Council has already considered that relocating the sports pitches to that location would be acceptable, in principle. In any case, the application for the proposed development has been submitted and therefore must be considered on merit in line with all relevant planning policies and material considerations.
- 9.4 Much of the local objection to the application is somewhat contradictory: on the one hand, objecting to the ecological impact of the development within the CWS and also the landscape/visual impact on the AONB; on the other hand, also objecting to the application because the scheme departs from the terms of The S106 – insofar as one of the replacement pitches would be located outside of the CWS. The applicant and their retained agent could have designed a scheme strictly in accordance with the terms of The S106 in an attempt to avoid the latter objection; however, in working with officers, the applicant was keen to bring forward a scheme that could be supported by Sport England, whilst minimising ecological and landscape/visual impact. It is again important to note that it is not the role of this application to re-consider the merits, or otherwise, of the housing on the site, a matter which has received objection, as that has extant planning permission and has been considered by this Council as an acceptable proposal.
- 9.5 Having considered all aspects of the proposal, and noting all the correspondence received Officers consider that the proposed development is acceptable. Whilst there would be some limited ecological and landscape/visual impacts, resulting in conflict with policies WLP8.34 and WLP8.35 (and emerging policy RNP5), the proposal does accord with policies WLP8.22 and WLP8.23 of the Local Plan. Harm arising is considered to be outweighed by the benefit of improved sport facilities at the school for use by pupils and the community alike. That the scheme represents a significant improvement over the parameters set by The S106, and has been positively supported by Sport England, weighs strongly in its favour. It should also be acknowledged that approval of this application will facilitate the delivery of an enabling housing development scheme which will bring further public benefit through re-investment in The School. The planning balance indicates in favour of the proposed development and, therefore, planning permission can be granted.

10. Recommendation

- 10.1 Authority to Approve with conditions including (but not limited to) those as recommended in section 11 of this report; and subject to a Deed of Variation on the existing S106 Agreement being agreed.

11. Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.
2. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of each element of the development:
 - Pitch 2 shall be completed in accordance with Drawing Nos. DR-A-0121P2 and DR-A-0120P5, received 23 September 2020; and
 - Pitch 1 shall be completed in accordance with Drawing No. DR-A-0050P3 and The Total Turf Solutions Feasibility Study Rev.2 (Dated 28 March 2017), received 16 June 2020.Reason: for the avoidance of doubt as to what has been considered and approved.
3. A scheme for the proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation shall be submitted and approved prior to commencement of the works. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
Reason: To ensure that the playing field is prepared the appropriate standard to deliver qualitative improvements to the sport pitch provision at The School.
4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Assessment (Small Ecology, June 2020); Botanical Survey (Small Ecology, February 2020); Reptile Survey (Small Ecology, October 2019) and Biodiversity Metric Appraisal (Small Ecology, June 2020).
Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.
5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
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 similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

7. A landscape and ecological management plan (LEMP) for St Felix School Grounds County Wildlife Site shall be submitted to, and be approved in writing by, the local planning authority prior to first use of the development. The content of the LEMP shall include the following:

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

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

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

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

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

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with WLP8.40 of the Waveney Local Plan (2019).

9. The development shall not be brought into use until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with WLP8.40 of the Waveney Local Plan (2019).

10. Prior to their installation, precise details of the fencing and gates to enclose Pitch 2 (as shown on Drawing Nos. DR-A-0121P2 and DR-A-0120P5) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail, and retained in that form, unless otherwise approved in writing by the LPA.

Reason: to ensure that the enclosure to pitch 2 is of a design and appearance appropriate for the site context within the AONB.

11. Prior to commencement of the approved development, an updated Arboricultural Impact Assessment & Method Statement, including Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: to ensure retained trees are protected through the construction phase of the development.

12. No development shall commence until precise details of a tree planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the submission and implementation of a well-designed planting strategy to mitigate the impacts of development, in accordance with WLP8.35 (Landscape Character).

13. The tree/shrub planting scheme (approved under condition 12) shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the timely implementation and longer-term maintenance of the planting scheme in accordance with the objectives of WLP8.35 (Landscape Character).

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

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

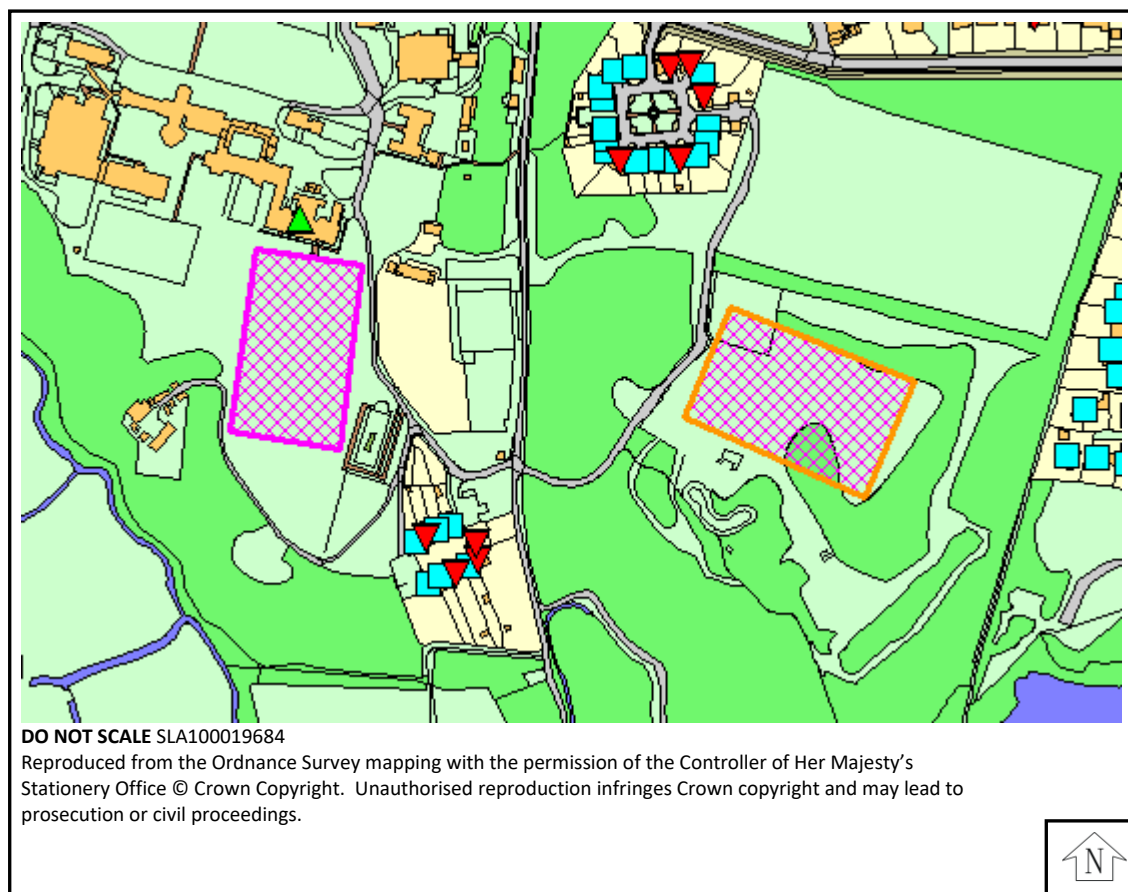
Informatives:

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 Papers

See application reference DC/20/2191/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/2593/FUL

Location

High Dene
105 Park Road
Lowestoft
Suffolk
NR32 4HU

Expiry date 16 September 2020

Application type Full Application

Applicant Mrs Elaine Thomas

Parish Lowestoft

Proposal Change the use from C2 Residential care home to large HMO (Sui-Generis category) - Supported Housing for people with complex needs

Case Officer Iain Robertson
(01502) 523067
iain.robertson@eastsuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the change of use of 105 Park Road, Lowestoft from a C2 Residential care home to a large House in Multiple Occupation (HMO) (Sui-Generis use category) providing supported housing for people with complex needs. The accommodation would be supervised 24 hours a day.
- 1.2. The site is situated within the settlement boundary of Lowestoft and outside of any of the 'Flat Saturation Zones' as highlighted within Policy WLP8.4 of the Local Plan and shown on the policies maps. Under the Local Plan, the conversion of premises to HMO's is only permitted in exceptional circumstances.
- 1.3. The supported housing facility proposed by The Stone Foundation - to be managed by Mavam Group Ltd - would be in line with the strategic aims of Suffolk County Council with regard to supported housing delivery. In this case 'exceptional circumstances' have been demonstrated.

- 1.4. Given that the justification for this proposal relates to the type of accommodation offered and the management proposed within this application, in these circumstances the application is recommended for approval as a personal permission.
- 1.5. This application has been referred to members for consideration due to the level of public interest in this application.

2. Site description

- 2.1. The site is situated within the North Lowestoft Conservation Area; the property at 105 Park Road is noted within the Conservation Area Appraisal for being of local importance and is therefore considered to be a Non-Designated heritage Asset (NDHA) which forms part of the 'Local List'.
- 2.2. The site is within easy reach of all local services and facilities within the vicinity and the Town centre of Lowestoft.
- 2.3. The northern end of Park Road is characterised by larger dwelling houses. The southern end of Park Road intersects with St. Margaret's Road and Melbourne Road and is made up of much higher density terraced housing and some purpose-built flats.
- 2.4. Harleston House Care Home is situated to the northern end of Park Road which is an imposing larger property which has been extended in recent times. Abigail Court and Trinity Methodist Church front Yarmouth Road but are also accessed from Park Road.
- 2.5. Royal Avenue runs parallel to Park Road and at its Northern end with the junction of Yarmouth Road is situated Avenue Mansions.
- 2.6. Lyndhurst Road is situated to the north of Yarmouth Road and is highlighted as a flat saturation zone as highlighted on the policies map and described within Policy WLP8.4 "Conversion of properties to flats".

3. Proposal

- 3.1. The proposal is for the change of use of 105 Park Road, Lowestoft from a C2 Residential care home to large HMO (Sui-Generis category) providing supported housing for people with complex needs.
- 3.2. This is a supported housing scheme managed by Mavam Supported Housing (MSH), which would be staffed 24 hrs a day. MSH provides support to people aged sixteen upwards, with no upper age limit. The users of their services will usually have a diagnosis of a Learning Disability, such as autism, physical disabilities and/or a mental health problem.
- 3.3. People are supported with all aspects of daily living such as shopping, cooking, cleaning, budgeting and medication, as well as emotional support and are provided with access to meaningful activities and opportunities.

- 3.4. Social groups and activities are regularly provided along with making full use of the local community. Each service user has an allocated keyworker who oversees and coordinates their support, which includes developing a support plan and a robust risk assessment.

4. Consultations/comments

- 4.1. Fifty-six letters of objection have been received raising the following key planning issues (inter alia):

- Would result in an unbalanced community - large quantity of temporary and supported housing in the area (Abigail Court, Avenue Mansions, Royal Avenue, Flats at the south end of Park Road).
- Flat saturation over 20%. Postcode NR32 4HU is in a heavily saturated area of flats which has resulted in a rise of neighbourhood disturbances, in-appropriate behaviour, anti-social behaviour, criminal activity including drug dealing and participation.
- Loss of care home places when the Strategic Housing Market Assessment identifies a need for 905 additional spaces in care homes and nursing homes over the plan period.
- Policy WLP8.4 requires that exceptional circumstances need to be demonstrated for the conversion of houses to HMO's.
- More undesirable in planning terms than retaining care home use.
- Not the right location for people with drug or alcohol related problems.
- How would this use not become an uncontrolled HMO?
- Overlooking
- Noise and disturbance
- Increase in on-street parking
- Surrounding road network is unsuitable
- Harm to the Conservation Area
- Safeguarding concerns - Wellbeing and safety of surrounding residents
- Information on deliveries not specified
- Used to be a very desirable residential area but is now gradually degenerating from such uses.
- Raises serious fears of an increase of crime & anti-social behaviour
- Security

Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Lowestoft Town Council | 24 July 2020 | 12 August 2020 |
| <p>Summary of comments:</p> <p>The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 12 August 2020. It was agreed to recommend refusal of the application.</p> <p>The Town Council were in receipt of numerous public objections to the proposed change of use and these were noted as part of the consideration.</p> | | |

The reasons for refusal are listed as; whilst Park Road is not within the Flat Saturation Zone the Council were concerned that the number of units created by this change of use would be contrary to policy WLP8.4 (para 2) and the 20% figure being exceeded, there seems to be no exceptional circumstances for this conversion to be permitted (para 3 of WLP8.4), the application included no justification on how the supported housing will be managed, and there is insufficient parking and bin storage allocation. The change of use will have a detrimental impact of the local residential amenity by virtue of the movements to and from the supported housing. There are no material changes to the building included as part of the application and it is requested that if such are planned an appropriate application is submitted. It was also noted that no site notice had been displayed at 105 Park Road to inform local residents of the application.

Statutory consultees

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Suffolk Fire and Rescue Service | 30 July 2020 | 30 July 2020 |
| Summary of comments: Advice relating to access, firefighting facilities, and water supplies. | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk County - Highways Department | 24 July 2020 | 14 August 2020 |
| Summary of comments: No objection subject to a condition requiring manoeuvring and parking area to be provided. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Police - General | 20 August 2020 | No response |
| Summary of comments: No comments received. | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Housing Development Team (Internal) | 28 July 2020 | No response |
| Summary of comments: Internal - Comments previously received included in report. | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Environmental Protection (Internal) | 24 July 2020 | 29 July 2020 |
| Summary of comments: No concerns or comments to make. | | |

Re-consultation consultees

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Lowestoft Town Council | 16 September 2020 | 15 October 2020 |
| Summary of comments: The Town Council's Planning and Environment Committee re-considered this application at a meeting on 13 October 2020, the additional information submitted by the applicant and the numerous public objections. It was agreed that the Town Council's original recommendation of refusal of the application still remains. | | |

5. Publicity

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

| Category | Published | Expiry | Publication |
|-------------------|--------------|----------------|----------------------------|
| Conservation Area | 31 July 2020 | 21 August 2020 | Beccles and Bungay Journal |
| Category | Published | Expiry | Publication |
| Conservation Area | 31 July 2020 | 21 August 2020 | Lowestoft Journal |

6. Planning policy

- 6.1. 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"*.
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that with regard to Conservation Areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 6.3. National Planning Policy Framework (NPPF) (2019)
- 6.4. National Planning Policy Guidance (NPPG)
- 6.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP8.1 - Housing Mix
- WLP8.4 - Conversion of Properties to Flats
- WLP8.21 – Sustainable Transport
- WLP8.29 - Design
- WLP8.37 - Historic Environment
- WLP8.39 - Conservation Areas

7. Planning considerations

Principle:

- 7.1. The use of a building as a large HMO falls outside of a specific use class and is therefore classed as 'Sui Generis'.
- 7.2. Policy WLP8.4 - "Conversion of Properties to Flats" is applicable in this case. This policy states that: *"no further conversion to self-contained flats/houses in multiple occupation will be permitted in Flat Saturation Zones on Lyndhurst Road, part of Denmark Road, part of London Road South and part of Kirkley Cliff Road, Grosvenor Road, Cleveland Road and Windsor Road where saturation levels are exceeded"*.
- 7.3. *"Outside the Flat Saturation Zones planning permission will be granted for conversion of existing buildings to fully self-contained accommodation where the saturation figure for the street does not exceed 20% and residential properties are above average size (i.e. above 160sqm original gross floorspace and include at least 5 bedrooms), no longer suited to family occupation or have a long established use (i.e. 10 years or more) as a House in Multiple Occupation or flats. The property should be located in a commercial, mixed use or other area close to services and facilities, be able to meet existing standards for parking, amenity areas, refuse bin storage and sound insulation and have no significant detrimental impacts to adjoining family houses"*.
- 7.4. In this case the site is outside the flat saturation zone, the closest of such areas is on Lyndhurst Road to the north of the application site.
- 7.5. Policy WLP8.4 then goes on to discuss the requirements for self-contained flats. Although this is not what is proposed, these aspects of the policy are relevant.
- 7.6. The policy requires that outside the flat saturation zones, in order for further conversion to be granted planning permission, the saturation figure for the street should not exceed 20%. Whilst objectors to this proposal have suggested that this figure has been breached leading to an unbalanced community, there is no evidence to suggest that the numbers of properties within Park Road exceed this figure. Whilst other premises such as Abigail Court, Avenue Mansions and Harleston Care Home have multi person occupancy, these premises do not lead to a saturation of Park Road, with Avenue Mansions being situated on Royal Avenue.
- 7.7. In any event, even if that were not the case and the 20% figure had been exceeded, it is important to note that the property has a long established use of housing multiple occupiers from its use as a care home; the property is above average size and is unlikely to be suited

to family occupation given that it has 13 bedrooms and is therefore limited in the types of use that the property could be put to.

