



**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, 13 October 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/xMHztvBe96g>

An Agenda is set out below.

## **Part One – Open to the Public**

**Pages**

<b>2</b>	<b>Declarations of Interest</b> 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.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 8 September 2020	<b>1 - 26</b>
<b>5</b>	<b>Enforcement Action - Case Update ES/0515</b> Report of the Head of Planning and Coastal Management	<b>27 - 45</b>
<b>6</b>	<b>DC/20/1049/VOC - Land South of Chediston Street, Halesworth ES/0517</b> Report of the Head of Planning and Coastal Management	<b>46 - 82</b>
<b>7</b>	<b>DC/19/3914/FUL - Miles Ward Court, Market Place, Halesworth ES/0518</b> Report of the Head of Planning and Coastal Management	<b>83 - 97</b>
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<b>9</b>	<b>DC/20/1912/FUL - 3 Saltgate, Beccles ES/0520</b> Report of the Head of Planning and Coastal Management	<b>107 - 123</b>
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<b>12</b>	<b>DC/18/2687/FUL - Land adjacent 53 Ranville, Carlton Colville, Lowestoft ES/0523</b> Report of the Head of Planning and Coastal Management	<b>156 - 163</b>

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<b>13</b>	<b>DC/20/2249/FUL - Orchard Barn, The Street, Somerleyton, Lowestoft ES/0524</b> Report of the Head of Planning and Coastal Management	<b>164 - 175</b>
<b>14</b>	<b>DC/20/2348/FUL - Rosecroft Farm, Chediston Green, Chediston, Halesworth ES/0525</b> Report of the Head of Planning and Coastal Management	<b>176 - 185</b>
<b>15</b>	<b>DC/20/3084/FUL - 24 St Marys Street, Bungay ES/0526</b> Report of the Head of Planning and Coastal Management	<b>186 - 195</b>
<b>16</b>	<b>DC/20/3175/FUL - East Point Pavilion, Royal Plain, Lowestoft ES/0527</b> Report of the Head of Planning and Coastal Management	<b>196 - 201</b>
<b>17</b>	<b>DC/20/2327/FUL - Beech Tree Farm, East Green, Kelsale Cum Carlton ES/0528</b> Report of the Head of Planning and Coastal Management	<b>202 - 207</b>

## Part Two – Exempt/Confidential

	Pages
<b>18</b>	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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If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



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[www.local.gov.uk/Community-Leadership](http://www.local.gov.uk/Community-Leadership)

Minutes of a Meeting of the **Planning Committee North** held Remotely on **Tuesday, 8 September 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 Judy Cloke, Councillor Tony Cooper, Councillor David Ritchie

**Officers present:**

Katherine Abbott (Democratic Services Officer), Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Philip Perkin (Principal Planner - Major Projects), Philip Ridley (Head of Planning and Coastal Management), Iain Robertson (Senior Planner - Development Management), Mark Seaman (Environmental Protection Officer)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

There were no Declarations of Interest.

**3 Declarations of Lobbying and Responses to Lobbying**

All Members declare that they had been extensively lobbied on Agenda Item 6 – DC/19/2195/FUL – Land adjacent to West End Farm, Mill Lane, Shadingfield.

Councillor Elliott declared that he had also been lobbied on Agenda Item 7 – DC/20/0951/FUL – JD Power Tools, Alexandra Road, Lowestoft. He had responded in a factual manner to the questions asked.

**4a Minutes - 14 July 2020**

**RESOLVED**

That, subject to amending that Councillor Coulam's Declaration of Interest related to Item 13 – DC/20/1704/FUL – 55 Gainsborough Drive, Lowestoft, and not Agenda Item 12 – DC20/1648/FUL – Jubilee Parade Chalets, the Minutes of the Meeting held on 14 July 2020 be agreed as a correct record and signed by the Chairman.

**4b Minutes - 11 August 2020**

**RESOLVED**

That the Minutes of the Meeting held on 11 August 2020 be agreed as a correct record and signed by the Chairman.

**5 Enforcement Action - Case Update**

The Committee received report ES/0476 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 21 August 2020. There were currently 17 such cases.

In response to a question relating to Boasts Industrial Estate not being mentioned on the report, the Assistant Enforcement Officer advised that the notice had been withdrawn, therefore the case had been removed from the report. The report detailed current and active cases only.

**RESOLVED**

That the report concerning Outstanding Enforcement matters up to 21 August 2020 be received and noted.

**6 DC/19/2195/FUL - Land adjacent to West End Farm, Mill Lane, Shadingfield**

The Committee considered report ES/0477 which gave details of the planning application for a poultry rearing unit with capacity to house some 141,000 broiler chickens, comprising three poultry houses with associated admin block, feed bins, and accompanying vehicle access at West End Farm. The farm had traditionally been a livestock farm, currently farming cattle, and the proposal would allow diversification to enable the agricultural operation to move forward with a sustainable business model.

The Senior Planner reminded the Committee that a decision had been deferred at its meeting on 14 July 2020 to allow a site visit to be undertaken so that Members could view the site in context. Due to Covid-19 restrictions, attendance was limited to the Members of the Planning Committee with 'bubbles' of no more than six people including officers at a time. The site visit had taken place throughout the day on 19 August 2020. Details of attendees and minutes of the site visit were appended to the report.

Members received a presentation which showed the site location plan together with an aerial view. The Senior Planner described the walking route of the site visit, as shown, both along Mill Lane towards the A145 and the footpath passing Moat Farm, the start point and view points and photographs taken along the way. Further slides gave an indication of the scheduled monument areas in relation to the application site, both the moated site and associated earthworks at West End Farm and the moated site

at Moat Farm which was a Grade II\* listed building on the Suffolk Register of Buildings at Risk. Highways had no issues with the suitability of the access onto the A145 and HGVs crossing the carriageway. One passing bay was being proposed in Mill Lane itself. The proposed floor plans and north and south elevations were displayed and the Senior Planner confirmed the sheds were 5m in height and the feed silos 8.3m. In addition, wire frames of the proposed site from the south and east were shown to Members. The landscaping in proposed condition 20 included managed grassland.

The Senior Planner highlighted the material planning considerations and key issues and explained that the principle of the development was agricultural development on agricultural land. An Environmental Impact Assessment had been submitted and the economic benefits and employment was outlined in paragraphs 8.9 to 8.11 in the report. With regard to neighbour amenity, paragraph 183 in the National Planning Policy Framework required that the focus of planning policies and decisions should be on whether proposed development was an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Odour exposure was below the relevant benchmark as set out in Table 3 in paragraph 8.24 of the report. Environment Agency requirements would be met with regard to ammonia. A visual assessment had been carried out and it was considered there would be a moderate but negligible impact after 10 years. The Council's Conservation Officer's views differed from those of Historic England; his opinion was that there was no harm arising from agricultural buildings on farmland and any harm was outweighed by the benefits. The traffic likely to be generated from the proposal was outlined in paragraphs 8.112 to 8.115 which was not inaccurate but based on similar other sites. The Applicant had clarified that one crop of manure would be used on their land, others would be removed from site in accordance with the environmental statement. The Senior Planner referred to the additional information in the update sheet and, if Members were minded to approve the application, suggested an additional condition could be included that all structures be removed once the use ceased. As all aspects had been given thorough consideration and any harm could be mitigated by condition or outweighed by the benefits, the application was recommended for approval.

The Chairman invited questions.

Members sought clarification:

- County Highways had asked for additional information on page 93 of the report and whether that information was satisfactory.
- Comment from officers on the five additional conditions proposed by the Parish Council, if the application was approved.
- The suitability of Mill Lane having only one passing bay and whether it was suitable for tractors/trailers that already used the lane.
- Whether Historic England had withdrawn its strong objection.

The Senior Planner explained that the drawings to display crossing the carriage way had not been submitted; County Highways had accepted that. County Highways were also satisfied that one passing place was being provided. Historic England had not

withdrawn its submission, they were still objecting. The Senior Planner advised that conditions 1 and 2 proposed by the Parish Council were not suitable because it was a 24 hour operation. Condition 3 regarding ammonia had been satisfied via the Environmental Statement. There was some scope in condition 4 to provide noise monitoring but that odour had been satisfied by the odour report. Condition 5 was covered by condition 20 in the report so that request had been satisfied.

The Chairman invited the public speakers to address the Committee.

Objection to the application, Mr L Osmon thanked the Committee for opportunity to speak. There was continued support for refusal on three grounds – Heritage, Amenity and Transport. There were strict rules for construction, detailed design and any works proposed should make use of sympathetic materials. This proposal did not satisfy what was stipulated. Moat Farm was in a fragile state and both English Heritage and Suffolk Preservation Society. Suffolk County Highways had demanded a wider opening and now that had been overlooked. There were currently HGV tread marks on the pavement of Mill Lane and a 605% increase in traffic would increase road safety issues to pedestrians and road users alike. There was an under-estimate on the number of feed deliveries and the simple calculations could not be verified. Residential amenity of the village would be harmed. Mr Osmon challenged the analysis of wind directions predicted by a virtual world of computer modelling and the resulting misleading report. He made comparisons with speaking and bonfires and how noise and smoke and ash affected an area. Long term, there could be a threat of avian flu, constant background noise in the village.

Ms C Ellis advised the Committee that although the meeting was held remotely, local residents were watching while you, the Committee, decided the fate of our village. Members should give great consideration to the powerful evidential reports from the objectors. Comment had been made that there were alternative permitted development uses for this site; that was felt to be a thinly veiled threat. The validity of the wind flow diagram was wilfully trying to mislead the Committee with misrepresentations of fact or it was woefully incompetent. The Agent referenced visits to Darsham and the proximity of sheds to the leisure centre. It should have been compared to Ilketshall where residents' lives had been blighted. There were the broader issues of employment and the shared single track road for access. Would the report itself stand up to a Judicial Review if the Committee was minded to approve the application? There were still objections from Historic England and Suffolk Preservation Society. The concerns of the Council's own Environmental Officer had been ignored. The Members needed to show the residents that they were listening and enabling communities.

A question was asked regarding the reference to the fragile heritage assets. Ms Ellis explained that Moat Farm was fragile and in a deteriorated state. If the sheds were erected, the care for the building would be much reduced because of the effect on the environment and no-one would be interested in ensuring preservation.

As Agent for the Applicant, Mr Rankin thanked the Committee for allowing him to speak. Since the previous meeting on 14 July, Members had had the benefits of a site visit and now seen photo montages showing the proposed buildings fitting in with the landscape. In visiting the site, he expected Members now appreciated the existing



farms and access via Mill Lane. The proposal was for agricultural buildings on agricultural land in a rural district. Poultry houses were common in the county and, as Agent, he had worked with the Council's officers and consultees and provided an environmental assessment in January. There were no significant effects arising from the proposal and additional information had been provided with regard to a landscaping plan. There were no issues with highway safety and the sheds would be assimilated into the landscape. The recommendation was for approval and Mr Rankin urged the Committee to follow the recommendation allowing the farming family to diversify and continue farming.