- 7.8. The property is situated close to services and facilities as required by this policy. The policy does however state that exceptional circumstances will need to be demonstrated for the conversion to Houses in Multiple Occupation or bedsits, as opposed to self-contained flats, to be permitted".

Exceptional circumstances - Need for Specialist types of accommodation:

- 7.9. This proposal is for a supported housing scheme rather than an unrestricted HMO. As stated in the proposal section of this report, the property would be managed by Mavam Supported Housing (MSH), which would be staffed 24 hours a day. The users of their services will usually have a diagnosis of a Learning Disability, such as autism, physical disabilities and/or a mental health problem.
- 7.10. Section 6 of The Ipswich and Waveney Housing Market Areas - Strategic Housing Market Assessment (SHMA), Volume 2 - May 2017 considers the housing requirements of specific groups of the population.
- 7.11. Paragraph 6.12 of the SHMA highlights that to meet the occupation patterns predicted by the County Council in 2036 the model identifies a requirement for 1,197 additional specialist units of accommodation in the Waveney Housing Market Area (HMA). It is stated within this section of the SHMA that:
- 7.12. *"The actual numbers and type of specialist accommodation needed may depend on changes in patterns of demand and expectations and it is also recognised that Suffolk County Council are developing further accommodation typologies to best respond to future care needs, and it is therefore appropriate to consider this level of need with the acknowledgement that the form of accommodation delivered should not be too prescriptive".*
- 7.13. A letter accompanies the application from Suffolk County Council (Adult and Community Services) with the following statement:
- 7.14. *"I can confirm that there is a supportive housing need for the proposed scheme in Lowestoft for specialist supported living dwellings for people with a range of disabilities. The proposal would be in line with the strategic aims of Suffolk County Council and is responsive to the required transition service of suitable accommodation for a number of prospective residents who require supported housing. The proposed development is in a good location and would provide good access to amenities and the local community".*
- 7.15. As well as the need for specialist housing this section of the SHMA also considers the requirement for Registered Care (nursing and residential care homes). In the Waveney HMA, it is estimated there will be a requirement for an additional 905 spaces over the plan period. This figure is referred to within the pre-amble to Policy WLP8.1 - "Housing Mix". Objectors to this proposal are of the view that this statement provides a presumption against the loss of care homes; however, there is no policy protection against the loss of existing care homes from change of use.

- 7.16. These additional spaces are being sought through larger allocations such as the Beccles and Worlingham Garden Neighbourhood allocated within Policy WLP3.1 through the provision of retirement communities. Purpose built facilities are much more suitable for this type of accommodation and the loss of smaller facilities in older buildings such as this cannot be resisted in principle. Furthermore, this facility has ceased trading and the property is currently vacant.
- 7.17. Suffolk County Council have had input into the evidence base to the SHMAA and are supportive of this proposal. Whilst it is acknowledged that there is a need for both care home spaces as well as specialist forms of accommodation it is considered that this type of facility provides an important housing need which is clearly required and therefore 'exceptional circumstances' have been demonstrated in this instance. The proposal is therefore considered to comply with Policy WLP8.4 in this regard.

Neighbour Amenity:

- 7.18. Policy WLP8.4 and WLP8.29 of the Local plan require that proposals do not have any significant detrimental impacts to adjoining family homes and that proposals protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 7.19. The majority of the objections to this proposal relate to the perceived impact on neighbour amenity of houses in multiple occupation, in terms of antisocial behaviour, noise and disturbance and general environmental decline. Whilst some of these issues have been experienced in some parts of Lowestoft due to certain streets reaching saturation point, this is not considered to be the case here.
- 7.20. The applicant has experience in running supported accommodation and would therefore be considered to be a responsible landlord. Together with effective management by Mavem, as detailed within their supporting statement, the amenity of occupiers of surrounding properties and that of the wider environment will be protected and the proposal would comply with the requirements of Policy WLP8.29 and WLP8.4. Furthermore, in order to ensure that the accommodation continues to be operated as proposed within this application and does not become an unrestricted large HMO it is recommended that a personal permission be granted.

Personal permission:

- 7.21. Section 75 of the Town and Country Planning Act 1990 states that *"any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it"*.
- 7.22. Section 70 (1) of the Act allows Local Planning Authorities to grant planning permission, either unconditionally or subject to 'such conditions as they think fit'. This power needs to be interpreted in light of material considerations such as the National Planning Policy Framework, supporting guidance on the use of conditions (circular 11/1995 - Use of Conditions in planning permissions), and relevant case law.
- 7.23. Planning Practice Guidance (PPG) and the above circular 'Use of conditions in planning permissions' highlight that there may be exceptional occasions where development that

would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. Although planning authorities are given very wide powers to impose 'such conditions as they think fit,' nevertheless the law says that those conditions, to be valid, must fairly and reasonably relate to the permitted development.

- 7.24. As the justification for this proposal relates to the type of accommodation being proposed and those that will occupy it, the management of which is integral to the proposal, it is considered appropriate in these circumstances to condition that this permission be personal to the applicant 'The Stone Foundation' to be managed by Mavam Group Ltd.

Other matters - Appearance of Conservation Area:

- 7.25. It has been highlighted by objectors to the proposal that unauthorised alterations to the frontage of this site have been carried out, which have had a harmful impact on the character and appearance of the Conservation Area. Although these works were carried out prior to the applicant's involvement in the site, the applicant has committed to an undertaking to replant trees, rebuild the wall to the frontage and remove some of the hard-surfacing area. The specific details of which will be required by condition.
- 7.26. Such works would be intended to re-introduce features to the frontage which would have a positive impact on the character and appearance of the Conservation Area as required by Policy WLP8.39 of the Local Plan and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways:

- 7.27. It is extremely unlikely that any of the people who would occupy the premises would have their own vehicles. It is anticipated that there will usually be two or three staff cars requiring a parking space at any one time. MSH promotes the use of public transport and provides cycles for staff to use to limit the reliance on vehicles and being conscious of environmental issues. Cycle storage will be provided in accordance with the requirements of Policy WLP8.21 "Sustainable transport".
- 7.28. Even with the proposed works to the frontage area this would still allow parking provision for 2 - 3 cars within the site of which Suffolk County Council as highways authority do not object to. It is considered that on the odd occasion that on-road parking does take place, this would not have an unacceptable impact on highway safety and would comply with the requirements of Paragraph 109 of the NPPF.

8. Conclusion

- 8.1. The proposed HMO would provide supported housing accommodation to be managed by Mavam Supported Housing (MSH), which would be staffed 24 hrs a day.
- 8.2. The site is situated outside of the flat saturation zones in Lowestoft and would not result in a saturation point being reached within Park Road, which as highlighted in policy WLP8.4 the guide figure of 20% is specified.

- 8.3. Suffolk County Council have confirmed that there is a need for specialist supported living accommodation for people with a range of disabilities and it is therefore considered that this justifies 'exceptional circumstances' required for an HMO to be permitted under Policy WLP8.4. The provision of specialist accommodation represents a significant social benefit, which is an important strand of 'sustainable development' as required by the NPPF. Furthermore, the need for such accommodation is likely to be in greater demand in the wake of Covid-19.
- 8.4. The applicant has experience in running supported accommodation; together with effective management and control of the use, which would be for the benefit of 'The Stone Foundation' to be managed by Mavam Group Ltd, the amenity of occupiers of surrounding properties and that of the wider environment will be protected and the proposal would comply with the requirements of Policy WLP8.29 and WLP8.4.

9. Recommendation

- 9.1. Approve subject to the following conditions:

10. 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 accordance with the layout plan received 04 November 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. This permission shall endure solely for the benefit of the applicant 'The Stone Foundation' to be managed by Mavam Group Ltd and not for the benefit of the land. When the premises cease to be managed by the above-named groups the use hereby permitted shall cease.

Reason: Having regard to the special circumstances put forward by the applicant.

4. Prior to first use full details of the frontage layout, (including manoeuvring and parking area, tree planting, reinstatement of frontage wall and reduction in hard standing area) shall be submitted for approval in writing to the Local Planning Authority. The approved scheme shall be carried out in its entirety within six months of first use of the site or within such other period as may be agreed with the Local Planning Authority, and any trees which die in the first 3 years shall be replaced in the next planting season.

Reason: To ensure the satisfactory appearance of the frontage of the site and that sufficient space for the onsite parking of vehicles is provided and maintained.

5. Details of secure and covered cycle storage shall be provided to and agreed in writing by the Local Planning Authority. The facilities as approved shall be provided prior to first occupation of the units and shall be retained thereafter.

Reason: To encourage people to travel using non-car modes.

6. Details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that Refuse/Recycling bins are not stored on the highway causing obstruction and dangers to other users.

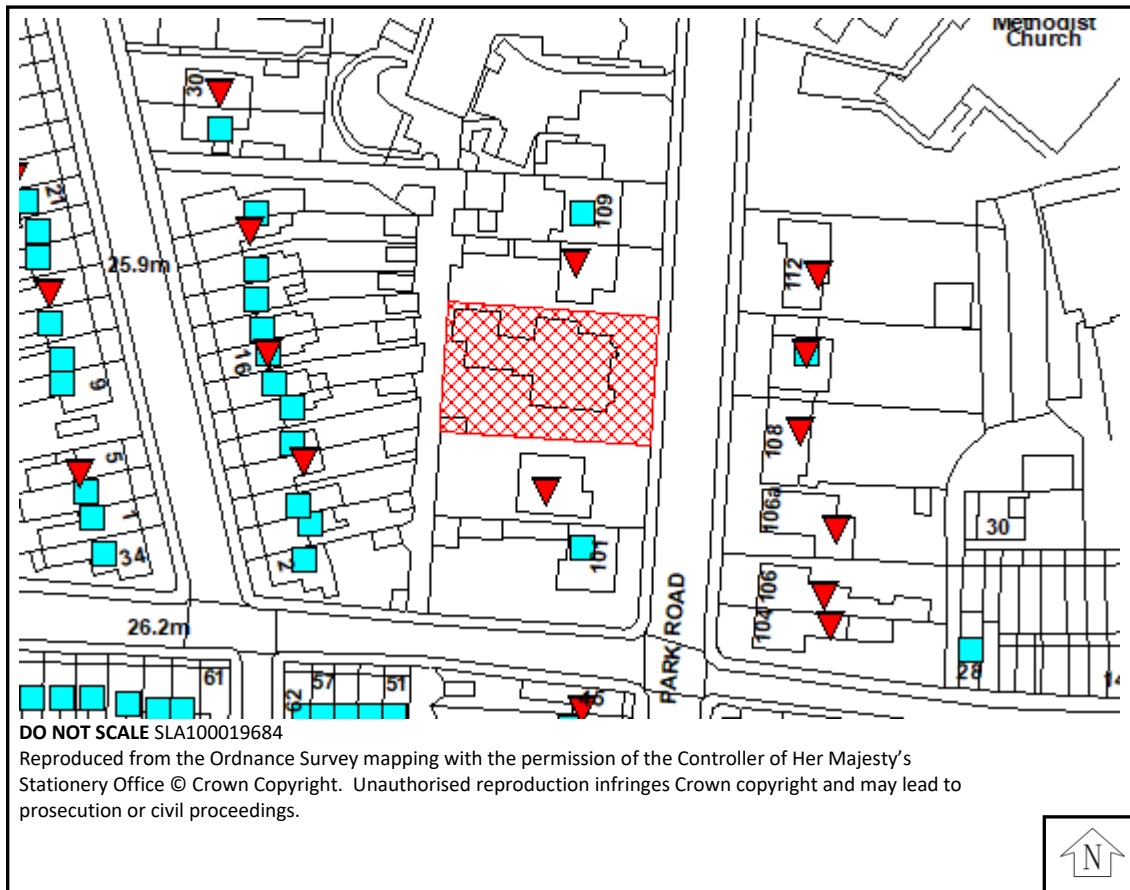
Informatives:

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 Papers

See application reference DC/20/2593/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/3472/FUL

Location

St Marys Catholic Primary School
Kirkley Cliff Road
Lowestoft
Suffolk
NR33 0DG

Expiry date 1 November 2020

Application type Full Application

Applicant Roman Catholic Diocese of East Anglia

Parish Lowestoft

Proposal The proposal seeks to soft and hard landscape an area of the schools land in order to extend their current outside play areas, including a new 2.0m high weldmesh fencing along the boundary to Kensington Gardens. The proposed fence would be the same as the school currently have on the existing southern boundary of the play area.

Case Officer Matthew Gee
01502 523021
matthew.gee@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought to undertake soft and hard landscaping works to an area of the school's land in order to extend their current outside play areas, including a new 2.0m high weldmesh fencing along the boundary to Kensington Gardens. The proposed works are considered to preserve the character and appearance of the Conservation Area and would not result in an adverse impact to the amenity of neighbouring residents or users of the adjacent park. It is therefore considered that the proposal would accord with local and national planning policy, and therefore it is recommended that planning permission be granted.

- 1.2. The application has been referred by the referral panel to enable the proposal to be debated by the Planning Committee (North).

2. Site description

- 2.1. The site is located within the Physical Limits of Lowestoft and Conservation Area for South Lowestoft, and currently comprises a largely unsurfaced pedestrian track running east to west from Kirkley Cliff Road to the Sea Front, with barriers and shipping container at the sea front end. To the north of the site is St Marys School, and to the south is Kensington Gardens.
- 2.2. Planning permission was granted in 2018 under DC/18/3064/COU for *"Change of use of land into D2 Educational/leisure use to allow primary school children to safely utilise the space as a nature garden, including erection of a fence on the western boundary adjacent to the highway on the eastern boundary adjacent to the public footpath"*. The area has subsequently been gated off and incorporated into the school playing grounds.

3. Proposal

- 3.1. Planning permission is sought to soft and hard landscape an area of the school's land in order to extend their current outside play areas.
- 3.2. The proposal includes the following –
 - Extend the school outdoor hard and soft play areas and install a new mild steel powder coated weldmesh 2.0m high fence, colour black, to match the existing/former southern boundary treatment. The existing bow-top fencing will be replaced with taller weldmesh fence positioned (school side) behind the existing retained brick wall.
 - Extend the mixed surfaced hard and soft play areas in a southerly direction by approximately 6.5m. Approximately 2/3 of the area will be hard landscaped closest to the Kirkley Cliff Road, with the remaining 1/3 laid to grass.
 - The existing tree line that formed part of the former southern school boundary line will be retained and the area within the root protection zone of the trees will be surfaced with a resin bound mulch to match the existing tree protection area.
 - New planting areas to the south-east and south-west corners of the new boundary fence.

4. Consultations/comments

- 4.1. No third-party letters of representation have been received.

Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Lowestoft Town Council | 14 September 2020 | 24 September 2020 |
| <p>Summary of comments:</p> <p><i>The Town Council's Planning and Environment Committee considered this application at a meeting on 22 September 2020. It was agreed to recommend refusal of the application.</i></p> <p><i>The Town Council wishes it to be recorded it is landowner of the adjacent Kensington Gardens.</i></p> <p><i>The reasons for the recommendation of refusal are; the original intended use for this space, when transferred to the school, was for a garden - this application suggests that grass will be replaced with concrete and would be create a non permeable surface. The Town Council would like a permeable surface to be considered to mitigate climate emergency concerns. Secondly, the standard of design of the fence is not appropriate for the conservation area and to adjoin the setting of the heritage park.</i></p> | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Landscape Team (Internal) | 14 September 2020 | 22 September 2020 |
| <p>Summary of comments:</p> <p>No objections, comments incorporated into officer considerations.</p> | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Design And Conservation (Internal) | 14 September 2020 | No response |
| <p>Summary of comments:</p> <p>No comments received.</p> | | |

5. Publicity

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

| Category | Published | Expiry | Publication |
|-------------------|-------------------|----------------|----------------------------|
| Conservation Area | 18 September 2020 | 9 October 2020 | Beccles and Bungay Journal |
| Category | Published | Expiry | Publication |
| Conservation Area | 18 September 2020 | 9 October 2020 | Lowestoft Journal |

6. Planning policy

- 6.1. 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”*.
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that, with regard to Conservation Areas, *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 6.3. National Planning Policy Framework (NPPF) (2019)
- 6.4. National Planning Policy Guidance (NPPG)
- 6.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)
 - WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019)

7. Planning considerations

- 7.1. Planning permission was granted in 2018 under DC/18/3064/COU for the change of use of the land to allow the primary school children to utilise the space as a nature garden, including erection of a fence on the western boundary adjacent to the highway on the eastern boundary adjacent to the public footpath. The previous scheme sought to include a woodland/obstacle area, wildflower meadow, seating/teaching area, and grassed area. This current proposal still seeks to utilise the area for primary school children but is proposing to change the landscaping.
- 7.2. Policy WLP8.29 sets out that proposed development should respect the character and appearance of the surrounding area, and policy WLP8.39 sets out that proposed development should preserve or enhance the character and appearance of the Conservation Area. The proposed development includes the erection of a 2m high wire mesh fence along the southern boundary with Kensington Gardens, the extension of the existing concreted playing surface to cover approximately 2/3 of the land, and the laying of grassing and planting in the remaining 1/3 nearest the promenade.
- 7.3. The proposed works will match the character of the adjacent school play area, and the fence will match existing fencing around the school. In addition, the proposed wire mesh fence will be positioned on the school side behind the existing screening and wall along Kensington Gardens boundary. The mesh design and existing screening in Kensington Gardens are considered to lessen the visual appearance so that the new boundary treatment is not visually intrusive to users of the adjacent gardens. Furthermore, given the existing screening and mesh design it is not considered that the proposal would appear visually dominant in the street scene. The proposal is deemed to preserve the character and appearance of the Conservation Area.

- 7.4. The existing area is an unkept parcel of land that previously allowed informal access from the highway to the promenade. As noted, permission was granted in 2018 to allow this area to be integrated into the school, and since then the area has been gated off in accordance with the previous approval. The proposed continuation of the hard-playing surface into this an area of unkept adjacent land is not considered to adversely impact on the character and appearance of the Conservation Area. Furthermore, the existing trees that contribute to the character and appearance are to be retained.
- 7.5. The proposal also includes resin bound mulch around the existing trees, which Officers, including the Council's Arboriculture and Landscape Officer, considers acceptable. Therefore, the overall proposal would not harm the longevity of the trees which are beneficial to the character of the Conservation Area. This is a view also taken by Waveney Norse who maintain the trees in the adjacent Kensington Gardens. It is therefore considered that the proposal would preserve the character and appearance of the Conservation Area in line with policy WLP8.39
- 7.6. Policy WLP8.29 also sets out that proposed development should not result in an adverse impact to the amenity of neighbouring land users. The proposed 2m high fence is considered to be located a sufficient distance from the neighbouring properties that it would not result in an adverse impact to the amenity of neighbouring residents. In addition, given its mesh design, it is not considered that it would impact on the visual amenity of Kensington Gardens.

8. Conclusion

- 8.1. The proposal is considered to preserve the character and appearance of the Conservation Area. Furthermore, the proposal would provide a wider public benefit in the provision of additional outside amenity space for the school.
- 8.2. Therefore, in conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

9. Recommendation

- 9.1. It is recommended that planning permission be granted subject to conditions, as below.

10. 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:
- Site location plan, 17-0548-CDP-DR-00-XX-L-20, received 07/09/2020

- Proposed block plan, 17-0548-CDP-DR-ZZ-XX-L-1001-P1, received 07/09/2020
 - Proposed Fence Detail, 17-0548-CDP-DR-00-XX-L-1003, received 07/09/2020
 - DESIGN AND ACCESSIBILITY STATEMENT, received 07/09/2020,
- 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 soft landscaping works shall be completed within 6 months from the completion of the hard landscaping, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

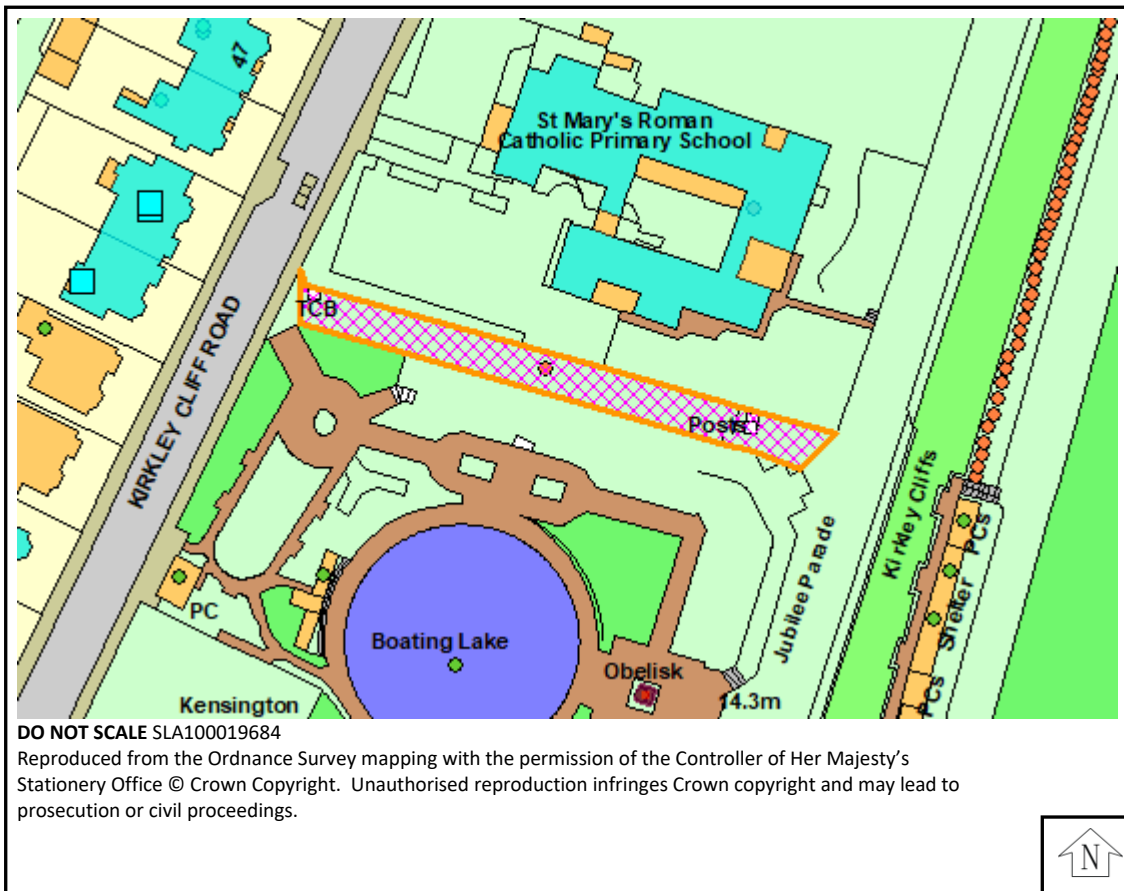
Informatives:

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 Papers

See application reference DC/20/3472/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/2993/FUL

Location

The Alders
Potters Street
Theberton
Suffolk
IP16 4RL

Expiry date 1 October 2020

Application type Full Application

Applicant Mr & Mrs Adam & Esther Hurrell

Parish Theberton

Proposal Use of land for the standing of 3 x No. camping pods and provision of 4 x No. parking spaces

Case Officer Steve Milligan
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1. Summary

- 1.1 This is a full planning application for the use of land for the standing of 3 x No. camping pods and provision of 4 x No. parking spaces at the property The Alders, Potters Street, Theberton, IP16 4RL.
- 1.2 The site lies within the countryside outside the physical limits of Theberton and falls within the Yox Valley Landscape Character Area. The land is located some 760m south east of Theberton (1.5km by road).
- 1.3 The site forms part of a larger meadow which is some 4.5ha in area. Public footpath E-515/009 runs across the southern part of the field.
- 1.4 4 Potters Street lies on the south side of the meadow some 80m from the application site. The site of the camping pods lies within EA Flood Zone 1, however the land to the west and access to the site lies within flood zone 2.

- 1.5 The key policies within the Local Plan are SCLP6.4 Tourism Development Outside of the AONB and SCLP6.5 New Tourist Accommodation.
- 1.6 The scale of the development is modest and is considered to have a not unreasonable relationship to the settlements of Theberton and Eastbridge.
- 1.7 From public views from footpath No 9 and Potter Street, the three pods will be seen against the backdrop of existing house and garden curtilage. They will have a low visual impact and will not have a significant additional adverse impact upon the landscape.
- 1.8 The access will have improved visibility splays and the Highway Authority do not raise objection on grounds of highway safety. The limited scale of the development should not significantly increase traffic within Potters Street.
- 1.9 Whilst the precise design of the pods has not be finalised, details can be required through the imposition of a condition in the event of the grant of planning permission. The proposal is considered to comply with policies SCLP6.4 and SCLP6.5.
- 1.10 The separation to the nearest neighbour and close relationship to The Alders should limit likelihood of noise generated from the site and there will not be conflict with policy SCLP11.2.
- 1.11 The proposed pods will be sited wholly within an area identified as Flood Zone 1 and are not at risk from flooding. The access lies within an area liable to flooding (Flood zone 2) however there is a safe and dry means of escape across the meadow to the public footpath and there will be significant warning of any forthcoming flood event to ensure that occupiers of the camping pods can be safely evacuated.
- 1.12 There will be limited ecological impact, and mitigation and enhancement will be made a condition of any planning permission granted.
- 1.13 The site is within the Suffolk Coast RAMS Zone of Influence and as the units are self-contained units of holiday accommodation, a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required. The Agent has confirmed that the RAMS payment will be made.
- 1.14 The application is presented to Planning Committee (North) because the applicant is a close relative of Cllr Cooper.

2. Site description

- 2.1 The application relates to the property The Alders, Potters Street, Theberton. The site lies within the countryside outside the physical limits of Theberton and falls within the Yox Valley Landscape Character Area as defined in the Suffolk Coastal Landscape Character Assessment.
- 2.2 The land is located some 760m south east of Theberton (1.5km by road) and lies off Potters Street, a narrow single-track road. The site is some 550m from the B1122.

- 2.3 The site is an irregularly shaped area of land that forms part of a larger meadow which is in the ownership of the applicant on the southern side of the residential curtilage of The Alders; with the access and car park area of the development lying within the curtilage of The Alders. The field/meadow is some 4.5ha in area and is rough grassland with hedge along Potters Street. Public footpath E-515/009 runs across the southern part of the field some 60m from the application site.
- 2.4 The nearest neighbour is the residential property, 4 Potters Street, which lies on the south side of the meadow some 80m from the application site.
- 2.5 The site of the camping pods lies within EA Flood Zone 1, however the land to the west and access to the site lies within flood zone 2.

3. Proposal

- 3.1 This is a full planning application for the use of land for the standing of 3 x No. camping pods and provision of 4 x No. parking spaces.
- 3.2 The camping pods are located on an east west alignment on the southern side of the curtilage of The Alders. Parking for four cars is proposed on the north-eastern side of the current house with pedestrian access on the eastern side of the property, within the existing curtilage.
- 3.3 The proposed camping pods meet the definition of a caravan and can be moved if required. Each pod has an overall length of approximately 5 metres and an approximate width of 3 metres. The maximum height of each pod is approximately 2.7 metres. There is a small covered deck at the entrance end. There is a bed/living area, very small kitchenette and WC. The pods are of timber frame construction and are generally covered in Decra Oberon tiles that have the appearance of timber shingles. The applicants have not yet decided on the precise pod design to be used and wish to establish the principle of installing 3 x prefabricated pods and are happy to accept a condition of planning permission that require the precise design to be agreed with the local planning authority.
- 3.4 It is proposed to plant hedging around the site of the pods.

4. Consultations/comments

- 4.1 One representation has been received from the owner of 3 and 4 Potters Street which expresses concern over the proposed development and its impact:

- Concerned at impact upon tranquillity of area;
- Road is narrow and concern at suitability for level of increased use;
- Original plan was for six pods and concern at future intentions;
- Plan for pods not finalised. There would be strong concern at change to caravans or mobile homes;
- Concern if additional camping was proposed on or adjacent to site;
- Important to provide screen planting.