The Chairman invited questions.

A Member asked a question relating to the traffic using the lane now with cattle compared to the number of vehicles going to the proposed development.

On behalf of the Applicant, Mr Rankin referred to the officer's report in that there would be 1098 additional vehicles over the year x2 giving 1276 vehicles across the calendar year and with seven crop cycles a year traffic flows would give 20 vehicles within each cycle. Peak vehicle movements would be on 14 out of 36 days. The access via Mill Lane already served two existing and operational farms with HGV traffic. Mr Rankin advised that the Environmental Statement had been submitted by a competent individual, a requirement of any environmental impact assessment, so it was sound.

Ward Member Councillor J Cloke had heard previous submissions and wished to clarify that the chicken sheds at Darsham did not reflect the Shadingfield site as the busy road splitting the sites at Darsham distorted all factors. Only the previous day, she had visited top road at Ilketshall St Andrew where sheds had been allowed in 2016 and there was definitely a smell. Why would it be any different here? If noise tailed off at night, then there was obviously intrusive noise during the day. Where there were broiler houses, there were always flies. The local construction specialist was not local but located in another county some 40 miles distant in Wootton, Norfolk. Councillor Cloke also expressed grave concern as to the effect on Moat Farm; Historic England and the Suffolk Preservation Society had commented on the detrimental effect on that and the medieval common. Whilst accepting the need for changing farming methods and being self-sufficient in food, the proposal here was too intensive causing detriment to the area and a listed house that was around in the civil war. A line of trees had already been destroyed. Members needed to consider the noise and detriment to the area, the historic building and landscape, all of which were sufficient to decline the application.

During the ensuing debate, a Member referred to the noise/smell, highway matters and the effect and impact on the heritage assets. At the July meeting, the Planning Manager had steered any potential refusal to be solely on heritage grounds given the evidence presented on highway and amenity grounds. The site visit had reinforced the value of the heritage assets and, although protected from the weather, the two listed buildings were believed to be on the 'at risk' register. His serious concerns were the effects on amenity and highways issues, even though the principal ground for refusal was heritage taking into account the views of Historic England and the National Planning Policy Framework. Further comments were made about the number of

vehicles seen in a 15 minute period in Mill Lane on the site visit and the provision of only one passing place was questioned as that would result in vehicles having to reverse along Mill Lane. It was recognised that there were other silos in the vicinity but another Member still believed there would be impact on the residential amenity.

Having read the report, the Chairman sought clarification on how the smells and dust would be dealt with satisfactorily. The Environmental Protection Officer explained that he had seen and commented on the noise and dust assessments and was satisfied with the management conditions in place and the mitigation measures would control emissions adequately to acceptable levels. With regard to the impact on the village, the Environmental Protection Officer explained that if the facility was developed, there would be emissions of noise, dust and odour but at acceptable levels. Acoustic levels for a bedroom was 30dB, and the acoustic assessment predicted noise would be below that threshold. Whilst agreeing there would be daytime noise and some odour, in his professional opinion they would be below the prescribed environmental thresholds.

Comment was made that the normal wind direction would result in noise and smell going towards the village so the concerns of the residents should be noted. Traffic and highways issues seem not to have been addressed satisfactorily.

It was agreed that the site visit had provided a good perspective of the area and it was recognised that some people were more receptive to smell than other people. It was recognised that it was a working farm and the country needed to be self-sufficient with Brexit. The heritage asset was surrounded by hedgerow and trees and the site, some 200 yards distant, had no visual impact. Looking at the report and conditions, it was proposed that approval be granted and that proposal as duly seconded.

During the ensuing discussion, Members questioned whether anyone would commit the finance to support the heritage asset with this proposed development in the immediate vicinity and sought clarification as to whether there were alternative sites in the Applicant's ownership that could be used instead of one right next to a Grade II\* listed building. There was an impact on the setting.

The Senior Planner advised that the EIA Regulations required the inclusion of other sites by the Applicant and he explained the reasoning for discounting alternatives that had been considered including one to the west of Mill Lane. A Member commented that this would not be their first choice.

A Member wished to clarify the impact on the heritage setting and the fact that there were two scheduled monuments in the vicinity and the Grade II\* listed building was on the at risk register.

The Head of Planning and Coastal Management drew Members' attention to paragraph 9.8 in the report which summarised the issues with regard to the heritage impact particularly with regard to the scheduled moated sites. It was considered that the harm would be less than substantial and that needed to be weighed against the public benefits and wider economic benefits of the proposal. The Council's Conservation Officer had balanced the issues and considered the evolving nature of agricultural land in the countryside, as well as having given more detailed consideration to the changes in Shadingfield common and the village. He reiterated that, on the wider transport

issues, County Highways had no technical objection and there was no technical evidence supporting possible environmental issues.

The Chairman referred to a proposal from Councillor Elliott but he was not aware of a seconder. The Democratic Services Officer clarified that he had commented but had not made a proposal to which Councillor Elliott agreed. The Chairman confirmed, therefore, a proposal to approve the application which had been seconded should be voted on.

The Democratic Services Officer sought clarification as to amendment to condition 19 and an additional condition and whether the Parish Council's proposed conditions should be included and if the conditions in the report were being voted on or amended accordingly.

The Senior Planner advised that the proposed condition 19 had been amended in accordance with the Update Sheet and condition 14 would be updated to state that the gable end fans would be disabled during the period 2000 to 07:00 hours. In looking at the proposed conditions recommended by the Parish Council, they suggested five conditions. Condition 4 was a possibility in an amended form, for example, prior to commissioning the poultry unit, plant testing and noise monitoring shall be undertaken at the 'assessed dwellings' identified in the submitted Noise Report. In the event that predicted noise levels are breached, further measures to limit noise shall be submitted to and approved by the LPA prior to commissioning of the poultry unit. The development shall then be carried out in accordance with those details. The 5<sup>th</sup> condition was already covered in condition 20. Conditions 1 and 2 were not acceptable as the proposed operation was 24 hour. One further condition could be considered with regard to the site in that within six months of the use ceasing, the buildings would be removed and the site returned to its former condition.

The Head of Planning and Coastal Management advised that the recommended condition would be appropriate to ensure that, if the use ceased and resultant public benefits fell away, any limited harm to the significance of the heritage assets could then be reversed by the buildings/structures being removed.

The Chairman asked if the proposed amendments to the recommendation were acceptable and the proposer and seconder agreed to the changes and additional conditions and it was

## **RESOLVED**

That, subject to no new material planning objections being received within the prescribed consultation period, 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 drawing numbers AWM-006 Rev 4, 103 Rev 2 and 105 Rev 1 received 31 May 2019 and 107 Rev 1 received 07 June 2019 and 108 Rev 1 received 15 January 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 shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

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

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

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

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

*Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>*

6. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled

waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.*

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EclA) (Bench Ecology, May 2019).

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

8. 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.*

9. External lighting will be limited to single LED floodlights above the main vehicular access doors to each of the Poultry Sheds, the Bird Store and the Admin block, and wall mounted circular LED luminaires (with integral emergency light to provide safe entry/exit from the building) above personnel doors. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

11. Before the development is commenced details of the areas to be provided for purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles 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 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.*

12. Prior to first use of the facility a passing place be laid out and constructed in its entirety in the position as shown in 'location 1 of the aerial view plan in accordance with SCC Drawing No. DM06. The passing place shall then be retained in the condition as approved.

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

13. All HGV traffic movements associated with the proposal will be subject to a Delivery Management Plan (DMP) which shall be submitted to and approved in writing by the Local Planning Authority a minimum of 3 months prior to use. No HGV traffic movements shall be permitted to and from the site other than in accordance with the DMP.

*Reason: To reduce and / or remove as far as is reasonably possible the likelihood of HGVs meeting on Mill Lane and reducing the impact on the A145 junction with Mill Lane.*

14. The gable end fans situated on the Southern elevations of the buildings shall be disabled during night-time hours (2000 - 0700) and shall therefore be non-operational during these times. The override mechanism is only to be activated in the instance that the ridge fans fail in order to safeguard the welfare of the livestock.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*

15. Prior to the commencement of the development full details and specifications of the proposed method for attenuation of the gable end fans on the Southern elevations of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The use shall not commence until the approved mitigation measures have been implemented and thereafter managed and maintained in accordance with the approved details.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*

16. Prior to first use of the buildings a two metre high acoustic barrier shall be constructed on the Northern and Eastern boundaries of the concrete apron in the location as shown in figure 4 of Page 12 of the Noise Impact Assessment by Matrix Acoustic Design Consultants - Acoustics Report M1901/R02b; it shall be constructed in accordance with the specification as described in section 5.8 of that report. The Acoustic barrier shall thereafter be retained and maintained to that specification.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*

17. Prior to first use of the buildings attenuators shall be fitted to the ridge fans in accordance with the details within section 5.5 of the Noise impact Assessment by Matrix Acoustic Design Consultants - Acoustics Report M1901/R02b in order to achieve the minimum insertion losses highlighted within table 2 of the Noise Assessment in section 5.5 of that report. Thereafter the attenuators shall be retained and maintained in a condition that will enable them to continue operating in accordance with the details highlighted in section 5.5 of the above report.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*

18. Prior to commencement of the development a Noise Management Plan shall be submitted to and agreed in writing by the Local Planning Authority based on an updated odour assessment. The facility shall then be operated in accordance with the agreed Noise Management Plan.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*

19. Prior to the commencement of the development an Odour Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The facility shall then be operated in accordance with the agreed Odour Management Plan.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*

20. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Prior to first use, a detailed landscape maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape maintenance and management plan shall be implemented in accordance with the agreed details.

*Reason: To ensure the provision of amenity afforded by appropriate landscape design and maximise the long term biodiversity value of the landscaping.*

21. The landscaping scheme shall be completed in the autumn (October -December) planting season following completion of the last building shell, 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.*

22. Prior to the construction of the admin block, details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

23. 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.*

24. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The Management Plan shall provide details of:

- a. Loading and unloading of plant and materials;
- b. Storage of plant and materials used in the construction of the development;
- c. Materials/plant delivery times;
- d. Construction times;
- e. Parking for construction workers and visitors;
- f. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
- g. A scheme for recycling/disposing of waste resulting from construction works.

*Reason: In the interests of amenity and highway safety due to the potential conflict between construction traffic, new residents and the users of the leisure centre.*

25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval 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.*

26. Prior to commissioning of the poultry unit, plant testing and noise monitoring shall be undertaken at the 'assessed dwellings' identified in the submitted Noise Report (Figure 1, page 2). In the event that predicted noise levels are breached, further measures to limit noise shall be submitted to and approved by the LPA prior to commissioning of the poultry unit. The development shall then be carried out in accordance with those details.