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Theberton Parish Council | 10 August 2020 | 1 September 2020 |
| <p>Summary of comments:</p> <p><i>"Theberton and Eastbridge Parish Council has no objections to this planning application however it would like to raise the following points:</i></p> <p><i>1. The Parish Council was made aware that the owners/occupants of adjacent properties were not notified, nor consulted, about this application. The Parish Council assumes this is due to COVID-19 restrictions but it is very concerned about this. On this occasion, the Parish Council made the residents aware by word of mouth but it asks the District Council to find a solution to this either by asking the Parish Council to disseminate the notices or sending them by post to the residents.</i></p> <p><i>2. There are some species including bats and great crested newts which are using, or are in, close proximity to the site therefore lighting may be an issue.</i></p> <p><i>3. It would appear there will be some additional erosion of landscape involving loss of hedging and therefore screening and character to Potters Street. Since a change of ownership of the property, substantial clearance of the site has taken place giving a far more open aspect to the lane which in general is out of character.</i></p> <p><i>4. If this application is approved, the existing access to The Alders would be used. Given that this is a very narrow lane with poor visibility, the existing access may require improvement and if so the Parish Council is concerned about the compounded effect this will have to the character of the lane.</i></p> <p><i>5. In a recent application for a similar proposal (DC/20/1150/FUL) a requirement was made for a traffic survey and subsequent improved splays were part of the conditions for approval. The Parish Council asks that this application is treated similarly."</i></p> | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Suffolk County - Highways Department | 19 October 2020 | 9 November 2020 |
| <p>Summary of comments:</p> <p>Recommends that any permission includes conditions regarding parking and manoeuvring; visibility; access surfacing; means to prevent surface water on the highway and refuse/recycling.</p> | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk County - Highways Department | 10 August 2020 | 28 August 2020 |
| Summary of comments: Initial concerns at level of visibility from access point. Recommended speed survey of public highway. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Ecology (Internal) | N/A | 2 September 2020 |
| Summary of comments: Internal - included in report | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Landscape Team (Internal) | 13 August 2020 | 28 August 2020 |
| Summary of comments: Internal - comments incorporated into report. | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Environmental Protection (Internal) | 10 August 2020 | 28 August 2020 |
| Summary of comments: No objections subject to inclusion of condition regarding unexpected contamination. | | |

6. Planning policy

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

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

Policy SCLP6.4 - Tourism Development outside of the AONB (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP6.5 - New Tourist Accommodation (Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

Policy SCLP10.3 - Environmental Quality (Suffolk Coastal Local Plan, Adopted September 2020)

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

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

7. Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-taking.
- 7.2 The development plan comprises the East Suffolk Council - Suffolk Coastal Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.
- 7.3 The key policies within the Local Plan for the development of tourist accommodation on this site are SCLP6.4 Tourism Development Outside of the AONB and SCLP6.5 New Tourist Accommodation.
- 7.4 The scale of the development is modest and is considered to have a not unreasonable relationship to the settlement of Theberton and users would be able to cycle to the pub within the village and that at Eastbridge. There is a route to both villages by public footpaths and single track roads, avoiding the B1122 at a distance of some 1.7km. The nearest shops lie within Leiston and users of the site would be likely to use their cars for travel to services and tourist attractions within the wider area and the site is reasonably well related to the B1122. This is not unexpected for tourist accommodation and the site does allow access to the local area by foot and cycle. Provision is made for the secure storage of visitors cycles within an outbuilding at the site.
- 7.5 Given the limited size of the development, it is considered that there is likely to be sufficient need/demand for the accommodation and as required by policy SCLP6.5, the development includes the management of the wider meadow as rough pasture for ecological gain and the planting of hedgerows for landscape enhancement.
- 7.6 A landscape strategy is submitted with this application, the key principle of which is the retention/reinforcement of the existing boundary hedges and the long-term management of the rough grazing pasture immediately to the south.

- 7.7 The limited size of the development, its location adjacent to the southern boundary of The Alders, and proposed hedge planting, will limit visual impact upon the landscape. Long term there should be landscape enhancement from the meadow management regime and hedge planting.
- 7.8 From public views from footpath No 9 and Potter Street, the three pods will be seen against the backdrop of existing house and garden curtilage. They will have a low visual impact and will have an effect similar to an increase in domestic curtilage. Given the presence of the existing house, garden buildings and play equipment, the change will not have a significant additional adverse impact upon the landscape. The proposal is considered in compliance with Policy SCLP10.4: Landscape Character.
- 7.9 The access will have improved visibility splays and the Highway Authority do not raise objection on grounds of highway safety. The limited scale of the development should not significantly increase traffic within Potters Street. Secure cycle storage will be available within an existing outbuilding and the car parking area will include an electric car charging point with future provision dependent upon need. The proposal is in compliance with policy SCLP7.2: Parking Proposals and Standards.
- 7.10 Whilst the precise design of the pods has not be finalised, the illustrated designs indicate structures of limited size and palette of materials appropriate to a sensitive rural setting. Details can be required through the imposition of a condition in the event of the grant of planning permission.
- 7.11 The proposal is considered to comply with policies SCLP6.4 Tourism Development Outside of the AONB and SCLP6.5 New Tourist Accommodation.
- 7.12 The separation to the nearest neighbour and close relationship to The Alders should limit likelihood of noise generated from the site and there will not be conflict with policy SCLP11.2: Residential Amenity.
- 7.13 The western side of the meadow and the northern and eastern parts of the curtilage of The Alders lies within EA Flood Zone 2 an area at risk from flooding from the sea from a 1 in 200 year event. The present day flood level is 3.2m AOD, the predicted flood level in 25 years (with climate change) is predicted to be 3.39m AOD. The proposed pods will be sited wholly within an area identified as Flood Zone 1 to the east of the 3.5m contour line and are not therefore at risk from flooding.
- 7.14 The area liable to flooding includes the point of access to The Alders and the site. The submission acknowledges risk and states that there is a safe and dry means of escape across the meadow to the public footpath and its egress on to Potter Street all of which lies well within Flood Zone 1. There will be significant warning of any forthcoming flood event to ensure that occupiers of the camping pods can be safely evacuated. The applicants are happy to accept a condition of planning permission that requires an evacuation plan to be approved by the Council. Subject to such a condition, it is not considered that refusal is justified on grounds of flood risk.
- 7.15 The application is accompanied by an ecological appraisal undertaken by MHE Consulting Ltd. That appraisal concludes that further surveys are not necessary due to the small

footprint of the proposed development. It further concludes that any potential negative impacts will be minor. The appraisal makes a number of recommendations for mitigating any negative impacts and enhancing the biodiversity characteristics of the site. The proposed hedge planting and management of the wider meadow will benefit birds and amphibians and mitigation and enhancement will be made a condition of planning permission if approved.

- 7.16 The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Minsmere-Walberswick SPA; Minsmere-Walberswick Ramsar Site; Minsmere to Walberswick Heath and Marshes SAC; the Alde-Ore Estuary SPA; the Alde-Ore Estuary Ramsar Site; the Alde-Ore and Butley Estuaries SAC; the Orfordness-Shingle Street SAC 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 must be secured prior to the application being determined.

8. Conclusion

- 8.1 The proposed development is tourist accommodation and the key policies within the Local Plan are SCLP6.4 Tourism Development Outside of the AONB and SCLP6.5 New Tourist Accommodation.
- 8.2 The scale of the development is modest and is considered to have a not unreasonable relationship to the settlements of Theberton and Eastbridge.
- 8.3 There is likely to be sufficient need/demand for the accommodation and the development includes the management of the wider meadow as rough pasture for ecological gain.
- 8.4 From public views, the three pods will be seen against the backdrop of existing house and garden curtilage. They will have a low visual impact and hedge planting will mitigate impact. It is considered that the development complies with the above policies.
- 8.5 The access will have improved visibility splays and the Highway Authority do not raise objection on grounds of highway safety.
- 8.6 Whilst the precise design of the pods has not been finalised, the illustrated designs indicate structures of limited size appropriate to a sensitive rural setting. Details can be required through the imposition of a condition in the event of the grant of planning permission.
- 8.7 The separation to the nearest neighbour and close relationship to The Alders should limit likelihood of noise and there will not be conflict with policy SCLP11.2.
- 8.8 The proposed pods lie within EA Flood Zone 1 outside an area at risk from flooding. Whilst the access does lie within EA Flood Zone 2, the applicants are happy to accept a condition that requires an evacuation plan to be approved by the Council.
- 8.9 Ecological mitigation and enhancement will be made a condition of planning permission. RAMS payments are required. The Agent has confirmed that a payment will be made prior to the application being determined.

9. Recommendation

- 9.1 Authority to Approve subject to receipt of RAMS payment and subject to the conditions set out below.

10. 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 Drgs Site/location plan; Landscape Strategy received 07.08.2020 and Drgs Cycle Storage and Visibility Splay received 11.11.2020, 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. No more than three camping pods shall be placed on the site. Details of the pods to be installed/sited shall be submitted to the local planning authority for approval in writing. Only approved pods shall be sited. No other camping or caravans shall be placed on the land.

Reason: In the interest of amenity; insufficient detail was provided a application stage.

4. The accommodation herein approved 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 1987). The duration of occupation by any one person, or persons, of any of the units of holiday accommodation 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 accommodation 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.

5. Foul drainage shall be by way of a sewage treatment plant; full details of the proposed sewage treatment plant, shall be submitted to the Local Planning Authority before installation. Such details shall include the site of the proposed unit, the make, design and projected loading and the final discharge point. Only a scheme approved in writing by the Local Planning Authority shall be implemented at the site and shall be fully operational before the development is first occupied.

Reason: To prevent pollution of the water environment.

6. The use shall not commence until the areas within the site shown on Landscaping Strategy Drawing for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the areas shall be retained and used for no other purpose.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
7. Before the access is first used visibility splays shall be provided as shown on Drawing No. CCF_000182 (Visibility splays received 11.11.2020) with an X dimension of 2.4 metres and a Y dimension of 24 metres Northwards and 29 metres Southwards and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
Reason: In the interests of highway safety in order to maintain intervisibility between highway users.
8. No development shall commence until satisfactory precise details of a hedge planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority.
Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.
9. The approved tree/shrub planting scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.
Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.
10. The meadow to the south of the site, identified on the Landscape Strategy drawing, shall be managed for ecological benefit and used for no other purpose. Details of the management strategy shall be submitted to the Local Planning Authority for approval in writing before the use is commenced and the land shall be managed thereafter in accordance with the approved details.
Reason: To ensure ecological enhancement.
11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey Report (MHE Consulting, December 2018) 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.
12. 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.

13. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, 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.

14. Prior to the commencement of the use, a detailed flood evacuation plan for the development shall be submitted to the Local Planning Authority for approval in writing. The use shall commence only after the flood evacuation plan has been approved and it should be followed thereafter.

Reason: To ensure users of the site are safe from flooding risk.

Informatives:

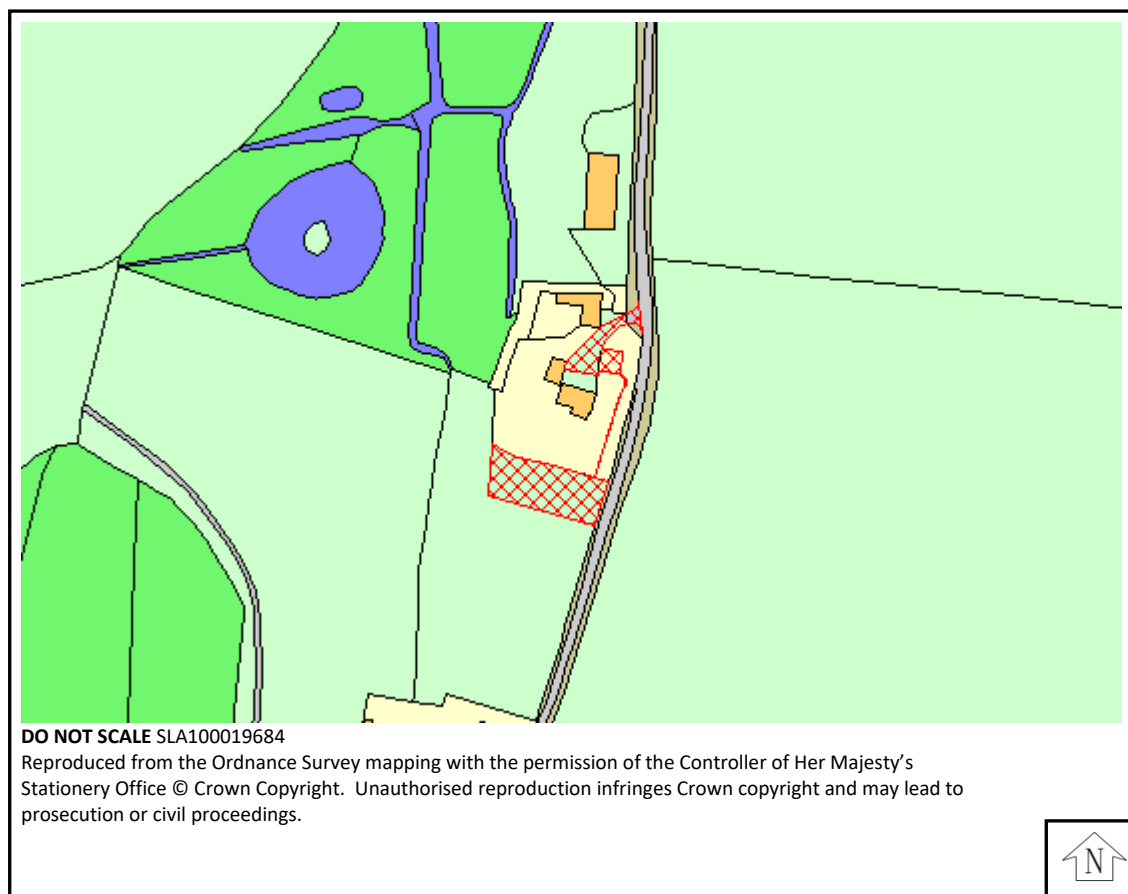
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning

Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





Background Papers

See application reference DC/20/2993/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/3627/OUT

Location

Ilium House
Henham Park Estate
Henham
NR34 8AN

Expiry date 10 November 2020

Application type Outline Application

Applicant Mr H Rous

Parish Wangford With Henham

Proposal Outline Application (All Matters Reserved) - Replacement dwelling

Case Officer Michaelle Coupe
(01394) 444440
michaelle.coupe@eastsuffolk.gov.uk

1. Summary

- 1.1 This application is for a new Hall within Henham Park, a Grade II listed Registered Park and Garden, to replace the Hall demolished in 1953.
- 1.2 The recommendation is to approve.
- 1.3 It is before Planning Committee (North) for consideration because the development is contrary to the Development Plan. An exception to policy is considered justified in this instance because it would seek to restore and enhance the listed historic parkland, as large significant family homes represent key elements of these landscapes, and which, in the case of Henham Park, was lost in 1953 when the hall was demolished.

2. Site description

- 2.1 Henham Park includes 815 acres of Repton designed parkland which is Grade II listed on the Historic England register of Parks and Gardens of Historic Interest. It is within the Suffolk

Coast and Heaths AONB. It lies approximately five miles west of Southwold, close to Wangford village to the north-east and Blythburgh village and Blyth Estuary to the south. It is bounded to the east by the A12 and to the west by the A145 Beccles to Blythburgh Road. The park is surrounded by mature trees restricting views into the park.

- 2.2 The Henham Estate has been owned by the same family since 1544 and there has been a succession of Halls in the vicinity of the application site. The original Old Hall at Henham Park was destroyed by fire in 1773 and its replacement built in the 1790s, designed by James Wyatt, was demolished in 1953. Both of these buildings were located in the north-west quarter of the park, to the south of the kitchen garden. Historical remnants survive in the form of a loggia, walled garden, stables and Ha Ha. There are several listed buildings and other listed structures within the Estate. Archaeological evidence of the earlier buildings and site layout have been documented. The surrounding parkland is characterised by open grazing meadows and mature forest and specimen trees.
- 2.3 A replacement Hall on the site of the Georgian Hall was granted outline Planning Permission in 1992 which was renewed in 2000, 2003 and 2005. A later outline approval for a hotel and leisure facility was also granted on the site in 2007 with a renewal granted in 2010.

3. Proposal

- 3.1 The application, in outline with all matters reserved, is to create a new landmark building on and around the site of the previous Halls with the intention of it being a family home for the Rous Family.
- 3.2 The applicants explain that their plan to build a new family home in what was the garden of the Georgian Hall will finally restore the focal point of Repton's landscape design from 1791, which was lost when the previous house was destroyed in 1953. A previous approval to build an apartment complex on the site of the Georgian hall however has proved to be difficult to achieve in the aftermath of the global financial crisis and in retrospect will have changed the nature of the park entirely.
- 3.3 The outline application is supported with a Design and Access/Heritage Statement, which includes detailed information on the historic development and significance of the parkland and justification for the siting of the proposed building in the area of the previous buildings, and to respect historical landscape elements and views. Building in front of the stables will ensure this structure will once again become ancillary service buildings to the hall. The site is just east of the Georgian Hall site and will ensure the foundations of both the Georgian and Tudor Halls can be preserved.
- 3.4 Also, one of the determining factors in the selection of this site is aligning the building to achieve the optimal point for solar gain to meet the objective of achieving the most environmentally sustainable building possible.
- 3.5 Access to the Hall would principally be via the entrance off the A145 serving Dairy Farm and the Stables. The grand formal entrance (included for the historical hall) would be from the south, but this would rarely be used.

- 3.6 It is still the intention to carry on using the parkland for various events including the Latitude Music festival and the charitable events such as The Grand Henham Steam Rally.

4. Consultations/comments

- 4.1 No third-party representations have been received.

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|---------------------------------------|-------------------|---------------------|
| Wangford With Henham Parish Council | 22 September 2020 | 8 October 2020 |
| Summary of comments: No objections | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Henstead With Hulver Street Parish Council | 17 September 2020 | No response |
| Summary of comments: Response to say application sent to them in error. | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| The Gardens Trust | 20 October 2020 | 20 October 2020 |
| Summary of comments: Planning permission has previously been obtained for various houses/new hotel within the parkland, so in principle have no objection to the scheme. However, we would wish to reserve judgement until such time as greater details emerge as to the design of the new house are available and how it relates to the surviving Repton parkland. | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Suffolk County Archaeological Unit | 30 September 2020 | 30 September 2020 |
| Summary of comments: This proposed development site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to the site of the 18th Century Henham Hall | | |

(demolished in 1953), and within an area of formal gardens shown on the Ordnance Survey 1st edition mapping, associated with that building. It is likely that elements of this feature remain buried at the location, which would shed light on the development of the gardens through time. The development site also has potential for archaeological remains from earlier periods, including remains associated with the Tudor Henham Hall (the site of which lies approximately 70m NW). Any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Suffolk County - Highways Department | 17 September 2020 | 7 October 2020 |
| Summary of comments: Recommends conditions relating to details of access, visibility splays and parking. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Landscape Team (Internal) | 5 October 2020 | 16 October 2020 |
| Summary of comments: Addressed in officer report. | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Design And Conservation (Internal) | 5 October 2020 | 27 October 2020 |
| Summary of comments: Addressed in officer report. | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Environmental Protection (Internal) | 17 September 2020 | 9 October 2020 |
| Summary of comments: Recommend conditions be imposed relating to contamination survey's and remediation. | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Ecology (Internal) | 17 September 2020 | No response |
| Summary of comments: Referred to in officer report. | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Waveney Norse - Property And Facilities | 17 September 2020 | No response |
| Summary of comments: Referred to in officer report. | | |

| Consultee | Date consulted | Date reply received |
|---|-------------------|---------------------|
| Essex And Suffolk Water PLC | 17 September 2020 | No response |
| Summary of comments: No response received. | | |

| Consultee | Date consulted | Date reply received |
|--|-------------------|---------------------|
| Suffolk Fire And Rescue Service | 22 September 2020 | 22 September 2020 |
| Summary of comments: Make advisory comments regarding compliance with the Building Regs and advise that given the site is 700m from the nearest fire hydrant would recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. | | |

6. Publicity

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

| Category | Published | Expiry | Publication |
|-----------|------------------|-----------------|----------------------------|
| Departure | 13 November 2020 | 4 December 2020 | Lowestoft Journal |
| Category | Published | Expiry | Publication |
| Departure | 13 November 2020 | 4 December 2020 | Beccles and Bungay Journal |

7. Planning policy

- 7.1 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”*.
- 7.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are material considerations when determining the application.
- 7.3 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan (March 2019)

8. Planning considerations

- 8.1 The site lies in the countryside where Local Plan policy WLP1.2: Settlement Boundaries indicates new residential development will not be permitted except where specific policies in this Local Plan indicate otherwise, these are WLP8.6 - Affordable Housing; WLP8.7 - Small scale residential development (only applicable to infilling of a gap within a built up area of a settlement in the countryside); WLP8.8 - Rural Workers Dwellings; WLP8.9 - Replacement Dwellings and Extensions (only applicable to replacement of an existing dwelling) and WLP8.11 - Conversion of Rural Buildings. The proposals fail to meet any of these exception policies and so would be contrary to the Development Plan.
- 8.2 All planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. As with previous planning consents for a replacement hall in Henham Park, a new hall is considered justified as part of the restoration and enhancement of the listed parkland. It would return a focus back to the designated historic landscape that has been lacking in recent years.
- 8.3 Local Plan policy WLP8.37 - Historic Environment seeks - in line with the NPPF - to preserve and enhance designated heritage assets, which includes Registered Parks and Gardens. The NPPF encourages local authorities to look for opportunities for new development to enhance or better reveal the significance of heritage assets. A new hall will make a positive contribution to the designated heritage asset in line with the NPPF.
- 8.4 The Council's Arboricultural and Landscape Manager is of the view that historic parkland landscapes such as this have always evolved and changed throughout their history, albeit perhaps sometimes with prolonged periods of stagnation. He states: *"Over history, large tracts of designed gardens have been swept aside for new design styles and fashions, especially in the 17th and 18th centuries when formality was cleared for the naturalistic. Large, significant family houses were almost always key elements of these landscapes with landscape designers often having a big influence on siting and orientation of houses. On that basis, the Henham parkland is conspicuous for not currently having a significant house."* He is therefore supportive of a new house in principle and considers that the justification for its siting seems to be well considered and respects the previous evolution of this area of the parkland.

- 8.5 The Council's Design and Conservation Team are also supportive of the principle in the location proposed, based on the information provided in the submitted Heritage Statement. It is noted however that the acceptability of any scheme will depend very much upon the scale, form, materials and architectural design of the building and how this relates to the surrounding gardens, the setting of other heritage assets affected such as the Grade II listed serpentine walling and stables and the remaining wider parkland setting, which will need to be carefully assessed at detailed reserved matters application stage.
- 8.6 Other consultee responses have also been positive such that there is a wide consensus of support for the proposal. It is not considered that increasing the use of the existing access for one additional dwelling will cause highway safety issues.
- 8.7 The proposed design of the new hall and associated works, such as access, parking and private amenity space will need to be carefully considered to ensure the landscape character of the historic parkland and AONB landscape is not harmed and to meet the provisions of policy WLP8.35 - Landscape Character. In terms of wider landscape impact, it is considered there will be minimal visual impact given the extent of mature trees that exist on the periphery of the Park. A planning condition is recommended to remove permitted development rights in order that the local planning authority may retain control over further development within the historic parkland in the interests of preserving the special character of the designated heritage asset.
- 8.8 It is intended that none of the original hidden archaeological remains are removed unless absolutely necessary and accurate measurements and notes would be undertaken to properly record all finds. Positioning the new hall to the east of the Georgian Hall will ensure the foundations remaining are avoided. The County Archaeologists have recommended conditions be imposed requiring the submission and implementation of a programme of archaeological work to be agreed before development takes place. It is thus considered the proposals accord with policy WLP8.40- Archaeology.
- 8.9 The Council's Ecologist confirms the proposal appears unlikely to have a significant adverse impact on protected species or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The site of the proposed dwelling is within an area identified on MAGIC Map as wood pasture and parkland, which is a UK Priority habitat. Given the historic use of the area, that it is comprised of mown grassland and that no trees are proposed for removal, the proposed development is not likely to result in a significant adverse impact on UK Priority habitat.
- 8.10 The development site is within the recreational disturbance Zone of Influence for the following Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS): Minsmere-Walberswick SPA; the Minsmere-Walberswick Ramsar Site; the Minsmere-Walberswick Heaths and Marshes SAC; the Benacre-Easton Bavents SPA and the Benacre-Easton Bavents Lagoons SAC. Habitats Regulations Assessment of the Local Plan has identified that new residential growth in East Suffolk will result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of Habitats Sites in East Suffolk.

- 8.11 The applicant has made the required financial contribution under the Suffolk Coast RAMS to mitigation measures to address this impact. It can therefore be concluded that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites in accordance with the requirements of Local Plan policy WLP8.34 and NPPF Chapter 15.

9. Conclusion

- 9.1 The proposals to restore a new family home within Henham Park is considered justified as a departure from the Development Plan because of the benefits that would be gained in preserving and enhancing this designated heritage asset.

10. Recommendation

- 10.1 Approve subject to the following controlling conditions.

11. Conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

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

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

3. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation

- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological and historical significance.

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

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

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

6. Concurrently with the first submission of reserved matters details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.

7. 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:

1) 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).

2) 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;
- *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 to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and the Land Contamination Risk Management.

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.

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 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 BS8485:2015+A1:2019 and Land Contamination Risk Management.

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. Prior to any occupation or use of the approved development the RMS approved under condition 8 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.

10. 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 the RMS approved under condition 9 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.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and Land Contamination Risk Management.

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. 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 BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the 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.

12. 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 1, Classes A, B, C, D, E, and H; Part 2 Classes A and C; and Part 14 Class A of Schedule 2 of the said Order shall be carried out unless unless prior application is made to the local planning authority and their approval in writing obtained thereto.

Reason: In order that the local planning authority may retain control over further development within the historic parkland in the interests of preserving the special character of the designated heritage asset.

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

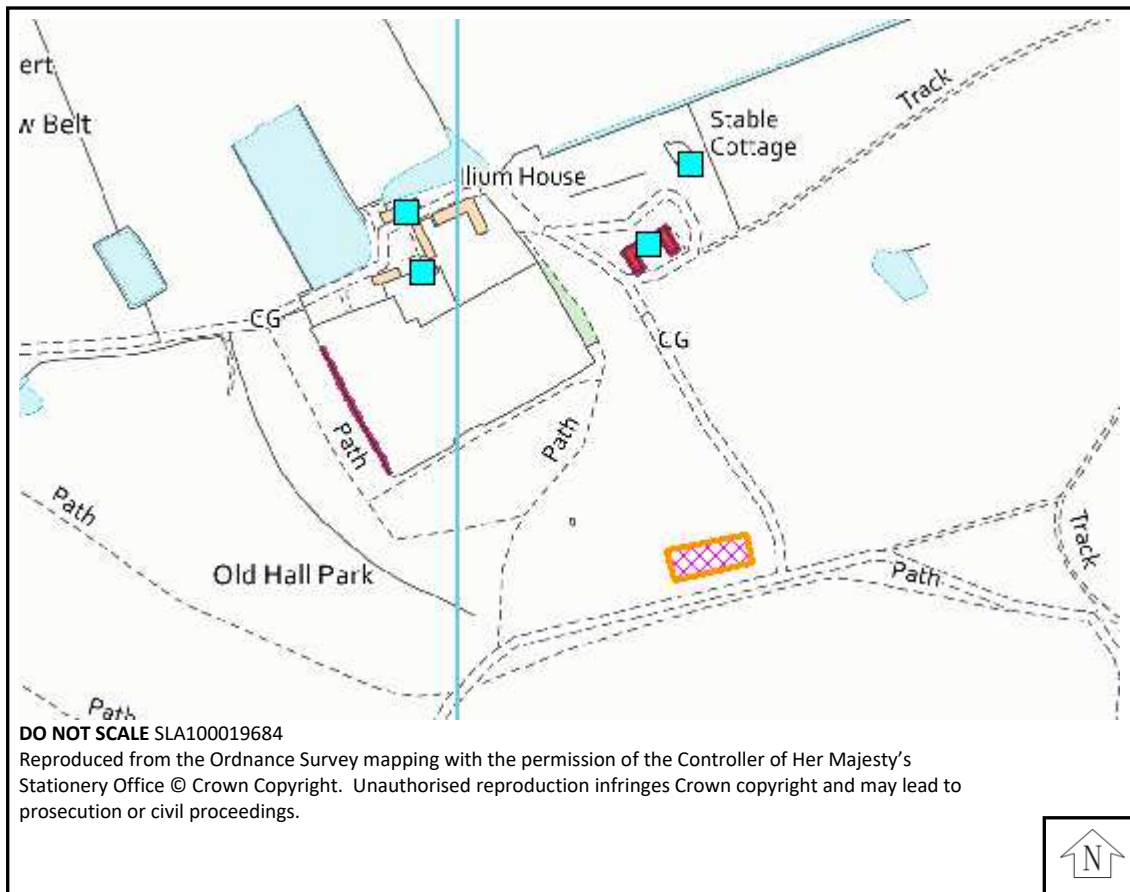
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised to seek pre-application planning advice, prior to the submission of a Reserved Matters application, of the proposed design and scale of the building, materials to be used and access arrangements.

Background Papers

See application reference DC/20/3627/OUT on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/4097/FUL

Location

Unit 24
Fountain Way
Reydon
Southwold
Suffolk
IP18 6SZ

Expiry date 22 December 2020

Application type Full Application

Applicant Southwold Auto Services

Parish Reydon

Proposal Change of use of an ESC business unit from B2 to a SUI generis MOT station use. Insertion of a rolling road in the floor (plan amended)

Case Officer Joe Blackmore
01394 444733
Joe.Blackmore@eastsuffolk.gov.uk

1. Summary

- 1.1 The application seeks planning permission for the change of use of an existing commercial unit to a MOT Station/Garage (sui generis use).
- 1.2 The proposed use accords with the employment objectives of the Local Plan, in terms of policies WLP8.12 and WLP8.13. The proposed development would enable a local business, Southwold Auto Services, to relocate to a business unit suitable for their operation and close to their existing customer base. The application is therefore supported by officers and recommended for approval.
- 1.3 East Suffolk Council is the landowner and therefore the application is brought direct to Planning Committee (North) for determination.

2. Site description

- 2.1 The application site is located within Reydon Business Park, which lies to the north side of the village within the Suffolk Coast and Heaths Area of Outstanding Natural beauty (AONB). The Business Park is defined in the Local Plan as an 'Existing Employment Area' and is one of the main employment sites in the Reydon/Southwold area.
- 2.2 This application relates to Unit 24, which has been in a B2 Industrial use. Adjacent Unit 24 is a Chinese takeaway and the surrounding units are all in commercial/industrial use, given the nature of the Business Park. There are no residential properties near to the application site, which is well-contained within the existing park.

3. Proposal

- 3.1 The proposed development represents a change of use from B2 (industrial) to a sui generis use, comprising a car garage and MOT station. The car garage for the repair and servicing of vehicles would, on its own, be a B2 use not requiring planning permission. However, there is considerable planning case law which clarifies that a MOT station represents a sui generis use (a use of its own kind not falling within a defined use class, such as B2). On that basis, the proposal requires planning permission, although it is a significant material consideration that the car garage for servicing and repair of vehicles could take place without permission from the Council being required.
- 3.2 In terms of the detail, there is no external alterations proposed. The application does include details of a 'rolling road' being inserted into the internal floor area of the unit, which already benefits from a large roller door suitable for vehicle access.

4. Consultations/comments

- 4.1 No third-party representations received.