*Reason: In the interest of the amenity of occupiers of residential properties within the vicinity.*



27. Within six months of the use hereby permitting ceasing the buildings and structures on the site shall be removed and the land made good to the satisfaction of the Local Planning Authority.

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

**Note:** *The meeting was adjourned at 3.33pm and reconvened at 3.39pm.*

## **7 DC/20/0951/FUL - JD Power Tools, Alexandra Road, Lowestoft**

The Committee considered report ES/20/0951/FUL which gave details of the application for the demolition of existing commercial buildings and the construction of a residential development of 31 one-bedroomed flats over three and four storeys with undercroft parking and associated works. The proposed development would be utilising a sustainably located brownfield site for affordable housing in a location where there was a high need for affordable homes.

Members were familiar with the site and proposals having deferred it in August due to concerns raised on several design and layout matters. Since then, the Principal Planner had liaised with the Applicant and its Agent to address these issues and, as a result, the Applicant had amended the proposals and submitted revised plans.

The Principal Planner explained that the report had remained unchanged but had been updated by the summary details outlined in Section 1 in the report.

Members were shown a site location plan and aerial view, photographs of the site and existing buildings and boundaries and proposed elevations in red brick including the undercroft parking and bin store. The Principal Planner advised that that type of brick was appropriate in the context of the site and the precise finish would be contained in a planning condition. To address concerns raised by Members at their August meeting, additional cycle parking was being provided, the wheelie bin storage was located in the internal courtyard with the external bins now being enclosed with planting adjacent to that storage enclosure. Additional storage for cycles and mobility scooters was being provided and car parking spaces 6 and 7 would be for electric vehicles. Washroom facilities for disabled residents could be incorporated into the layout in flat 31. The greater level of wall thickness, detailed via further construction drawings, had freed up more space to increase the internal floor areas in the flats which now ranged from 47.2sqm to 54.1sqm, details of which were shown on the amended layout plans.

The Principal Planner outlined the main issues and material considerations including the principle of the development, the affordable housing provision, the design of the development, residential amenity, waste storage and presentation and highway safety and parking provision. Officers agreed that the amended proposals were satisfactory and therefore approval was being recommended.

The Chairman invited questions.

The following issues were raised:

- Cycle parking and outside racks for visitors as not being suitable for residential use.
- The low number of electric vehicle charging points, four in total, was disappointing.
- No reference made to solar pv panels.

The Principal Planner advised that the externally located cycle stands were primarily for visitors. Highways had requested 31 cycle spaces one for each flat; 45 were now being provided, 13 of which were located externally. Solar pv panels had been discussed with the Applicant, however, it should be noted was it was not a requirement in a Local Plan policy to provide them.

The Chairman invited the public speaker to address the Committee.

As Applicant, Mr G Dodds, thanked the Committee for being given the opportunity to speak and explained that the amended design had allowed the internal floor areas to increase above the minimum 46sqm set by Homes England. As a landlord, they would not want to provide inadequate space for residents. There was level access in the washrooms on the ground floor. Charging points had now been incorporated, 45 cycle spaces were being provided and the wheelie bin storage had been moved. The proposed red brick met the suggestions made by Committee at its August meeting. It was considered to be the right use and design for the benefit of Lowestoft and those needing housing. Mr Dodds requested Members support the officer's recommendation for approval so that the site and funding could be secured.

The Chairman invited questions to the Applicant.

Members asked questions on the following:

- Controls over access to the building and car parking in the courtyard.
- Outside cycle parking.
- Installation of solar pv would be less than a retro-fit.
- Secure bin storage.

Mr Dodds explained that there would be a fob entry system to all flats and there would be a controlled entry system for parking which would be governed by the Housing Estate Management Team. He confirmed that thermal insulation would be in place. The bin storage was in a larger area and accessible; they had consulted with Norse on design and functionality and it could be looked at further with the Housing Officers.

During the ensuing debate, Members agreed that the amended plans provided an improved development and accepted that the town was in need of one-bedroomed flats. This was a brownfield site in a sustainable location. There being no further discussion, it was

**RESOLVED**

That permission be granted, subject to the signing of a Section 106 Legal Agreement to secure affordable housing provision, and per-dwelling contribution to fund the Suffolk (Coast) RAMS and the following conditions as summarised:

1. Three-year time limit.
2. Standard plans/drawing compliance.
3. Details of external materials to be agreed.
4. Details of landscape planting to be agreed.
5. Details of fire hydrant provision to be agreed.
6. Details of ecological enhancement measures to be agreed.
7. Ground investigation: standard conditions to secure contaminated land investigation, remediation, and validation.
8. Drainage: details of strategy (including its long-term implementation, maintenance and management) to be agreed pre-commencement of development.
9. Drainage: drainage system components and piped networks details to be submitted for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
10. Highways: standard conditions to secure parking/manoeuvring areas; cycle storage; bin storage and presentation areas etc.

## **8 DC/18/1403/COU - Playters Old Farm, Church Road, Ellough, Beccles**

The Committee considered report ES/0479 which gave details of the application for a change of use for siting 35 high quality timber lodges (static caravans) and one Manager's unit together with peripheral and supplemental landscaping at Playters Old Farm in Ellough. Members were reminded that in 2014 planning permission had been granted for five holiday lodges, one reception lodge and horse paddocks on the site which established the principle of holiday accommodation in this location.

Members received a presentation showing a site location plan, photographs of views along Church Road in both directions and across the site showing the existing access and views to the buildings on Ellough Industrial Estate. In addition, the proposed layout plan, examples of the types of lodge and typical internal layouts.

The Principal Planner advised that the proposed lodges did comply with the definition of a caravan. In outlining the material planning considerations and key issues, he explained:

- Principle of development, policy WLP8.15 and the site's sustainable location with the new Beccles southern bypass.
- Covered cycle storage could be provided by way of condition.
- Highways concerns over visibility had now been solved.

- Little landscape impact as it was a well contained site with landscaping controlled by condition.
- Low flood risk as the site levels were higher than Hundred River.
- One pond in the locality had great crested newts and both mitigation measures and relocation were controlled by condition.
- The proposal met tourism policies in the Local Plan and the objectives in the East Suffolk Plan.

The Principal Planner advised that the tourist industry was of vital importance to the local economy and this proposed would help to support it. It was considered that the proposal would not have an adverse effect on the character and appearance of the surrounding countryside and approval was being recommended subject to appropriate conditions to ensure no more than 36 lodges were being provided on site. Condition 2 was being amended as per the update sheet and, in order to reduce any impact, a condition was being proposed to ensure no verandas or decking could be provided without consent.

The Chairman invited questions.

Members raised the following:

- The slides showed lodges with verandas.
- The distance between this site and the enterprise zone in Ellough.
- The time lapse between the expiry date of the application in 2018 and it being considered by Committee.
- Why remove the ponds when they could remain.
- Intensification and scale of use now being proposed.
- Bridleways in the vicinity.
- 35 or 36 lodges and a manager's unit.
- Lodge models to be used.

The Principal Planner advised that the lodges in the presentation were for illustrative purposes only; the ones proposed for the site would not have verandas. It was understood that the Ellough Industrial Estate was 1-2km to the north east. The delay in the application coming before Committee was mainly due to the ecological survey which had to be undertaken at certain times of the year. The total number of lodges was 36, one of which would be for the manager. The specific models would not be proposed; they would be controlled by the amended condition 2.

During discussion, Members raised concerns over the location of the site compared to the turkey farm, the plastics factory, the bio-digester and the crushing plant, and whether the site was suitable for tourists. Church Road itself was very narrow and very quiet. Further comment was made that tourism was needed in the area and it would bring money into the area and shops. If the units had to comply with the Caravan Act, that would need to be appropriately enforced.

The Planning Manager confirmed that the relevant condition 2 could be amended further in that the holiday lodges would be in accordance with designs submitted to

the Local Planning Authority and approved in writing. That was supported by the Committee. She further explained that the types of lodges would not normally be referred to Committee but could be reported to the Referral Panel before being signed off by the officers.

Members further questioned the seven-fold uplift in accommodation being provided and whether a precedent was being set. If decking was not permitted, it would be difficult for the guests to eat outside with no other amenity being provided. A proposal was made to approve the application which was duly seconded and 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 not be brought into use until it has been completed in all respects strictly in accordance with the site location plan and drawing no. 11157/P01b received 14 May 2020. The holiday lodges hereby permitted shall meet the statutory definition of a caravan as outlined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Details of each lodge shall be submitted to and approved in writing prior to installation. Each lodge shall be installed in accordance with the approved details.

*Reason: To secure a properly planned development.*

3. The number of holiday lodges stationed on the site shall not exceed 36 including the Manager's unit.

*Reason: In the interests of the appearance of the site and surrounding landscape.*

4. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM04 and with an entrance width of 5m, radius of 6m and access width of 17m. Thereafter the access shall be retained in the specified form.

*Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.*

5. Before the access is first used visibility splays shall be provided as shown on Drawing No. Dwg No 2705/001 with an X dimension of 2.4m and a Y dimension of 120m 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.*

6. Before the development is commenced details of the areas to be provided for the 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 enable vehicles to enter and exit the public highway in forward gear in the interests of 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 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.*

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 CLR11.

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

9. 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 8 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.*

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 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.*

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

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

13. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

*Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.*

14. The approved holiday unit(s) shall be occupied solely as holiday accommodation and for no other purpose whatsoever including residential use.



*Reason: The proposed units are suitable for holiday accommodation but not suitable for residential use.*

15. There shall be no occupation of the holiday units between 1st January - 12th February in any calendar year and the owner shall maintain, and keep available for inspection at all reasonable times, an up-to-date register of lettings.

*Reason: To prevent the units being occupied for full time residential use in accordance with Waveney Local Plan Policy WLP8.15.*

16. The occupation of the reception lodge shall be limited to a person solely or mainly employed in the management of the holiday lodges and any resident dependants.

*Reason: Ellough is not a location where new residential development would normally be allowed; however permission has been granted in this case because of the desirability of onsite supervision of the holiday lodges. This condition is therefore imposed to ensure that the lodge remains available for this purpose.*

17. No decking, verandas, hot tubs or any other external additions/alterations to any of the lodges hereby approved are permitted by this permission unless such additions are otherwise approved in writing following the submission of a planning application.

*Reason: In the interests of the appearance of the site and amenity.*

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

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

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

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

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

*Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the*

21. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

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

i. Temporary drainage systems

ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

22. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Greenlight Environmental, December 2018) and Great Crested Newt Survey report (Greenlight Environmental, 9 June 2020).

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

23. 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.*

24. Prior to first use, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

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

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

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

25. 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.*

**9 DC/20/1127/FUL - North Green Farm, North Green, Kelsale-Cum-Carlton**

The Chairman announced that this application had been withdrawn from the Agenda.