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Reydon Parish Council | 28 October 2020 | 9 November 2020 |
| Summary of comments: <i>RECOMMENDED</i> | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|--|-----------------|---------------------|
| Suffolk County - Highways Department | 28 October 2020 | 16 November 2020 |
| Summary of comments: <i>"Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission. The proposed change of use is not thought to have a detrimental impact on the public highway."</i> | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|---|-----------------|---------------------|
| Suffolk County Archaeological Unit | 28 October 2020 | No response |
| Summary of comments: No comments (consulted in error). | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Suffolk Fire And Rescue Service | N/A | 2 November 2020 |
| Summary of comments: No objections raised. Information provided for the applicant's attention. | | |

| Consultee | Date consulted | Date reply received |
|---|-----------------|---------------------|
| Environmental Protection (Internal) | 28 October 2020 | 11 November 2020 |
| Summary of comments: Request further information on the proposed 'rolling road' and potentially require a noise assessment to inform consideration of the application. | | |

6. Site notices

General Site Notice

Reason for site notice: Change of Use

Date posted: 6 November 2020

Expiry date: 27 November 2020

7. Planning policy

National Planning Policy Framework (NPPF)

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.12 - Existing Employment Areas (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.13 - New Employment Development (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019)

8. Planning considerations

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant planning policies are set out above and, in addition, the National Planning Policy Framework (NPPF) is a material consideration, as is the emerging Reydon Neighbourhood Plan (RNP), which can now be given significant weight when determining applications; however, there are no policies in the RNP that are directly relevant to this application.
- 8.2 The applicant currently operates out of premises on Station Road/Blyth Road, Southwold, that is owned and managed by Southwold Town Council. However, the re-development of Station Yard has been approved under DC/18/2406/FUL permitting; *“The demolition of the existing buildings and re-development of the site to create a mixed use development consisting of flexible office space, retail units and residential accommodation”*. The applicant’s business - Southwold Auto Services - therefore needs to relocate to suitable premises in order to continue operating and serving their customer base in the Southwold/Reydon area. Officers from the Council’s Economic Development and Asset Management Teams have worked with the applicant to support the relocation to Reydon Business Park.
- 8.3 Local Plan Policy WLP8.12 defines existing employment areas where use classes such as B1, B2 and B8 are promoted. Likewise, new employment development in existing employment areas is supported by the objectives of Policy WLP8.13. Whilst there have been substantial changes to the Town and Country Planning (Use Classes) (England) Order 1987, via the amendments that came into force on 01 September 2020, the use class B2 (industrial) remains in effect. Thus, proposals for B2 uses within existing employment areas will be supported in accordance with policies WLP8.12 and WLP8.13.
- 8.4 Whilst the proposal represents a 'sui generis' use, because of the MOT Station, in practical terms it is combined with a B2 car garage and represents a use entirely appropriate for Reydon Business Park as an existing employment area. Thus, the principle of the change of use can be supported.

- 8.5 The site falls within the AONB however because no external alterations to the unit are proposed, and because it is well-contained within the Business Park, there would be no impact on the protected landscape or character of the area. There are no residential properties close to the Unit so no impact on living conditions.
- 8.6 The Council's Environmental Health Officer has requested more information on the 'rolling road' to be installed and, potentially, further information in the form of a noise assessment. However, as an existing employment area where industrial uses are encouraged by the Local Plan, it is unnecessary to seek this additional information. It is also important to consider that the servicing and repair of vehicles - being a B2 use - could take place without recourse to the Planning Authority. In reality, the MOT Station will cause no additional noise or disturbance that requires further assessment. There will undoubtedly be some noise arising from the proposed use, but only to an extent commensurate with the industrial/commercial nature of the Business Park, and not unduly harmful to surrounding uses. Hours of operation would be controlled by planning condition, to ensure no noisy working during night-time hours or on Sundays and bank holidays.
- 8.7 For the reasons given, the proposed development accords with policies WLP8.12, WLP8.13, WLP8.29 and WLP8.35.
- 8.8 The County Highways Authority has reviewed the application and determined that there would be no highways safety issues. There is no conflict with Local Plan policy WLP8.21.

9. Conclusion

- 9.1 The proposed development accords with the Local Plan, being an employment/industrial use within a defined employment area. No material harm would arise from the proposed development, and it would bring benefit in facilitating the relocation of a local business so that it can stay in the Reydon/Southwold area, securing existing employment and potentially facilitating additional employment in the future.
- 9.2 The application is therefore recommended favourably.

10. Recommendation

- 10.1 Authority to approve, subject to no third-party objections being received prior to the close of the formal consultation period on 27 November 2020.

11. 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 hereby approved development shall be carried out in accordance with: the application form and Drawing No. EQD-AP-045, received 14 October 2020; and the Site Location and Block Plans, received 28 October 2020.

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

3. The use hereby permitted shall only take place during the following hours:

08:00 to 18:00 on Monday to Friday; and
08:00 to 13:00 on Saturdays.

The use hereby permitted shall not take place on Sundays and Bank Holidays.

Reason: as set out by the applicant in section 20 of the application form; and to limit noisy activities to standard working hours.

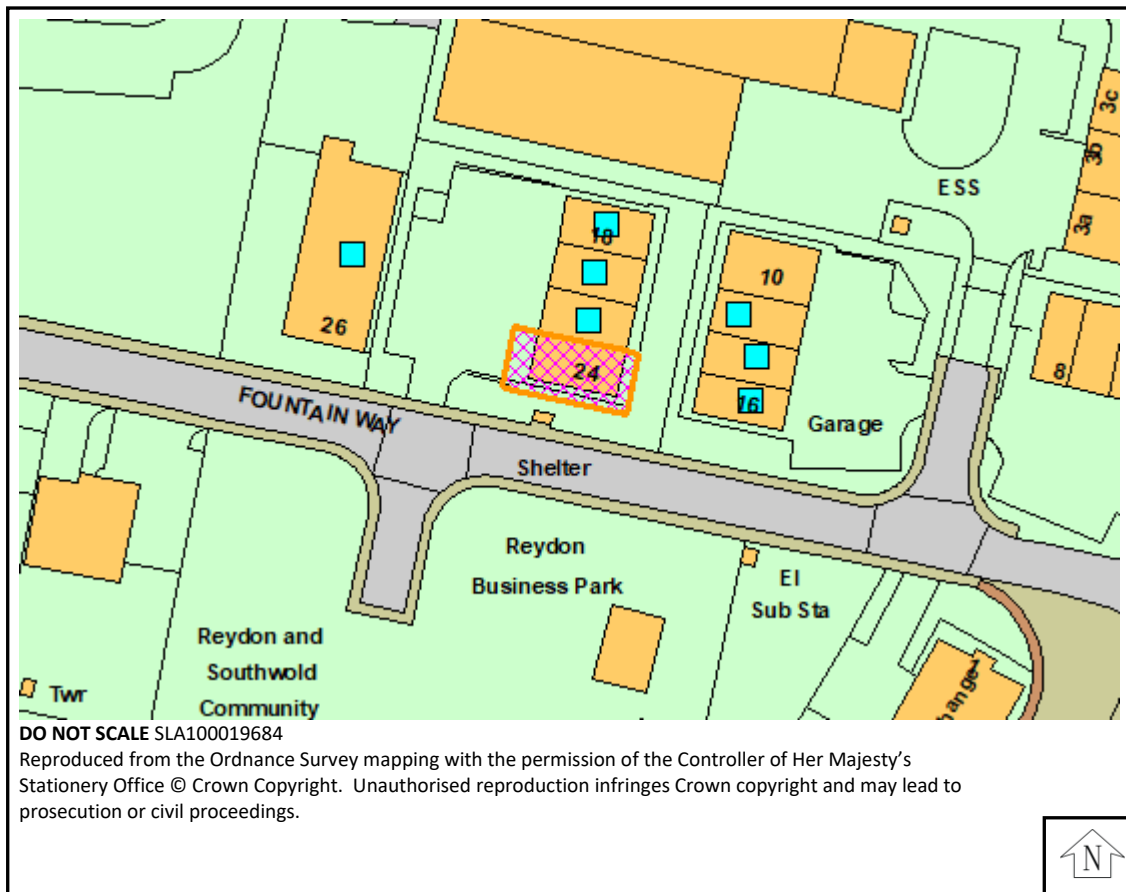
Informatives:

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 Papers

See application reference DC/20/4097/FUL on [Public Access](#)

Map



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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/2862/FUL

Location

Oak Tree Farm
Cox Common
Westhall
IP19 8RJ

Expiry date 23 September 2020

Application type Full Application

Applicant Mr Roger Wharton

Parish Westhall

Proposal This application seeks full planning permission for the conversion of an agricultural building/barn into two residential dwellings following Class Qa & b prior approval DC/19/0915/PN3, including associated landscaping, with use of existing access.

Case Officer Joe Blackmore
01394 444733
Joe.Blackmore@eastsuffolk.gov.uk

1. Summary

- 1.1 The application seeks full planning permission for the conversion of the existing agricultural building to form two four-bedroom dwellings. The building benefits from an extant prior approval (ref. DC/19/0915/PN3) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for the conversion to two dwellings. This represents the fallback position for the site.
- 1.2 The proposed conversion of the building is similar to the extant prior approval scheme, and whilst contrary to the adopted Local Plan, being a residential conversion of an agricultural building that has no clear historic or architectural merit, the fallback position is a key material consideration in the determination of this application. Compared to the extant scheme, this proposal would result in a better design solution for the amenity of future residents, and ensure that field access to the wider farmland is retained, negating the need

to relocate an agricultural access toward Ivy Grange Farm. Thus, there are material reasons to depart from the Local Plan.

- 1.3 There has been no objection from consultees or the Parish Council. Officers consider that the concerns raised by one local resident have now been resolved and the application can be recommended favourably.
- 1.4 The application has been brought direct to Planning Committee (North) for determination because the proposal is contrary to the adopted Local Plan but recommended for approval.

2. Site description

- 2.1 Oak Tree Farm is located to the north of Wangford Road to the north west of the villages of Cox Common and Westhall. The wider site at Oaktree Farm includes the barn subject of this application as well as further agricultural buildings to the south, also in control of the applicant.
- 2.2 The application site comprises one agricultural building located towards the north of a wider agricultural complex. The site is accessed by an existing farm access off Wangford Road which serves the site itself along with the secondary barn to the south.
- 2.3 The application site is located outside of any development boundary and therefore for planning purposes is in open countryside. The site is not in a Conservation Area, but the main farmhouse at Oak Tree Farm is a listed building and, thus, the application falls within its setting.
- 2.4 The application barn proposed for conversion comprises a long rectangular blockwork pitched roof barn formed by steel frame. The frames form nine bays and each bay has a steel column along both of the long sides of the building. These support steel angle roof trusses are constructed in a typical Fink pattern with a pitch of 28°. The trusses in turn support timber purlins standing between the trusses at regular centres, with five timber purlins down the roof slope with a profiled metal sheet roof covering.
- 2.5 The buildings had an historic use for agricultural purposes as part of the farm at Oak Tree Farm, being used as a grain store, storage of feed and housing of agricultural machinery. The buildings are now redundant.

Relevant Planning History

- 2.6 The application barn benefits from an extant grant of prior approval (ref. DC/19/0915/PN3) for the conversion of the barn to two dwellings.
- 2.7 The building to the south of the application barn benefits from an extant planning permission (ref. DC/19/4064/FUL) for conversion into a single dwelling. This dwelling would share vehicular access with the application site.
- 2.8 There is an existing concrete pad to the western side of the access drive that, under DC/19/4064/FUL, was shown for removal as part of the residential conversion. This then led to a separate application under DC/20/1578/FUL to create a new agricultural access off Butts Road, to the northwest, in order to provide access to the wider land holding. The

objective of that access application was to direct agricultural traffic away from the residential development approved at Oak Tree Farm. Officers raised concerns with DC/20/1578/FUL because the proposed field access would be close to a tourism use at Ivy Grange Farm, creating potentially harmful impacts to visitors and residents of that site through noise and disturbance. The applicant therefore agreed to make a minor non-material amendment to DC/19/4064/FUL (via application ref. DC/20/4091/AME) to retain the concrete pad to the west side of the shared access. With that being approved to retain access to the wider landholding, DC/20/1578/FUL was subsequently withdrawn. Members will note below, in section 4 of this report, the objection from the resident/business owner at Ivy Grange Farm, which was made before the approval of the non-material minor amendment and withdrawal of the separate access application. Officers therefore consider that those concerns raised have now been addressed.

3. Proposal

- 3.1 The application seeks full planning permission for the conversion of the existing agricultural building to form two four-bedroom dwellings. The proposed conversion will include a mezzanine floor to each dwelling.
- 3.2 Vehicular access to the site would be via the existing access and drive off Wangford Road which serves the site and nearby farm buildings to the south. The proposal incorporates two parking spaces per dwelling internally.
- 3.3 The adjacent redundant Dutch Barn and associated silos to the east are to be demolished.

4. Consultations/comments

- 4.1 One letter of objection has been received from the resident/business owner at Ivy Grange Farm, raising the following key concerns (inter alia):
 - Planning application DC/20/2862/FUL should be considered alongside existing application DC/20/1578/FUL - a proposal to re-locate the existing field access at Oak Tree Farm.
 - The proposal to relocate the agricultural access it assumed to be in order to facilitate a more peaceful environment for the residential dwellings planned for the Oak Tree Farm site;
 - DC/20/1578/FUL proposes to create a completely new access point with a new pad, concrete entrance and a track from Butts Road, which would run immediately adjacent to our southern field boundary, within 10 metres and 13 metres of two of our five yurts; and
 - The relocation of the access will direct agricultural traffic toward Ivy Grange Farm, which will cause amenity harm.

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Westhall Parish Council | 4 August 2020 | 21 August 2020 |
| <p>Summary of comments:</p> <p><i>“Due to Covid-19 social distancing restrictions and the timescale required for a response the Parish Council has been unable to hold a public meeting to consider the planning application DC/20/2862/FUL. However, the Parish Council has consulted internally by email and has ‘no objections’ to the proposed conversion of an agricultural building/barn into two residential dwellings at Oak Tree Farm, Westhall IP19 8RQ. However, the Parish Council would like the following observations considered:</i></p> <p><i>a. Structural Form and Integrity.</i></p> <p><i>There are significant amendments to the line drawing and proposed layout contained in DC/19/0915/PN3 which also included the comment that ‘no new structural elements are proposed’. The design was to use ‘existing external walls and roof with new elements limited to the insertion of external walls in the East facing elevation and the insertion of doors and windows. The new proposal, with the inclusion of a Gallery and Bedroom 4 on a second floor, is a significant amendment to the original single-story dwellings.</i></p> <p><i>b. Highway Safety</i></p> <p><i>Westhall Parish Council has previous comments on the access arrangements for the adjacent property (same access) under DC/19/4064/FUL which is included here for reference:</i></p> <p><i>We wish to make two observations:</i></p> <p><i>The planning application form (Ser 6) states that there is no intention to provide additional pedestrian or vehicle access. However, the Planning, Design and Access statement (Ser 2.1) clearly states that the proposal includes the ‘removal of an area of concrete hard standing adjacent to the access, with access to fields to be provided by new field access and track off Butts Road to the West’. Butts Road is a narrow single-track road with limited passing places and is not suitable for another field entrance for large agricultural machinery. There is no indication where the proposed ‘new field access’ will be located and whether Suffolk Highways has been consulted about the proposals. We would wish to retain the current field access using the concrete access track that provide safe access and egress for large farm machinery.</i></p> <p><i>The Planning, Design and Access statement (Ser 6.7) states that ‘the proposals would utilise an existing access which is of adequate width and provides sufficient visibility in either direction given the nature of the adjacent rural road network’. Unfortunately, the coniferous hedge that borders the property and road is overgrown and protrudes onto the road. Despite several requests from Suffolk Highways the landowner has not made any attempt to reduce the size of the hedge to improve visibility prior to a dangerous bend. The existing hedge forces vehicles into the middle of the road and blocks visibility when exiting from the property. If the planning application is granted, we would request that a pre-condition to any demolition or construction work is the reduction in the width of the hedge to the approval of Suffolk Highways (Ser 6.15 applies).</i></p> <p><i>More recently, we objected to the planning application for a new access from Butts Road, Westhall under DC/20/1578/FUL on the grounds of highway safety, which remains outstanding.”</i></p> | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk County - Highways Department | 4 August 2020 | 25 August 2020 |
| Summary of comments: No objections. Conditions recommended. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Environmental Protection (Internal) | 4 August 2020 | 24 August 2020 |
| Summary of comments: No objections. Conditions recommended. | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Waveney Norse - Property And Facilities | 4 August 2020 | No response |
| Summary of comments: No comments. | | |

| Consultee | Date consulted | Date reply received |
|---------------------------------------|----------------|---------------------|
| Essex And Suffolk Water PLC | 4 August 2020 | 17 August 2020 |
| Summary of comments: No objection. | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Suffolk County Archaeological Unit | 4 August 2020 | No response |
| Summary of comments: No comments received. | | |

| Consultee | Date consulted | Date reply received |
|---|------------------|---------------------|
| Ecology (Internal) | 7 September 2020 | 29 September 2020 |
| Summary of comments: Internal planning consultee. See planning considerations for details. | | |

6. Publicity

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

| Category | Published | Expiry | Publication |
|------------------------------------|----------------|------------------|----------------------------|
| Affects Setting of Listed Building | 14 August 2020 | 7 September 2020 | Beccles and Bungay Journal |

| Category | Published | Expiry | Publication |
|------------------------------------|----------------|------------------|-------------------|
| Affects Setting of Listed Building | 14 August 2020 | 7 September 2020 | Lowestoft Journal |

7. Planning policy

National Planning Policy Framework (NPPF)

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.7 - Small Scale Residential Development in the Countryside (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.11 - Conversion of Rural Buildings to Residential Use (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019)

8. Planning considerations

Policy Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.
- 8.2 The development plan comprises the East Suffolk Council - Waveney Local Plan (“The Local Plan”) and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are

listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

Principle of Development

- 8.3 The site lies in open countryside, for planning purposes, and therefore policies of restraint within the Local Plan generally indicate against residential development. Policy WLP8.7 allows for some small-scale residential development in the countryside, but the proposal is not supported by that policy. The most relevant policy is WLP8.11 which allows for the conversion of rural buildings to residential use subject to compliance with certain criteria. However, an overarching requirement of WLP8.11 is that the conversion must involve a building of some architectural and/or historical merit that would be worth preserving through conversion. Given that the building subject of this application is a modern agricultural building, not displaying such architectural/historical merit, its conversion to a residential use is contrary to policy.
- 8.4 However, the building benefits from an extant prior approval for conversion to two dwellings (DC/19/0915/PN3) that expires on 26 April 2022. This scheme would need to be completed by that expiry date, but it represents a clear and realistic fallback position that the applicant would likely implement were this application refused. Accordingly, it should be given significant weight in favour of this application and, in the view of officers, justify the principle of conversion as a departure from the Local Plan.
- 8.5 It is noted that the proposed scheme now includes a small mezzanine floor to each of the dwellings, and this was not part of the extant prior approval scheme. However, the National Planning Practice Guidance is clear that internal works such as a first floor does not represent development; therefore, the mezzanines could be incorporated into the extant prior approval scheme without recourse to this Authority. Thus, officers do not consider that the inclusion of a mezzanine floor to each dwelling makes the application proposal significantly different from the extant prior approval scheme, in terms of the principle of development.

Residential Amenity

- 8.6 Policy WLP8.29 (Design) seeks, amongst other things, to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers.
- 8.7 Given the separation of the application building from existing residential properties, no material amenity harm would arise. There would be some minor disturbance to future occupiers of the conversion approved under DC/19/4064/FUL, through passing vehicles, but that would not be significant or contrary to the aims of WLP8.29.
- 8.8 The extant prior approval scheme only allows, as per the Class Q regulations, a very restrictive curtilage for each new dwelling. This application proposes a much more spacious layout which will benefit the amenity of future occupiers.

- 8.9 The key amenity consideration is linked to the application for an agricultural access of Butts Road, which generated objection from residents at Ivy Grange Farm. As set out in the planning history/site description section of this report, that access application has been withdrawn, and the concrete pad, to the west of the access drive linked to this barn conversion proposal, will be retained for field access. This, officers consider, resolves the objection received. Undoubtedly it will see the proposed residential access partially shared with agricultural traffic (at least for a short section off Wangford Road); however, it seems reasonable that occupiers of a development of converted agricultural buildings may expect some disruption from agricultural related activity in the vicinity. In any case, given the concrete pad access is reasonably well-separated from the proposed dwellings, any impact on their amenity is likely to be limited.

Design

- 8.10 The existing building is open on one side but, as evidenced by a structural survey, of robust construction and suitable for conversion. This was accepted in the extant prior approval scheme.
- 8.11 The proposal seeks to retain the agricultural appearance of the building, with the roof being covered in zinc sheeting; the walls clad in vertical timber boarding; and rooflights being conservation-style. The pattern of fenestration seeks to utilise mostly existing openings, and new openings are not deemed to be excessive or harmful. The use of internal bays for parking represents a neat arrangement that will ensure the layout is not dominated by parked vehicles.
- 8.12 Compared to the extant prior approval scheme, this application also incorporates a more spacious layout to the external areas with a comprehensive scheme of landscaping. This will allow for a better design outcome, subject to the full details being agreed by planning condition.
- 8.13 For the reasons given, the proposal accords with WLP8.29 (Design).

Heritage Considerations

- 8.14 For listed buildings, s.66 of The Act imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The duty is engaged when the local planning authority is considering whether to approve development which affects a listed building or its setting.
- 8.15 These statutory duties are reflected in national and local planning policy. The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *“an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
- 8.16 Paragraph 189 says that when determining planning applications, *“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate*

to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

8.17 NPPF paragraph 192 sets out that, *"in determining planning applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

8.18 The NPPF at paragraphs 193 and 194 requires planning authorities to place *'great weight'* on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. It is also clear that *"any harm or loss should require clear and convincing justification."*

8.19 NPPF paragraph 196 sets out that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

8.20 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected in the Historic Environment section of the Local Plan – policies WLP8.37 (Historic Environment).

8.21 The proposal will see a group of agricultural buildings change to a residential development, and that will represent a notable change to the historic farmstead setting of the grade II listed Oak Tree Farmhouse. However, the buildings to be demolished are modern and not particularly attractive and make little contribution to the significance of the listed building. The conversion is well-designed, and the proposal incorporates an indicative landscaping strategy that, with details secured by condition, could secure a well-designed layout sensitive to the setting of the listed building.

8.22 Whilst some very limited harm would arise from the change of farmstead setting to residential development, that would likely be outweighed by the public benefit of job creation through the construction process; two dwellinghouse contribution to housing supply; and potential for future residents to support local shops and services. More significantly, similar listed building impact would arise from the implementation of the extant prior approval scheme, whereas this more comprehensive proposal, with details secured by condition, would represent a better design outcome in the setting of that listed building. On balance, therefore, the proposal accords with WLP8.37 and the heritage objectives of the NPPF.

Highways Safety and Parking Provision

- 8.23 Local Plan policy WLP8.21 relates to sustainable transport and seeks, amongst other things, to ensure development is acceptable in highways safety terms. NPPF paragraph 109 gives clear guidance that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 8.24 The proposal provides ample parking provision and is served by an existing access that already benefits from approval for a total of three dwellings (combining the extant prior approval and the permitted conversion of the barn to the south of the application site). The County Highways Authority raise no objection. The County do however recommend conditions to secure bin storage/presentation areas and secure cycle storage. Given the extant approval that does not have these conditions attached, it is considered unreasonable to apply the conditions in this instance. However, there are no reasons to refuse permission on highways grounds, and the development accords with WLP8.21.

Ecology and Habitats Regulations Assessment

- 8.25 The application is supported by a Preliminary Ecological Appraisal and the Council’s ecologist is satisfied with the conclusions of the consultant. Should planning permission be granted, the mitigation and enhancement measures identified in that appraisal should be secured by planning condition.
- 8.26 The Habitats Regulations Assessments (HRAs) of the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites (European designated sites) on the Suffolk coast.
- 8.27 Officers have carried out a stage 2 Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017) and conclude that, subject to a per-dwelling financial contribution to fund Suffolk Coast RAMS being secured, the proposed development will not have an adverse effect on the integrity of the European sites within the 13km ZOI, from recreational disturbance, when considered ‘in combination’ with other development. The RAMS contribution has already been made in respect of the extant prior approval development and can therefore be used to mitigate either this application, if permission granted, or the prior approval application, should that scheme be implemented instead.

Other Matters

- 8.28 Given the past use of the building and proposed sensitive end-use, there is a risk of contamination and therefore standard conditions are recommended by the Environmental Health Officer to deal with this.

9. Conclusion

- 9.1 Whilst the proposed development is contrary to the adopted Local Plan, being a residential conversion of an agricultural building that has no clear historic or architectural merit, there

is a fallback position where a similar residential conversion of the barn - to two dwellings - can be implemented under the extant prior approval (DC/19/0915/PN3). This planning application would actually result in a better design solution for the amenity of future residents and ensure that field access to the wider farmland is retained, negating the need to relocate an agricultural access toward Ivy Grange Farm. Thus, there are material reasons to depart from the Local Plan and recommend the application for approval.

10. Recommendation

10.1 Approve with conditions as recommended below.

11. Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with Drawing Nos. 20-001, 20-002, 20-004 and 20-205, received 30 July 2020.

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

3. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey report (JP Ecology, October 2018) 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.

4. Within 3 months of commencement of development, precise details of a scheme of landscape works (which shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be carried out at the first planting season following approval of the scheme of landscape works, and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

5. 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 with or without modification] no development of any kind specified in Parts 1 and 2 of

Schedule 2 of the said Order shall be carried out unless express planning permission for such development is granted by the local planning authority.

Reason: In order to ensure that the setting of the listed building is preserved.

6. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:
- a) A desk study and site reconnaissance, including:
 - a detailed appraisal of the history of the site;
 - an inspection and assessment of current site conditions;
 - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
 - a conceptual site model indicating sources, pathways and receptors; and
 - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
 - b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:
 - the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
 - an explanation and justification for the analytical strategy;
 - a revised conceptual site model; and
 - a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
- All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: 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.

7. 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.

8. Prior to any occupation or use of the approved development the RMS approved under condition 7 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.

9. 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.

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

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

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.

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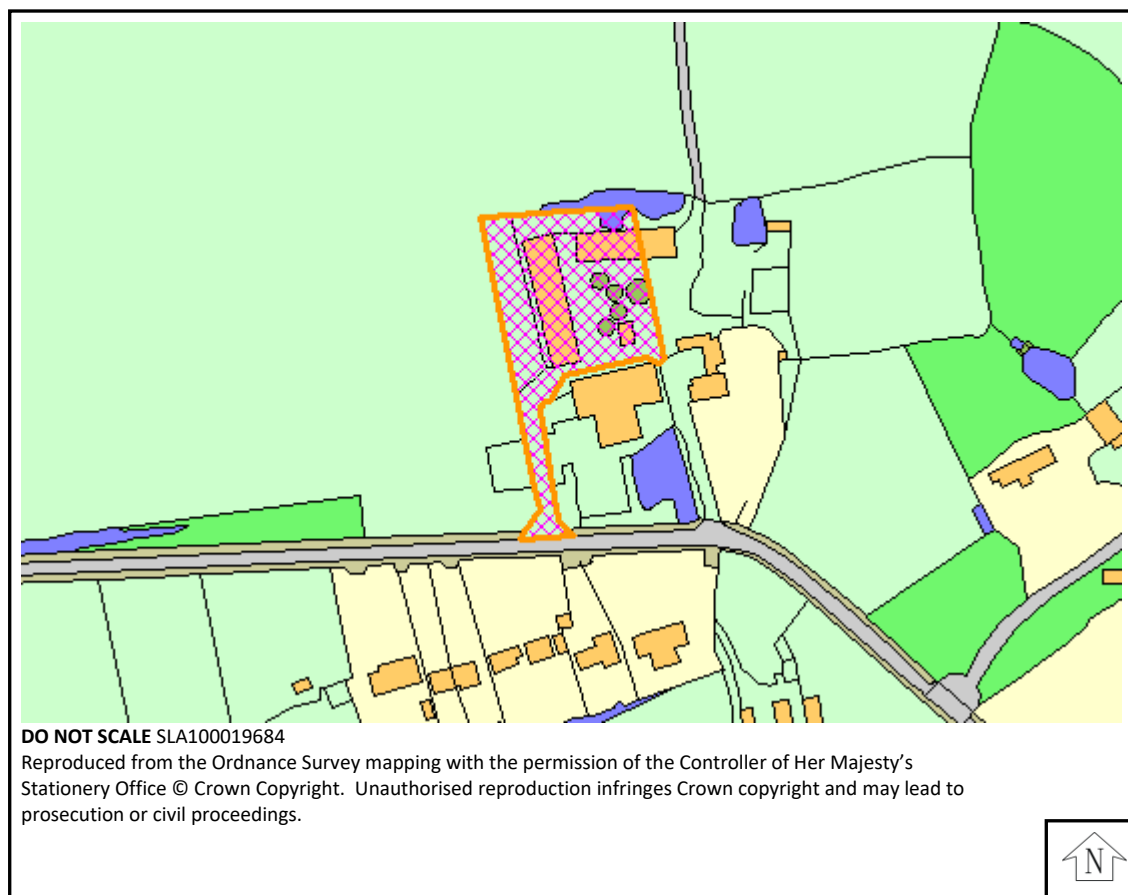
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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





Background Papers

See application reference DC/20/2862/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/4436/ADI

Location

East Point Pavilion
Royal Plain
Lowestoft
Suffolk

Expiry date 30 December 2020

Application type Illuminated Advertisement Consent

Applicant Mr Guy Butler

Parish Lowestoft

Proposal Illuminated Advertisement Consent - New signage to be a combination of illuminated and nonilluminated fascia panels and vinyl wrap / new cladding

Case Officer Matthew Gee
01502 523021
matthew.gee@eastsuffolk.gov.uk

1. Summary

- 1.1. Advertisement Consent is sought for new signage to the East Point Pavilion, which includes a combination of illuminated and non-illuminated fascia panels and vinyl wrap / new cladding. The proposed works are considered sympathetic to the building and would not adversely impact on the character and appearance of the surrounding area. Furthermore, it is not considered that the advertisement would result in any adverse visual amenity or highway safety impacts.
- 1.2. Therefore, the proposal is considered compliant with local and national planning policy, and as such it is recommended that consent be granted.
- 1.3. The application is referred to planning committee as it has been submitted by East Suffolk Council.

2. Site description

- 2.1. The application site is located within the South Lowestoft Conservation Area, near the South Pier, and within the main tourist area of the town.
- 2.2. East Point Pavilion is a glass, Edwardian-style building situated at the heart of the seafront, opened to the public in May 1993. At the time of launch, it was a largely council run venue with a tourist information office/visitor attraction in the north section of the building and a children's play area in the central section. The southern section was leased separately to a café operator. The internal configuration was modified in 1999.
- 2.3. East Suffolk Council ceased operating from the building in April 2016, when the Tourist Information Centre was closed. Since then, the building has been partially occupied under licence from the Council by a succession of café operators. At present, a small section in the north east corner of the building is being operated as a café.
- 2.4. East Suffolk Council has secured government funding via the Town's Fund, and Cabinet has allocated a portion of that funding to the regeneration of East Point Pavilion. The first phase of that regeneration scheme has Cabinet backing and will feature an internal redesign of the landmark venue to provide community space and options for small, pop-up style businesses to occupy.