**10 DC/20/1837/FUL - York's Tenement, Station Road, Yoxford, Saxmundham**

The Committee considered report ES/0481 which set out the proposal for a change of use and sub-division of an existing dwelling to form two dwellings with the necessary associated internal alterations and boundary works to facilitate the sub-division at York's Tenement in Yoxford. The application was a departure from the existing Local Plan and therefore required to be determined by the Planning Committee.

The Planning Manager explained that the property was a five-bedroomed two storey detached Grade II listed building and the proposal would create one four-bedroomed dwelling and one two-bedroomed dwelling. The Parish Council supported the proposal; however, it was contrary to policy DM3 in the existing Local Plan but the proposal would be acceptable under the emerging Local Plan.

Members were shown a site location plan and its position relative to the physical limits of Yoxford, together with photographs of the property and garden. The block plan gave an indication of the large residential curtilage, the vertical sub-divide and the proposed and existing floor plans and elevations. Both of the new properties would have garden and car parking.

The Planning Manager outlined the material planning considerations and key issues and explained there would be no real change to the heritage asset. The Council's Conservation Officer supported the proposals. She drew particular attention to policy DM3 and the sub-division of an existing larger dwelling where it would meet local need which had been removed in the emerging Local Plan; therefore, the sub-division was now considered acceptable in the countryside. The proposal complied with that new policy and the National Planning Policy Framework and approval was being recommended.

Members commented on the fact that the Parish Council supported the proposal and it would be in accordance with the new Local Plan. There appeared to be no reason not

to approve the application and the required Listed Building Consent. On a proposal to grant planning permission which was duly seconded, it was unanimously

## **RESOLVED**

That permission be granted, subject to the necessary RAMs mitigation payment 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 be completed in all respects strictly in accordance with 00F, 11H, 12C, 13C, 14F, 15F, 16A & 17A received 20/5/2020, 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. 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.*

**11 DC/20/1838/LBC - York's Tenement, Station Road, Yoxford, Saxmundham**

The Committee considered report ES/0482 which sought Listed Building Consent for physical alterations to the listed building as part of a proposal to sub-divide the existing dwelling, York's Tenement at Yoxford, to form two smaller dwellings.

Having considered and approved the application under Item 10 on the Agenda, it was unanimously

**RESOLVED**

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

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

*Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).*

2. The development hereby permitted shall be completed in all respects strictly in accordance with 00F, 11H, 12C, 13C, 14F, 15F, 16A & 17A received 20/5/2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Prior to occupation of the new dwelling, a copy of the "Heritage Statement received 20/5/2020", submitted with this application has been submitted to the Suffolk Heritage and Environment Record (HER).

*Reason: To ensure the proper recording of the historic building.*

The meeting concluded at 4.51pm.

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## **PLANNING COMMITTEE**

**Title of Report:**

**East Suffolk Enforcement Action – Case Update**

**Meeting Date**

**13 October 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 29<sup>th</sup> September 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 29<sup>th</sup> September 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"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> <li>• 01/03/2016 – Planning Appeal</li> </ul>	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"> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> <li>• Review site regarding day block and access after decision notice</li> </ul>	

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"> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> </ul>	

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"> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <li>• 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> <li>• 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</li> </ul>	

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"> <li>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>Court date arranged for 28/11/2019.</li> <li>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</li> <li>Site visited. Case currently with the Council's Legal Team for assessment.</li> <li>Charging orders have been placed on the land to recover costs.</li> </ul>	

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"> <li>• Authorisation granted to serve Enforcement Notice.</li> <li>• 13/09/2013 -Enforcement Notice served.</li> <li>• 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months</li> <li>• 11/07/2014 - Final compliance date</li> <li>• 05/09/2014 - Planning application for change of use received</li> <li>• 21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action.</li> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be</li> </ul>	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"> <li>• Review in January 2019</li> <li>• 29/01/2019 - Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further</li> </ul>	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"> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> </ul>	

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"> <li>01/04/2019 – Enforcement Notice served.</li> <li>28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>Start date has now been received, Statements are due by 12/12/2019.</li> <li>Awaiting Planning Inspectorate Decision</li> <li><b>Appeal Dismissed with variations. Compliance by 20 January 2021</b></li> </ul>	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> <li>EN served on 21/12/2016</li> <li>Notice becomes effective on 25/01/2017</li> <li>Start date has been received.</li> </ul>	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"> <li>• Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018.</li> <li>• 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018).</li> <li>• Site visit to be conducted once compliance period has finished.</li> <li>• 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>• Site visit due on 07/01/2019.</li> <li>• 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action.</li> <li>• 26/02/2019 – Update to be given at Committee.</li> <li>• Awaiting update from Legal.</li> <li>• 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An</li> </ul>	

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"> <li>• 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019</li> <li>• 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.</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> <li>• Charging orders have been placed on the land to recover costs.</li> </ul>	
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"> <li>• 16/11/2017 – Authorisation given to serve EN.</li> <li>• 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> </ul>	11/12/2020

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"> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• 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.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					11/12/2020	
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"> <li>Initial complaint logged by parish on 22/09/2015</li> <li>Case was reopened following further information on the 08/12/2016/</li> <li>Retrospective app received 01/03/2017.</li> <li>Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</li> <li>Notice sever by recorded delivery 05/09/2018.</li> <li>Appeal has been submitted. Awaiting Start date.</li> <li>Start letter received from the Planning Inspectorate.</li> </ul>	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"> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• 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.</li> </ul>	
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"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	02/10/2020

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"> <li>• Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> <li>• 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.</li> </ul>	
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"> <li>• Listed Building Enforcement Notice served on 17/05/2019.</li> <li>• Notice takes effect on 20/06/2019. Three months for compliance</li> <li>• Appeal has been submitted, awaiting a start date.</li> <li>• Start date now received by the Council, Statements due by 12/12/2019</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with Notice due by 21/10/2020</li> </ul>	21/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• <b>Awaiting date of hearing from Planning Inspectorate.</b></li> </ul>	30/10/2020
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"> <li>• Breach of Condition Notice served 01/08/2019.</li> <li>• DC/19/4557/VOC Planning application submitted 21/11/2019</li> <li>• Application refused 15/01/2020</li> <li>• Currently within appeal period.</li> <li>• Application received</li> </ul>	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					DC/20/1387/AME to amend roof material. <ul style="list-style-type: none"> <li>• DC/20/1387/AME approved 28/04/2020.</li> <li>• Team monitoring progress</li> </ul>	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>• Notice served 26/11/2019</li> <li>• Compliance visit to be conducted when possible.</li> <li>• Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>• Enquires being made to take direct action.</li> <li>• <b>Contractors arranged to undertake the required work.</b></li> </ul>	30/10/2020
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>• Enforcement Notice served 10/12/2019</li> <li>• Awaiting site visit to check on compliance</li> <li>• Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>• Property has now changed</li> </ul>	30/11/2020



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					hands. Contact with new owner to be established. <ul style="list-style-type: none"> <li>• <b>Officers are now in contact with the new owners and are discussing a way forward.</b></li> </ul>	
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"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted.</li> </ul>	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"> <li>• 30/06/2020 – Enforcement Notice served.</li> <li>• Appeal submitted awaiting start date.</li> </ul>	03/12/2020

## **Committee Report**

**Planning Committee North - 13 October 2020**

**Application no** DC/20/1049/VOC

**Location**

Land South Of Chediston Street  
Halesworth

**Expiry date** 2 June 2020

**Application type** Variation of Conditions

**Applicant** Christchurch Land and Estates (Halesworth) Limited

**Parish** Halesworth

**Proposal** Variation of Conditions 4 and 6 of DC/17/3981/OUT - Outline Application (some Matters Reserved) - Construction of up to 200 dwellings including car parking, open space provision with associated infrastructure and access. Variation to Highways (access and footway).

**Case Officer** Phil Perkin  
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[philip.perkin@eastssuffolk.gov.uk](mailto:philip.perkin@eastssuffolk.gov.uk)

### **1. Summary**

- 1.1. This application was considered by the Planning Committee (North) meeting on 14 July 2020. The application 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 was deferred to enable the Applicant to consider alternatives. In response the Applicant has submitted a Technical Note which considers alternative access arrangements. The Technical Note and outcome of discussions with the Highway Authority are considered in this report at Paragraphs 7.16 – 7.22.
- 1.2. This application seeks to vary two highway related conditions attached to outline consent DC/17/3981/OUT at land south of Chediston Street, Halesworth, as it is proposed to amend the main vehicular access into the site from a roundabout to a priority junction.

- 1.3. The application is referred to Planning Committee North by the Referral Panel who were of the view that the proposed revised access arrangements needed to be considered by the Committee.
- 1.4. The principle of residential development on the site was established in May 2019 by the outline planning permission and the only matter for consideration in this application is the proposed revised access arrangements.
- 1.5. In considering the highway matters arising from this application the Highway Authority have confirmed that they have no objection to revising the access into the site, as existing junctions will continue to operate well within capacity. Furthermore, the Highway Authority advise that there has not been any recorded injury accident in the area in the past 10 years.
- 1.6. Whilst Officers and the Highway Authority have had due regard to the concerns of local residents and the Town Council, there are no grounds on either highway safety or traffic congestion on which the application could be opposed.

## **2. Site description**

- 2.1 The application site is located on the western edge of Halesworth and covers an area of approximately 9.04ha of agricultural land to the south of the B1123 Chediston Street. The site comprises part of a larger arable agricultural field which extends beyond the western boundary of the site. A slope which falls from 27m AOD at the southern boundary down to 12m AOD at Chediston Street forms a key characteristic of the site.
- 2.2 The eastern boundary of the site follows Roman Way and includes a bank which reduces intervisibility between this road and the site itself. There is a hedge running adjacent to Roman Way. A private access track is located along this boundary which arcs up into the site before following the southern boundary, past a row of mature deciduous trees before joining the residential development at Barley Meadow.
- 2.3 The southern boundary is formed by the rear gardens of properties along Daking's Drift and Allington Road. Also notable at the southern boundary are the two large residential properties Churchlands and Highgrove.
- 2.4 The northern boundary is defined by Chediston Street, a verge consisting of scrub vegetation, occasional deciduous trees, and a short section of Beech hedgerow.
- 2.5 The western boundary is undefined due to a lack of any physical features. The boundary runs through the lower part of a localised undulation in the landform.

## **3. Proposal**

- 3.1 The application seeks to amend two highway related conditions on the outline consent DC/17/3981/OUT granted in May 2019.
- 3.2 Condition 4 refers to a proposed roundabout to be located at the Roman Way/Chediston Street junction. It is proposed to amend the access to a priority junction with right-turn

ghost island off Roman Way between the junctions with Newby Close and Harepark Close. Therefore, this application seeks to amend Condition 4 accordingly.

- 3.3 Condition 6 regarding proposed footway improvements also requires amending because the drawing referred to in the condition shows a roundabout. The drawing and drawing reference will require amending accordingly.
- 3.4 The reason for seeking the amendment to the access is because a 50m long underground tank was found during site investigations underneath the previously proposed roundabout.

#### **4. Consultations/comments**

- 4.1 A total of 24 representations were received objecting to the proposal on the following grounds:

- Flood risk and surface water run off
- A traffic survey on one day in December is inadequate
- No account has been taken of agricultural and tourist traffic
- Traffic will be brought to a standstill
- Detrimental effect on pedestrian routes into the town
- Detrimental to pedestrian safety
- Effect on the National Cycle Route along Roman Way
- The roundabout was a sensible access
- Car fumes arising from traffic build-up
- Roman Road will become even more dangerous
- Loss of wildlife; destruction to nature and biodiversity.
- Increased traffic noise
- Loss of privacy and quiet enjoyment of property in Harepark Close
- Unclear how this proposed amendment will affect the indicative layout.
- There are no grounds to vary conditions 4 and 6. Government guidance states variations can only be made for non-material amendments. These proposals are a major change
- No reasons are given for the amendment and no alternative options considered.
- The application should be postponed due to the Covid-19 situation.
- Lack of facilities such as doctors surgeries and schools.
- Can the existing proposed access be remodelled to run over or around the tank. No information about the tank is provided.

The above is a summary of the responses received, full copies of representations can be viewed on the Council's website.

#### **Consultees Town Council**

Consultee	Date consulted	Date reply received
Halesworth Town Council	11 March 2020	10 April 2020

Summary of comments:

*Halesworth Town Council is very concerned about the significant changes proposed for the site access for planning submission DC/20/1049/VOC of land south of Chediston Street, Halesworth.*

*While HTC was of the opinion that the original site entrance was extremely dangerous, the proposed new site access is not without safety issues. In addition, it destroys a visually interesting and welcoming approach into Halesworth. The proposed new site entrance was originally the developer's second choice due to visibility issues. HTC objects to the proposed submission on the following grounds.*

*1. The new access is approximately midway between the accesses to Newby Close and Harepark Close but it will be traffic attempting to leave Harepark Close which will be most put at risk by residents leaving the new development at peak hours. No survey was conducted at this junction.*

*2. The traffic projections presented give the impression that even allowing for future increases in traffic flow there will not be any problems in the future. However, as has been pointed out many times, these projections are based on totally atypical data. They might have been carried out extremely professionally and according to all approved procedures, but Pell Frischmann would have been hard pressed to find a quieter day to conduct a survey which according to their report was conducted on the 4th December 2020. (It's assumed it was conducted on 04-12-2019.)*

*Also, it would appear that they were unaware that access into Chediston Street at the town end of the street is greatly restricted by the safety structure protecting the severely fire damaged buildings at the start of the one-way street.*

*The route from the B1123/Chediston Street along Roman Way to London Road is a very busy route for large articulated lorries transporting agricultural supplies and produce. Numerous exceptionally large agricultural machines both farmer and contractor owned can only move around the often large dispersed agricultural holdings on public roads. These movements are most frequent during the spring, late summer and autumn months, not when the survey was conducted. They machines have already damage the kerbs along Roman Way.*

*During the summer this is also a busy route for tourists.*

*3. The traffic surveys were conducted at the junctions of Roman Way with Chediston Street and Newby Close but not at the junctions with Harepark Close and London Road. Failure to conduct surveys at these points is a serious omission, especially at the London Road Junction.*

*There are few employment opportunities in Halesworth and so each of the houses will need at least one car and so there will be around 200 vehicles leaving the development on the way to work each morning. At least 90% of them will turn right out of the site and join the queue of vehicles leaving Dukes Drive estate and Gainsborough Drive trying to access London Road. This junction already has capacity problems at peak times of the day.*

*4. The objective of the design for the new access road should be to provide the safest approach for vehicles entering or leaving all three side roads. The proposed use of a ghost island fails to meet this objective. The road needs to be widened but all the widening must be on the western site side of the road. Roman Way has a wide grass verge on the eastern side which is planted with bulbs and ornamental trees. This gives this approach into Halesworth a welcoming feel and it is essential that this character is retained.*

*Instead of ghost islands, the road way needs to be widened and physical islands in place to give vehicles turning into one of the side roads the necessary protection that they need. It must be stressed that any widening must take land from the site edge and not from the grass verge on the other side of the road.*

*5. It was reported by many at the Outline Planning stage that Roman Way has a surface water runoff problem. This is when Halesworth experiences a torrential down pour and the existing systems are unable to cope. The water runs off through gardens of houses alongside Roman Way. Without accurate contour levels it is not possible to asses if this new road layout will exacerbate the situation or not. However, it should be assumed that its layout will only make matters worse until a proper study proves otherwise. This is a known problem which needs to be addressed.*

*6. No measurements are given for the proposed new pathway along Chediston Street. This is of particular concern due to the narrow verge and the large and probably very old hedge which separates Chediston Street and the grass field which is used for grazing. Residents overlooking this stretch of road have not been informed of these plans.*

*While it's beneficial to include footpaths and cycle ways in the plans, it would be very dvantageous if the pathway which was originally proposed in the Outline Planning application linking the estate to Barley Meadow is reinstated. Without any discussion, this important linking path was removed as a "non-material amendment" after outline planning had been approved.. With only one access point, the development is isolated from the rest of Halesworth, with especially poorly connectivity for pedestrians.*

*7. The consultation process was very restricted. The residents of Harepark Close were not informed, nor were all the residents of Newby Close*

*In conclusion, Halesworth Town Council rejects this Variation of Conditions 4 and 6 due to;*

- Traffic projections being based on irrelevant and very atypical data.*
- The failure to conduct any traffic survey at both the Roman Way/Harepark Close and the very busy Roman Way/London Road junction, both of which are a short distance from the proposed new site access.*
- No measurements are indicated on the plan for the width of the road and the proposed junction layout and as such must be considered as being potentially dangerous.*
- The junction is damaging to the visual impact of approaching the town from Chediston Street direction.*
- The lack of pedestrian connectivity with the rest of Halesworth.*

## **Statutory consultees**

Consultee	Date consulted	Date reply received
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SCC Flooding Authority	11 March 2020	12 March 2020
Summary of comments: No comment to make as this application does not relate to surface water drainage.		

Consultee	Date consulted	Date reply received
Natural England	11 March 2020	16 March 2020
Summary of comments: No comment to make.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 March 2020	1 April 2020
Summary of comments: Holding objection. Further to receiving an amended plan and Technical Note, no objection subject to conditions.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Sentinel Leisure	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 March 2020	24 March 2020
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
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Essex And Suffolk Water PLC	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Anglian Water	11 March 2020	12 March 2020
Summary of comments: Condition 4 and 6 are not related to drainage therefore this is outside of Anglian Water's jurisdiction to comment.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	11 March 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	11 March 2020	No response
Summary of comments: Internal response; see report.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	11 March 2020	11 March 2020



Summary of comments: No objections or requirements.
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Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 March 2020	7 April 2020

Summary of comments: We request that the proposed Ecological Mitigation and Enhancement Plan is amended to include any changes made by this application.
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Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	11 March 2020	16 March 2020

Summary of comments: No objection.
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Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 March 2020	No response

Summary of comments: No response.
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#### Re-consultation consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	N/A	15 May 2020

Summary of comments: Further to receiving an amended plan and Technical Note, no objection subject to conditions.
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## 5. Publicity

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

Category	Published	Expiry	Publication
Major Application	20 March 2020	14 April 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Major Application	20 March 2020	14 April 2020	Beccles and Bungay Journal

## Site notices

General Site Notice

Reason for site notice: Major Application

Date posted: 13 March 2020

Expiry date: 3 April 2020

## 6. Planning policy

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))

WLP1.3 – Infrastructure

WLP4.2 - Land Adjacent to Chediston Street, Halesworth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.3 - Self Build and Custom Build (East Suffolk Council - Waveney Local Plan (March 2019))

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

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan (March 2019))

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

WLP8.31 - Lifetime 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))

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan (March 2019))

## 7. Planning considerations

### Principle

- 7.1 Outline planning permission (ref. DC/17/3981/OUT) for up to 200 dwellings on the site was granted in May 2019 subject to conditions and a Section 106 Agreement. The primary vehicular access was proposed via a new four arm roundabout in the north-eastern corner of the site at the junction of Roman Way and Chediston Street. It is now proposed to

provide access to the site on Roman Way with the provision of a junction approximately 40m south of the existing junction with Newby Close.

- 7.2 In view of the proposed amendment to the access, this application seeks to amend two of the highway related conditions on the outline consent under Section 73 of the Town and Country Planning Act. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It is considered that amending the access from a roundabout to a junction is not a fundamental or substantial change in respect of the wider permission and that it is appropriate to seek this amendment via a section 73 application.
- 7.3 Furthermore Section 73 (2) states:  
*"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted."*
- 7.4 It is therefore only open to the Local Planning Authority to consider the amendments specified in the conditions and not the principle of residential development on the site.
- 7.5 The reason for seeking an amendment to the access is because a 50m long underground tank was found underneath the proposed roundabout during site investigations. The Agent has explained that according to Anglian Water sewer records, the underground tank appears to be an offline storage tank to take surface water flows from Roman Way and the development to the east. A geophysical survey of the structure undertaken in August 2019 and the Anglian Water sewer records confirm that the tank comprises a 3.6m diameter structure, which is approximately 50m in length. The structure has a 375mm inlet pipe and outlet is a 225mm pipe which implies that it was installed to store excess surface water and release this at a reduced rate to the downstream network.
- 7.6 The tank will have been constructed at a specific level to ensure effective hydraulic operation in times of heavy rainfall/surface water flows, hence it is unlikely that this structure could be moved or re-sited elsewhere and continue to operate in the way it was designed for.

#### Highway Considerations

- 7.7 In order to assess the feasibility of a site access on Roman Way traffic surveys were undertaken on Wednesday 4th December 2019 at the Chediston Street/Roman Way and Roman Way/Newby Close junctions. It will be noted above that some objectors to the application were of the view that undertaking surveys on one day in December was insufficient to provide an accurate representation of the traffic flows. The Highway Authority were also of the view that December was not considered to be a neutral month for traffic surveys.
- 7.8 To address this concern the Highway Authority requested that an adjustment factor be applied to the surveyed traffic flows to obtain an annual average traffic flow. The adjustment figure was supplied by the County Council Transport Strategy team and was taken from all of the traffic survey sites across Suffolk and therefore the Highway Authority regard it as providing a robust assessment of the volume of traffic on the local highway network.