3. Proposal

- 3.1. Advertisement Consent is sought for a combination of illuminated and non-illuminated signage to the East Point Pavilion, these include:
 - 5.1 x 4.2 x 0.35m Screen printed marine ply
 - 3.1 x 3.8 x 0m Translucent vinyl and screen-printed marine ply and painted
 - 3.1 x 6.8 x 0m Vinyl to glass, painted timber and di-bond cladding
 - 0.75 x 5 x 0.1m Illuminated acrylic and LED illuminated text. Timber backing
 - 3.1 x 6.8 x 0m Vinyl to glass, painted timber and di-bond cladding
 - 3.1 x 3.8 x 0m Translucent vinyl and screen-printed marine ply and painted
 - 0.5 x 7.85 x 0.1m Illuminated Fret cut metal and neon sign with timber frame
 - Translucent vinyl, painted existing timber
 - 3.1 x 22 x 0m Translucent vinyl, painted existing timber

4. Consultations/comments

- 4.1. Two representations of objection has been received raising the following concerns:
 - Design - Colours proposed are not suitable and garish.
 - Light pollution - Further illumination to that which exists at Notley's and Harbour Inn is not necessary.
 - Proposal is inappropriate in the Conservation Area

Consultees
Parish/Town Council

| Consultee | Date consulted | Date reply received |
|---|-----------------|---------------------|
| Lowestoft Town Council | 6 November 2020 | No response |
| Summary of comments: No comments received at time of writing, update to be provided in update sheet. | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|---------------------------------------|------------------|---------------------|
| Suffolk County - Highways Department | 10 November 2020 | No response |
| Summary of comments: No objections | | |

| Consultee | Date consulted | Date reply received |
|---|-----------------|---------------------|
| SCC Lighting Engineer | 6 November 2020 | 9 November 2020 |
| Summary of comments: The illumination of the external signage does not appear to have any effect with the surrounding Suffolk County Council highway boundaries or excessive light spill into neighbouring properties. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|--|------------------|---------------------|
| Design and Conservation (Internal) | 10 November 2020 | No response |
| Summary of comments: No comments received at time of writing, update to be provided in update sheet | | |

| Consultee | Date consulted | Date reply received |
|--|------------------|---------------------|
| Historic England | 10 November 2020 | No response |
| Summary of comments: No comments received at time of writing, update to be provided in update sheet | | |

5. Site notices

General Site Notice

Reason for site notice: General Site Notice, Conservation Area, Affects Setting of Listed Building
Date posted: 12 November 2020
Expiry date: 3 December 2020

6. Planning policy

- 6.1. 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”*.
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that, with regard to Conservation Areas, *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 6.3. National Planning Policy Framework (NPPF) (2019)
- 6.4. National Planning Policy Guidance (NPPG)
- 6.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))
 - WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

- 7.1. Policy WLP8.29 sets out that proposed development should be respectful of the character and appearance of the surrounding area. Furthermore, policy WLP8.39 sets out that proposed development should preserve or enhance the character and appearance of the Conservation Area. The proposed works are considered to re-vitalise the exterior of this building in connection with potential future uses. The works are considered in keeping with the tourist appearance of the area, whilst maintaining the Edwardian-style designed building. The proposed designs are also not considered to detract from the setting of the Grade I Listed Yacht Club opposite the site, given the separation and character of the existing surrounding development. It is therefore considered that the proposal would bring strong visual appearance that preserves the character and appearance of the Conservation Area.
- 7.2. Policy WLP8.29 also sets out that proposed development should not result in an adverse impact on the amenity of the surrounding area. The two illuminated text signs are to be located on the east elevation facing towards the sea; and west elevation facing towards the public square between 'Notleys' and Parade Road North. It is considered that the distance between the illuminated elements and neighbouring residential properties is sufficient that they would not be adversely impacted through excessive light spill. Additionally, the Suffolk

County Council Highways Lighting Engineer has raised no concerns regarding potential impact on neighbouring residents or the highway through light spill.

- 7.3. The proposed signage is also not considered to result in any highway safety concerns as it is located a sufficient distance from the highway edge and would not result in effects that may distract highway users.

8. Conclusion

- 8.1. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

9. Recommendation

- 9.1. It is recommended that advertisement consent is granted subject to conditions.

10. Conditions:

1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Reason: as required by the Town and Country (Control of Advertisements) Regulations in force at this time.

3. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the Town and Country (Control of Advertisement) Regulations in force at this time.

4. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location Plan, EX-001, received 04/11/2020
 - Proposed elevations, GA-201, received 04/11/2020for 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.

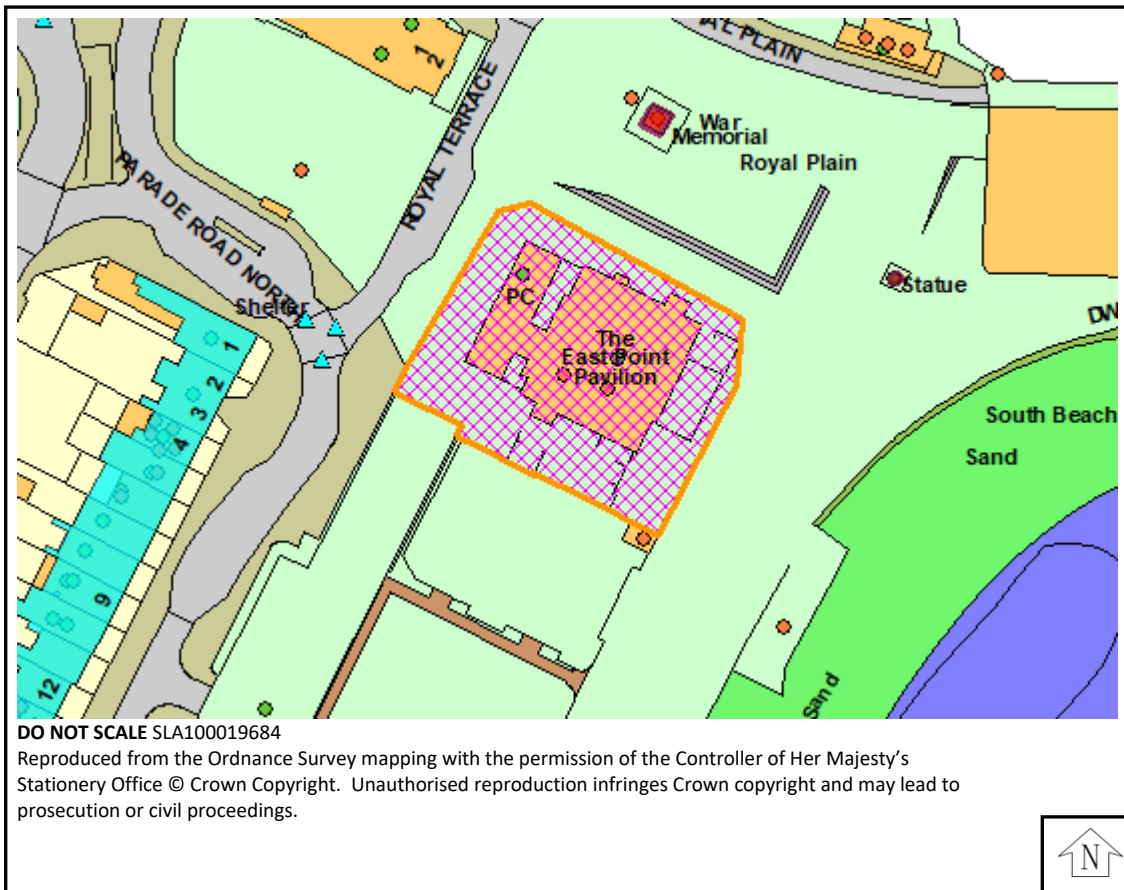
Informatives:

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 Papers

See application reference DC/20/4436/ADI on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/4024/FUL

Location

26 Shearwater Way
Reydon
Southwold
Suffolk
IP18 6GX

Expiry date 3 December 2020

Application type Full Application

Applicant MR & MRS JULIAN HIRST

Parish Reydon

Proposal Single storey rear and side extension.

Case Officer Debbi Wicks
01502 523020
debbi.wicks@eastsoffolk.gov.uk

1. Summary

- 1.1 This householder application concerns a single storey extension to a dwelling in Reydon and is recommended for approval. As the applicants are closely related to a member of staff, the Scheme of Delegation triggers automatic referral to the Planning Committee (North) for determination.

2. Site description

- 2.1 The application site comprises a semi-detached two storey dwelling of modern construction, built in the last decade as part of a large scheme by Hopkins Homes involving the construction of a healthy living centre, residential care home, retail/commercial units, 38no. dwellings and creation of a new village green (Amended Scheme), located at the junction of Wangford Road and Nightingale Avenue in the village centre of Reydon.

- 2.2 Shearwater Way spurs off to the south of the new village green and the application property is at the very southern tip of the site, with a strip of land containing a line of mature trees separating it from 15 Wangford Road to the rear. The site falls within an Area of Outstanding Natural Beauty, where there is a greater emphasis on high quality design and finish.
- 2.3 The dwelling itself is primarily faced in brickwork and has a central linked carport section with a bedroom above, attached to no. 24 on the western side which then mirrors the design, both with rear garaging. To the east, the site borders the detached double garage belonging to no.19 and there is a wide, shingled frontage serving all the dwellings at the end of the private drive.

3. Proposal

- 3.1 The proposal is to construct a single storey extension wrapping around the south eastern corner of the house, to enlarge the kitchen and utility space. The extension will project 2.8 metres from both the existing rear and side walls and would be set in just over a metre from the central dividing boundary with its attached neighbour. A rear garden depth of eight metres would remain and the outer corner of the extension would be sited 4.5 metres from the eastern boundary where the neighbour's garage is located. Either matching bricks or external cladding and pantiles are proposed with matching windows and a set of french doors.
- 3.2 Planning permission is required because the proposal projects beyond a side wall within an Area of Outstanding Natural Beauty where this aspect of the permitted development regulations is more closely controlled, and also because the width of the extension is greater than half the width of the original dwelling. Therefore, proportions and appearance are the key issues. A smaller rear sun room extension was approved in 2013 under DC/13/0313/FUL but the permission was not implemented.

4. Consultations/comments

- 4.1 No third-party representations have been received and Reydon Parish Council supports the application.

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Reydon Parish Council | 9 October 2020 | 23 October 2020 |
| Summary of comments: The Parish Council supports this application | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|-------------------------------------|----------------|---------------------|
| Suffolk County Archaeological Unit | 9 October 2020 | No response |
| Summary of comments: no response | | |

6. Planning policy

National Planning Policy Framework

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

- 7.1 The proposed development is assessed having regard to Policy WLP8.29 of the Local Plan which fosters sympathetic design whilst preserving neighbour amenity and parking provision. There are no specific policies of relevance contained in the Reydon Neighbourhood Plan with regard to householder extensions.
- 7.2 No.26 occupies an irregular shaped plot with a wide side section, unlike its neighbours, and the proposal is considered to maximise the potential space available with a sensitively designed extension that will blend well and not be prominent in its appearance. There is a 1.8m close boarded fence on the same line that would be replaced by the front elevation of the proposed extension and, as this is set back considerably from the main front elevation, the scale form and proportions of the addition are acceptable.
- 7.3 The modest design, with its low lean-to roof hipped at the corner is also deemed appropriate with its pantiled roof in the AONB setting, and will not adversely affect the streetscene or have wider landscape impact. The applicant's choice of either brick or cladding to the external walls is acceptable on this site where the deep oversailing on the carport is faced with cladding. Site coverage and massing are again consistent with the plot size, with adequate garden space remaining and no impact upon parking provision.
- 7.4 Due to the site layout, the proposal will be sufficiently separated from neighbouring dwellings such that no adverse impact can arise from shading; in particular the extension will relate well with no.19 due to being shielded by their garage and the overall spacing and relationship of the group is observed without resulting in a cramped layout.

8. Conclusion

- 8.1 The proposed extension is in harmony with the host building and its surroundings, in compliance with policy in terms of design and also raises no issues with regard to neighbour amenity. Accordingly, the scheme is supported.

9. Recommendation

9.1 Approve with the choice of external materials as specified.

10. 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 Design & Access Statement, Site Plan and proposed Block Plan Drawing 201100, proposed Elevation Drawing 201103 and proposed Floor Plan 201104I received 9th October 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 to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building or consist of cladding.

Reason: To ensure the satisfactory external appearance of the development.

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).

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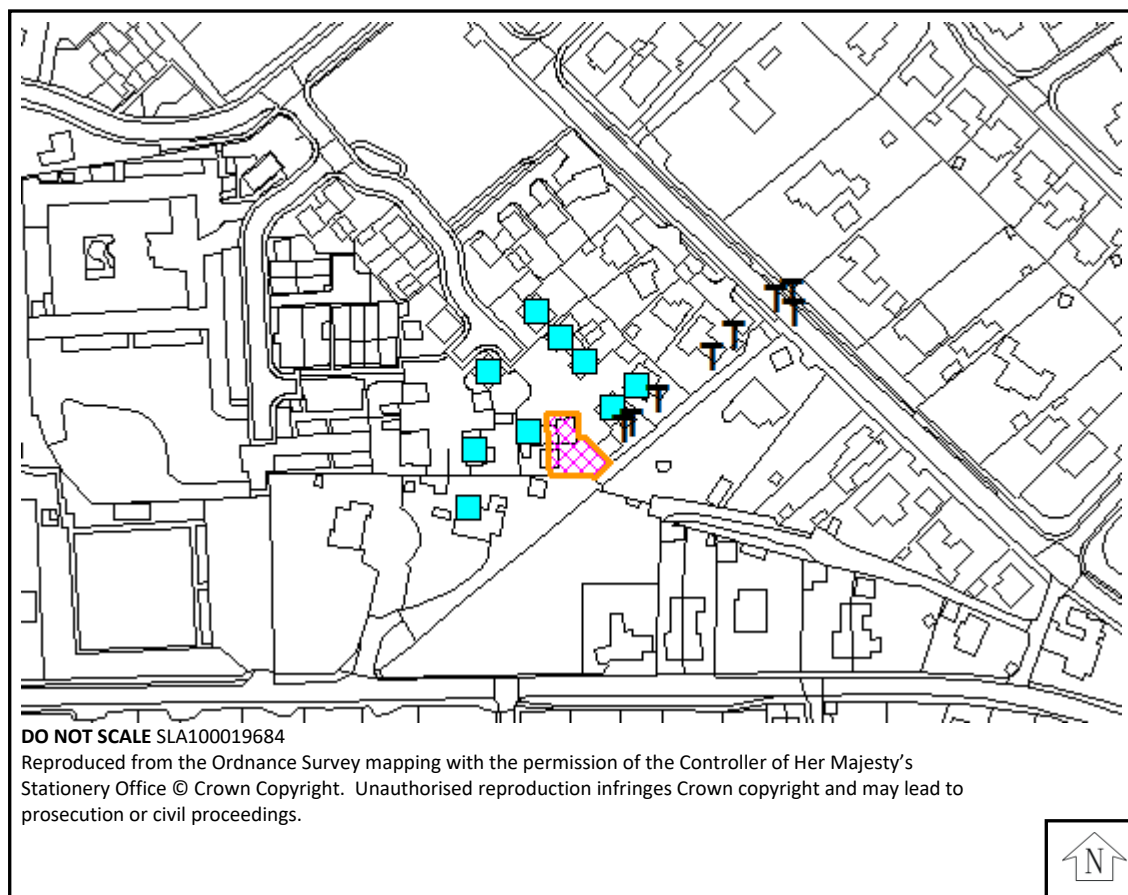
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Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>





Background Papers

See application reference DC/20/4024/FUL on [Public Access](#)

Map



Key

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