- 7.9 Further to receiving an amended plan showing visibility splays and adjusted survey figures in accordance with the above advice the Highway Authority raise no objections to the application noting that there have not been any recorded injury accidents in the vicinity of the amended access location in the past 10 years and none of the junctions assessed are close to capacity.
- 7.10 Other highway related concerns raised by local residents and the Town Council include the high volume of agricultural vehicles using Roman Way over-running the grass verges; conflict with the National Cycle Route along Roman Way; and the adequacy of the traffic survey.
- 7.11 With regards to agricultural vehicle over-run it is acknowledged that this may occur from time to time. The applicant has confirmed that the running lanes along Roman Way will be maintained to at least their current width so any agricultural vehicle over-run that currently occurs will not change as a result of this application. As this is an existing situation it would not be reasonable to expect a developer to address it.
- 7.12 The Highway Authority have had regard to the National Cycle Route and do not consider that this level of development/ traffic generation would significantly impact upon it.
- 7.13 The Town Council are concerned that the traffic surveys were not conducted at the junctions with Harepark Close and London Road. Unlike Newby Close, Harepark Close is not directly impacted by the proposed new junction. Harepark Close accesses a similar number of dwellings to Newby Close and as such the Highway Authority are satisfied that the traffic flows would be very similar. In any event the Highway Authority would not usually expect such a minor junction to be assessed, given that it is only slightly larger than a shared private driveway.
- 7.14 The London Road junction is remote from the site and is not directly impacted by the proposed amendments to the site access. It will be noted above that this application can only consider the proposed amendments. The London Road junction was, however, modelled in the original Transport Assessment and was not at risk from being over capacity as a result of this proposal. The Highway Authority have confirmed that the impact on this junction will not change as a result of this application.
- 7.15 The Highway Authority have further advised that there has not been a recorded injury accident in the area around the proposed access in the past 10 years; the access type and visibility is adequate for the location; and forecast traffic flows are acceptable. Therefore, whilst the concerns of local residents and the Town Council are acknowledged, it is considered that there is no justification on either highway safety or traffic congestion grounds, to oppose the application. The proposal accords with the sustainable transport objectives of Local Plan Policy WLP8.21, in addition to the highways safety and access objectives of the NPPF.

Update following the Planning Committee (North) meeting of 14 July 2020

- 7.16 At the Planning Committee (North) meeting of 14 July 2020 a decision on this application was deferred to enable the Applicant to consider alternative access proposals. In response to this request the Applicant has submitted Technical Note 03 which considers as alternatives a mini-roundabout and a signalised junction. In addition, the Technical Note

includes a Road Safety Audit of the proposed priority junction. The findings of the Technical Note are summarised below and for completeness is included in full in Appendix 1.

#### Mini roundabout

7.17 The Technical Note 03 (TN 03) refers to the Design Manual for Roads and Bridges (DMRB) which provides guidance for roundabouts. It advises that mini-roundabouts should not be used at:

- new junctions
- accesses serving or intended to serve, one or more properties, and linking directly to the site. TN03 further advises that mini-roundabouts should not be installed where traffic flows on the side arm are low.

#### Signalised junction

7.18 TN03 states that a signalised junction solution is considered to be unnecessary as there are no capacity issues with the proposed junction and traffic signals would create delays to traffic using Roman Way when the lights turn red.

#### Road Safety Audit

7.19 A Road Safety Audit for the proposed junction has been undertaken by an independent auditor. Minor issues were raised by the auditor and the proposed site access junction has been amended to address these issues. The Highway Authority has confirmed that the slightly amended access junction layout is acceptable.

7.20 In addition, in response to comments made at the meeting on 14 July 2020, further minor amendments to the scheme have been made to provide a pedestrian/cycle link to the north of the site. The Highway Authority agreed this would be beneficial and asked that the link connect into the existing shared foot/cycle facility on Roman Way.

#### Conclusions on alternative access proposals

7.21 In response to the suggested alternatives the Highway Authority have advised that it is unlikely that a mini-roundabout could fully accommodate all vehicle types and they would be likely to object if one were to be proposed in this location. Officers are of the view that there would be little merit in a roundabout in this location and that the proposed junction is an appropriate and acceptable means of access into the site. By way of comparison, the Dukes Drive access further south is a priority junction but is not considered to be a busy junction despite it serving many more homes as well as being a through route. With regards to a signalised junction, Officers agree with the conclusions within TN03 that traffic lights on Roman Way would be likely to create delays.

7.22 Officers are content that the proposed priority junction is acceptable. The junction design is compliant with the design guidance and has been amended to address comments made in a Road 1 Safety Audit. A robust capacity assessment has also been undertaken to ensure that no queuing or delays would occur at the junction. Thus, there are no highways grounds to refuse this application.

## Ecology

- 7.23 Suffolk Wildlife Trust note that the proposed new access will result in the loss of hedgerows not accounted for in the original application. The Council's Ecologist has reviewed this application and is of the view that hedgerow loss will be broadly similar to that which would have occurred for the currently consented roundabout and can be compensated for as part of the landscaping details that are covered by condition on the outline consent. Furthermore, additional ecological mitigation identified by SWT can be captured as part of the pre-commencement Ecological Mitigation and Enhancement Plan also required by condition of the existing permission. Officers are satisfied that subject to these conditions the proposed revised access arrangements will not have an adverse effect on ecological interests.
- 7.24 Furthermore the Council's Arboriculture and Landscape Manager has no objection to the proposed change, confirming that the Hedgerow Regulations would not apply in this case as the hedge is too young (less than 30 years old).

## Habitat regulation Assessment

- 7.25 The previous application (DC/17/3981/OUT) was subject to Habitats Regulations Assessment (HRA). The assessment concluded that the provision of onsite recreational greenspace and a financial contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) was sufficient to mitigate any impact on European sites. Natural England confirmed they agreed with the assessment.
- 7.26 This application makes no change to the numbers of dwellings proposed to be delivered or to any other factors which could result in increases in recreational disturbance. The mitigation measures previously identified would continue to be secured should this application be approved. Furthermore, it will be noted above that Natural England have no comment to make on this application. It is therefore considered that the proposed access changes will not give rise to any significant effect on European designated sites and there is no requirement to undertake an Appropriate Assessment. The proposal accords with the biodiversity and geodiversity objectives of Local Plan policy WLP8.34.

## Section 106 Agreement

- 7.27 The previously approved application was subject to a S106 Agreement covering the following:
- Affordable housing
  - Provision and future management of the open space
  - RAMS Payments
  - Highways and bus stop improvements
- 7.28 To ensure the Section 106 obligations continue to apply it will require amending so that it refers to this application should the application be approved.

## Environmental Impact Assessment (EIA)

- 7.29 A screening opinion in respect of the previously approved application concluded that the proposed development was not EIA development. It is considered that the proposed access amendments do not change this conclusion.

### **8. Conclusion**

- 8.1 Outline planning permission has previously been granted on the site and the only matter for consideration in this application is a change to the access from a roundabout at the Chediston Street/Roman Way junction to a junction off Roman Way. The Highway Authority have confirmed that they have no objection to the proposal as existing junctions will continue to operate well within capacity. Furthermore, the Highway Authority advise that there has not been any recorded injury accident in the area in the past 10 years and the principle of development has recently been accepted.
- 8.2 Whilst the concerns of local residents and the Town Council are acknowledged there are no highway safety or other grounds on which the application could be opposed.
- 8.3 Since the application was deferred at the July PCN meeting the applicant's consultants have fully explored alternative access proposals, in liaison with officers, and carried out a road safety audit. This process undertaken clearly evidences that the access proposals put forward are acceptable in highways safety terms in accordance with WLP8.21 and paragraph 108 of the NPPF.
- 8.4 Paragraph 109 of the NPPF provides clear guidance on highways safety matters:
- "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."*
- 8.5 For the reasons given, the proposed development is acceptable in accordance with the Local Plan and NPPF and is therefore recommended for approval.

### **9. Recommendation**

- 9.1 Authority to approve subject to the variation of the section 106 agreement covering and subject to the following conditions.

### **10. 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.

#### **Informatives:**

1. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.  
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.
2. The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.
3. The existing street lighting system may be affected by this proposal.  
The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.
4. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.  
The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
5. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
6. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
7. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution



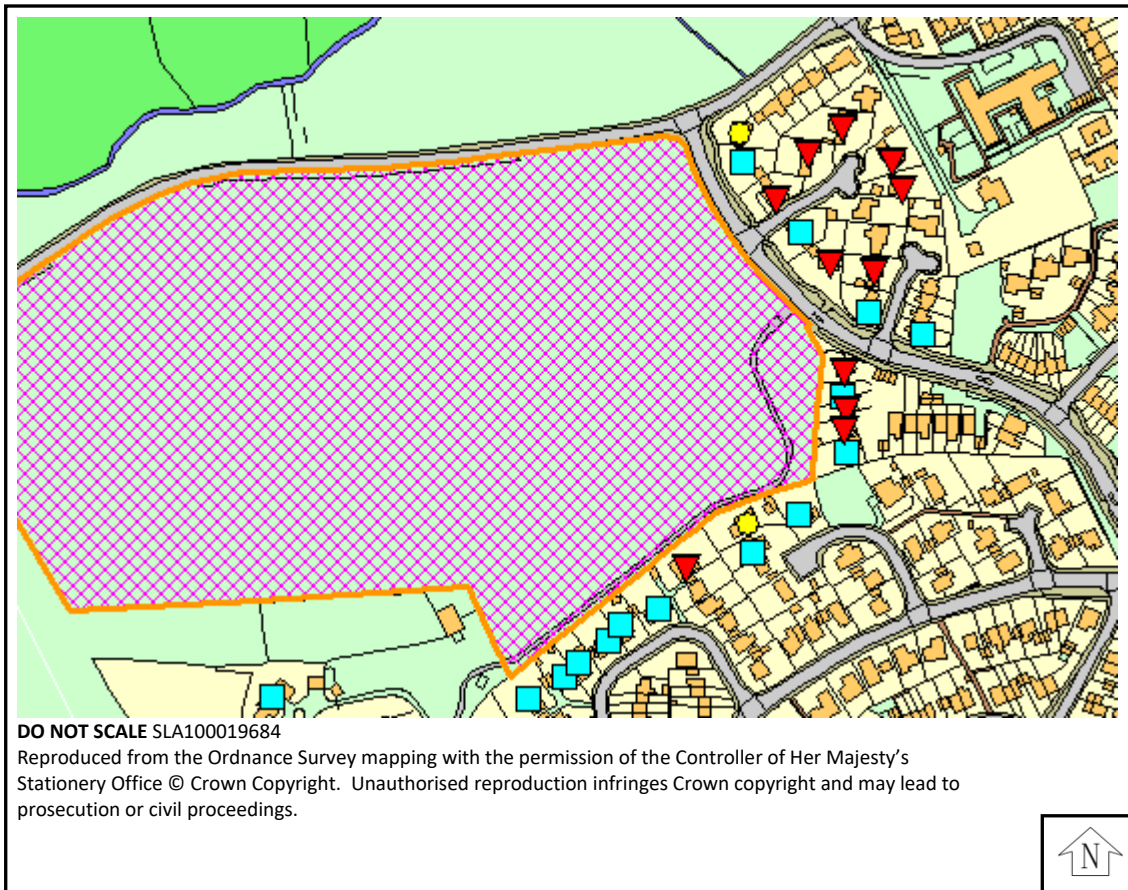
8. Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act
9. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
10. 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.
11. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended)

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





### **Background Papers**

See application reference DC/20/1049/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6OEZ8QXI6Z00>

## Map



## Key

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

# Technical Note 03

**ES/0517**

<b>Project</b>	Chediston Street, Halesworth	<b>Prepared by:</b>	PF
<b>Project No:</b>	A13455	<b>Approved by:</b>	Victoria Balboa
<b>Client:</b>	Christchurch Land and Estates	<b>Status:</b>	Issue
<b>Subject:</b>	Proposed Access Junction	<b>Date:</b>	03/09/2020

## 1 Introduction

- 1.1 An outline application (reference: DC/17/3981/OUT) for up to 200 residential units at the Land at Chediston Street, Halesworth, Suffolk (the 'site'), alongside appropriate access and infrastructure was previously submitted and subsequently approved in May 2019.
- 1.2 Following approval of the development, Pell Frischmann (PF) has been commissioned by Christchurch Land and Estates (the 'Applicant'), to provide transport planning and highways consultancy services in relation to the proposed relocation of the site access.
- 1.3 At the time of the outline planning consent it was known that there was an underground tank on the site, but the exact position, alignment, size and depth was unknown. Since obtaining planning permission, the applicant has been undertaking more detailed site investigations and a geophysical survey undertaken in Summer 2019 showed that the tank is in fact circa 50m long and runs along the north eastern edge of the site including under the proposed roundabout.
- 1.4 This tank prevents the roundabout from being delivered as it would not be possible to install a suitable road construction above it. The roundabout would have to be adopted by Suffolk County Council and it would not be possible to meet their highway design requirements.
- 1.5 A planning application has therefore been made to seek to agree an alternative access arrangement in the form of a priority junction on Roman Way. This proposed junction was fully assessed and agreed with Suffolk County Highways.
- 1.6 However the decision was made at planning committee by members to defer approval of the proposed site access, for the Applicant to consider alternatives.

## 2 Alternative Access Designs

- 2.1 The priority junction proposed is considered to meet the needs of the development and has been agreed with Suffolk County Highways. A right turn lane is provided to ensure that vehicles waiting to turn into the development will not block traffic on Roman Way and the required visibility splays can be achieved.
- 2.2 Alternatives to the proposed property junction that have been considered are:
  - Mini-roundabout; and
  - Signalised junction
- 2.3 The Design Manual for Roads and Bridges (DMRB) provides design guidance for roundabouts (CD116). Paragraph 2.9 of this document states:

*"2.9 Mini-roundabouts (as illustrated in Figure 2.9) shall not be used at:*

*1) new junctions;*

*2) accesses serving or intended to serve, one or more properties, and linking directly to the site; or*

*3) on dual carriageways.*

*2.9.1 Mini-roundabouts should not be installed where traffic flows or turning proportions differ significantly between arms.*

*NOTE When traffic flows are low, drivers can not anticipate conflict with other road users which can result in them approaching the junction at inappropriate speeds. Inadequate or excessive visibility can exacerbate this situation."*

- 2.4 As indicated in the guidance, mini-roundabouts should not be proposed where new accesses are being created, or where they link directly into the development. They should also not be installed where traffic flows on the side arm are low.
- 2.5 A mini-roundabout is therefore not considered to be an appropriate site access solution.
- 2.6 A signalised junction solution is considered to be unnecessary. There are no capacity issues associated with the priority junction and traffic signals would create delays to traffic using Roman Way when the lights turn red. Therefore traffic signals are not considered to be an appropriate site access solution.

### 3 Stage 1 Road Safety Audit

- 3.1 An independent Stage 1 Road Safety Audit was undertaken by a qualified, independent auditor. Minor issues were raised by the auditor and the proposed site access junction has been amended to address these issues. The revised drawing is provided in **Appendix A**. The independent auditor has confirmed in writing that the revised drawing addresses the minor issues raised, and this letter is provided in **Appendix B**.
- 3.2 The table below summarises the minor issues raised and how they have been addressed.

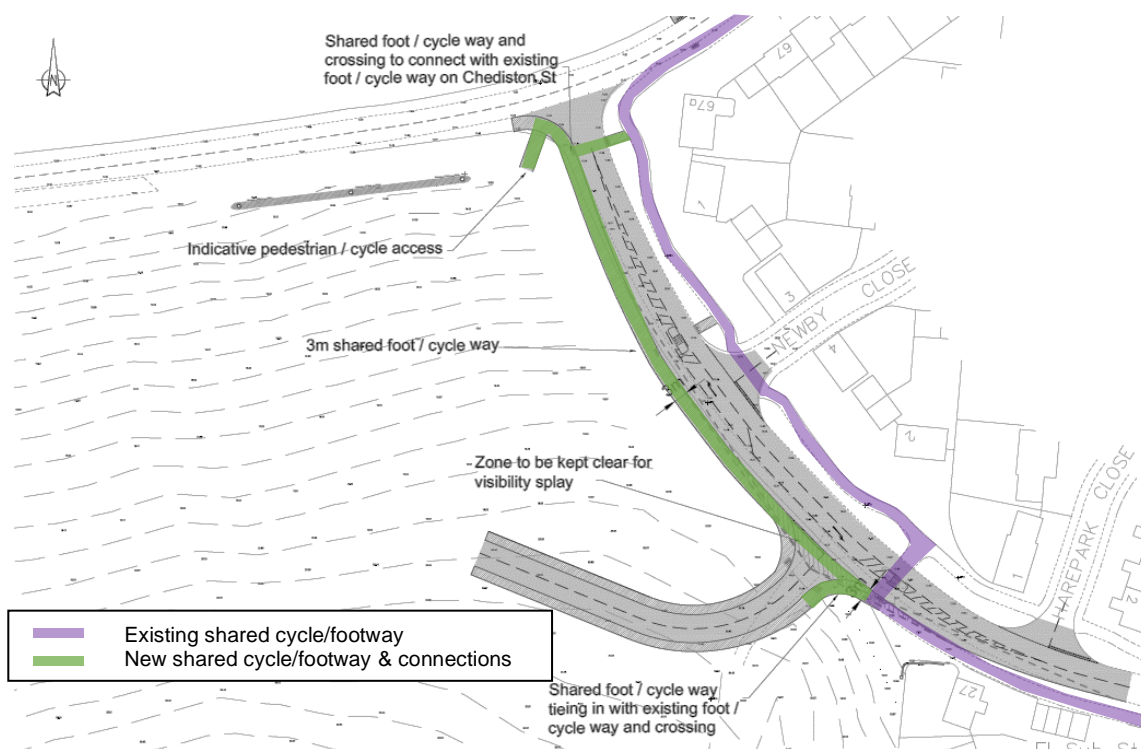
Issue Raised	Designer's Response
Ensure adequate road drainage when new access is installed	This will be fully considered in the detailed design and agreed with the highway authority.
Ensure vegetation is cut back within visibility splay	This is part of routine highway maintenance
Ensure vehicles can pass at junction	Swept path analysis provided to demonstrate that vehicles can safely pass each other
Reduce the length of the central hatch markings	Road markings amended
Increase the length of the right turn storage area	Road markings amended
Ensure footways are of sufficient width	Dimensions provided
Move pedestrian crossing location at Roman Way/Chediston Street further north	Retained in current location as this provides a shorter crossing width; however can be reconsidered at detailed design stage
Provide dropped kerbs and tactile paving at site access	Drawing amended to include

## 4 Consultation with Suffolk County Highways

- 4.1 Pre-application consultation was held with Mid-Suffolk District Council and Suffolk County Highways to inform the location of the new site access.
- 4.2 A Transport Assessment Addendum was prepared to support the planning application which set out the details of the site access and provided a technical capacity assessment of the proposed junction.
- 4.3 Following submission of the application Suffolk County Highways requested further information on the visibility splays, the running land widths and requested a sensitivity test be undertaken on uplifted flow data. All of this was provided in a technical note and Suffolk County Highways confirmed they are satisfied with the proposed access design.
- 4.4 Following deferment of a decision at Committee, we understand that Suffolk County Highways has revisited the site and further considered the site access and the concerns raised.
- 4.5 Suffolk County Highways has confirmed:

*"In accordance with national and local guidance and policy, the Highway Authority is satisfied that the proposed junction access is acceptable for the proposed development and location."*

- 4.6 A copy of the email confirming this position is provided in **Appendix C**.
- 4.7 For completeness the consented access in the form of a roundabout is shown at **Appendix D**.
- 4.8 Following comments from Members that a pedestrian/cycle link should be provided to the north of the site, Suffolk County Highways agreed this would be beneficial and asked that the link connect into the existing shared foot/cycle facility on Roman Way. Further minor amendments have been made to the scheme as shown in **Appendix A** and the cycle connections are illustrated in the diagram below.

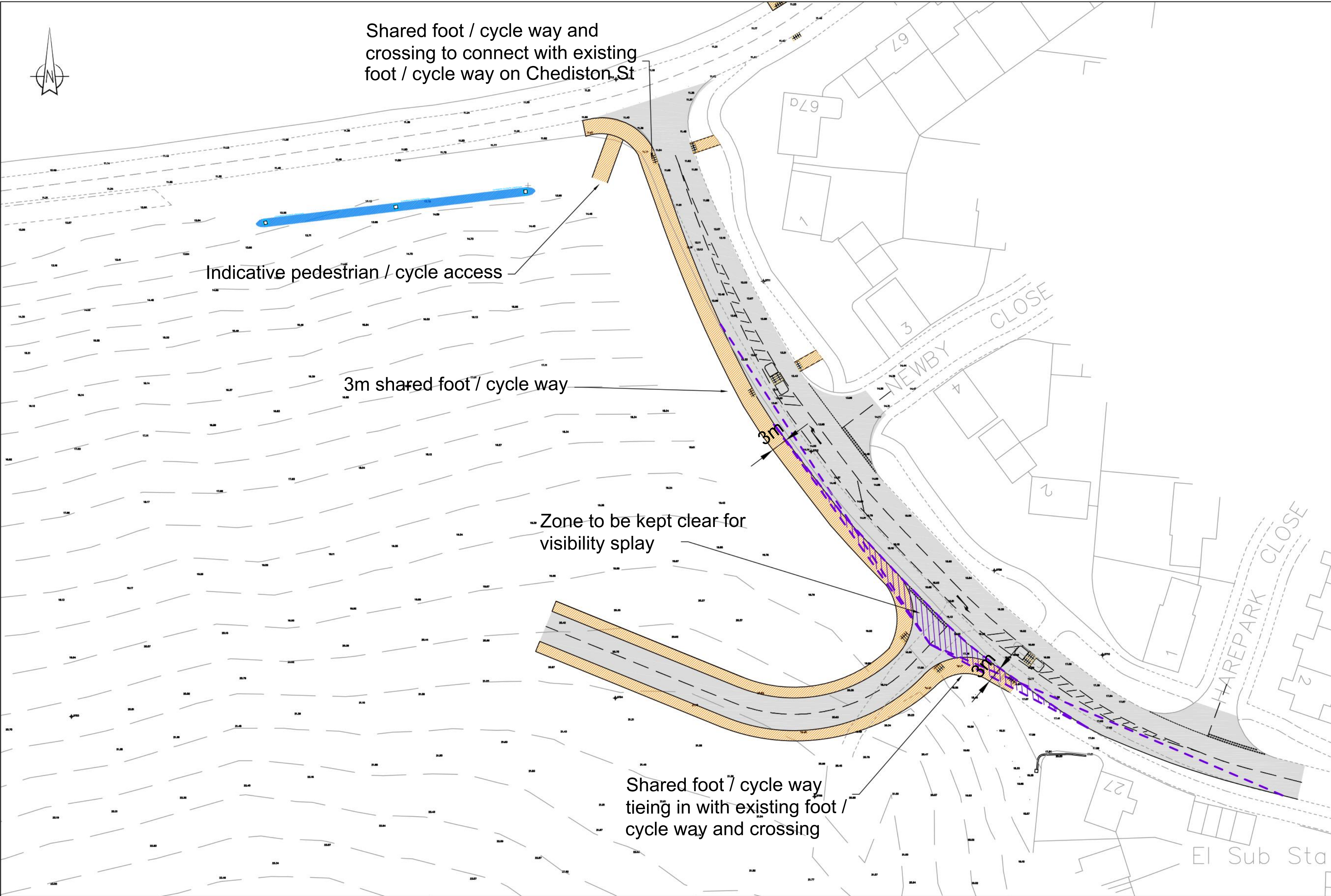


## 5 Conclusion

- 5.1 It is clear that the revised access arrangements are acceptable. The junction design is compliant with the design guidance and has been amended to address comments made in a Stage 1 Safety Audit. A robust capacity assessment has also been undertaken to ensure that no queuing or delays would occur at the junction.
- 5.2 As requested by Members, consideration has been given to alternatives junction arrangements. A mini roundabout and traffic signals have both been considered and the conclusion drawn that neither option is appropriate for the site access.
- 5.3 The pedestrian/cycle connections into the site have been improved. Two access points on Roman Way (to the north and south of the site) have been provided, both of which link into the existing shared facility on Roman Way. In addition, these access points can be connected by a new section of shared cycle/footway on Roman Way to facilitate cycle movement.

Appendix A  
Site Access Drawing





Design Standards

Ghost Island to CD123 of DMRB  
Visibility to Manual for Streets

Design Speed = 30mph (48kph)  
Visibility Splay = 43m  
Access Road Width = 6m  
Turning Lane Width = 3m  
Maximum Gradient = 5%  
Gradient on approach to junction = 2.5%

Key

- Visibility splay (4.5m x 70m, SCC)
- Underground tank

REVISIONS					
REV	DESCRIPTION	DRN	CHK	APP	DATE
A	Minor revisions	RD	VB	VB	28/08/2020

NOTES:

1. Where the Contractor undertakes or engages a third party to undertake temporary works design, or varies the Pell Frischmann design in any way, then the Contractor will take full responsibility and liability for all design aspects, including a Design Risk Assessment. The Contractor shall inform Pell Frischmann of any proposed variances to the design.

2. This drawing shall be read in conjunction with all other Electrical, Mechanical, Public health & Architectural Drawings & The Specification.

Client

Christchurch Land & Estates Limited

Pell Frischmann

5 MANCHESTER SQUARE LONDON W1U 3PD

Telephone +44 (0)20 7486 3661

Email: pflondon@pellfrischmann.com

www.pellfrischmann.com

Project

Chediston Street, Halesworth

Drawing Title

Proposed Site Access Junction

	Name	Date
Drawn	SW	01/09/2020
Designed	SW	01/09/2020
Checked	RD	01/09/2020
Approved	VB	01/09/2020
Drawing Status		
Draft		
File No.	Scale	
13455_SK_005B.dwg	1:500 @ A2	
Drawing No.	Revision	
13455-SK005	C	



Appendix B  
Safety Audit Letter



**RKS**  
Associates

RKS Associates Limited  
11 Falconer Road  
Bushey Village  
Bushey  
Herts  
WD23 3AQ

Our Ref: VRP1195-08-2020-002/01

E-mail: [vpatel@rks.org.uk](mailto:vpatel@rks.org.uk)

4<sup>th</sup> August 2020

Victoria Balboa

Pell Frischmann  
5 Manchester Square  
London  
W1U 3PD

Dear Victoria,

**RE: Designers Response to Stage 1 Road Safety Audit - Land South of Chediston Street, Halesworth, Suffolk**

Thank you for sending us a copy of your Designer's Response to the Stage 1 Road Safety Audit of the highway works associated with the development proposals on Land South of Chediston Street, Halesworth, Suffolk. We can confirm receipt of the Designer's Response and the following associated drawings:

- Pell Frischmann Drawing 13455-SK002 Revision E – Junction Layout with Roman Way;
- Pell Frischmann Drawing 13455-SK003 Revision B – Junction Layout with Roman Way; and
- Pell Frischmann Drawing: 13455-SK004 – Proposed Site Access Swept Path.

We can confirm the Audit Team is satisfied that the Designers Response, together with the drawings referred to therein, address the issues raised in our report. However, the *Designer's Response* together with any updated drawings should be forwarded to the local highway officer responsible for the scheme for their approval.

Please do not hesitate to contact me should you wish to discuss in more detail.

Yours sincerely

Vimal Patel

BEng (Hons), FIHE, RegRSA (IHE), HE Cert Comp



**RKS**  
Associates

Appendix C  
Email from Suffolk County Highways

## Victoria Balboa

---

**From:** Ben Chester <Ben.Chester@suffolk.gov.uk>  
**Sent:** 18 August 2020 09:18  
**To:** Victoria Balboa  
**Cc:** Robert Davies; philip.perkin@eastsuffolk.gov.uk  
**Subject:** Land at Chediston Street, Halesworth - DC/20/1049/VOC

Dear Victoria,

Further to our discussion and correspondence on the above proposal, and further to the Highway Authority response to the Local Planning Authority (dated 15<sup>th</sup> May 2020) I am writing to confirm our position on the proposal for a junction access on Roman Way rather than the previously approved roundabout proposal.

In accordance with national and local guidance and policy, the Highway Authority is satisfied that the proposed junction access is acceptable for the proposed development and location.

Issues raised such as the amount of groundworks required (for visibility and gradients) are matters for the developer to address by design and are not issues for the Highway Authority to object upon at planning application stage.

Subsequently, we have not requested that the developer carries out any further work on alternative access arrangements.

Kind Regards

**Ben Chester**

Senior Development Management Engineer (East Suffolk)

Growth, Highways and Infrastructure  
Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

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<https://www.suffolk.gov.uk/about/privacy-notice/>

## Appendix D Consented Roundabout



**Pell Frischmann**

MILLARS THREE SOUTHMILL ROAD BISHOPS STORTFORD CM23 3DH  
Telephone +44 (0)1279 507 346 Fax +44 (0)1279 758 219  
Email: pfbstortford@pellfrischmann.com

Project

**CHEDISTON STREET, HALESWORTH**

Drawing Title

**PROPOSED FOOTWAYS AT SITE ACCESS**

Name	Date	Scale	1:1000
Drawn JS	29.11.17	File Name.	A13455-T-001.dwg
Designed		Drawing Status	
Checked			
Approved			
Drawing No.	A13455-T-001		
	Revision		

## **Committee Report**

**Planning Committee – 13 October 2020**

**Application no** DC/19/3914/FUL

**Location**

Miles Ward Court  
Market Place  
Halesworth  
Suffolk  
IP19 8AY

**Expiry date** 5 December 2019

**Application type** Full Application

**Applicant** Foundation East Ltd.

**Parish** Halesworth

**Proposal** Alterations to and change of use of business units to create 5 no. residential dwellings for over 55s

**Case Officer** Phil Perkin  
(01502) 523073  
[philip.perkin@eastsoffolk.gov.uk](mailto:philip.perkin@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1 It is proposed to convert nine existing small business units into five residential units. The site is located within the defined physical limits for Halesworth and is very close to the Town Centre. As such the site is sustainably located and the principle of development is acceptable. No on-site car parking is proposed and the Town Council object to the proposal on highway safety and parking grounds, and also in regard to the loss of the business units. The Highway Authority do not object to the proposal but do raise some issues that are considered within this report.
- 1.2 The lack of on-site parking is off-set by the highly sustainable location and provision of cycle storage facilities (which do not currently exist) both of which will encourage sustainable methods of transport.



- 1.3 Only 2 of the 9 units are currently occupied and the proposed conversion provides an optimum viable use for the buildings that will secure their long term future. Only minimal alterations to the building are proposed which do not have a harmful impact on the setting of adjacent listed buildings or the conservation area. Although not listed in its own right, the building is considered to be curtilage listed. A separate application seeks listed building consent (DC/19/3915/LBC).
- 1.4 Whilst the loss of small business units is regrettable, there is no policy that restricts the change of use of this building.
- 1.5 The application has been referred to the Planning Committee North by the Referral Panel in view of the public interest generated by the application.

## **2. Site description**

- 2.1 Miles Ward Court is located just off the market place within the historic core of the Halesworth Conservation Area in the centre of Halesworth. It is situated behind properties that front onto the market place either side of the arched access into the site that lies beneath the first-floor elements of these frontage properties. The frontage properties either side of the access are listed buildings.
- 2.2 The narrow access opens up into the wider space of Miles Ward Court. The building is a two-storey red brick and pantiled range on the western and northern sides of the courtyard. The Planning Statement explains that the building is a former hemp store that was refurbished by Foundation East (the current owner and applicant) to offer small business units. The range of buildings within the site are not listed but are identified in the Conservation Area Character Appraisal as making a positive contribution to the character of the area.

## **3. Proposal**

- 3.1 The application seeks planning permission for the alteration and change of use of the existing buildings to form five residential apartments; four containing one bedroom, and one providing two bedrooms. The proposed units are intended for occupation by the over 55's.
- 3.2 The proposed scheme of conversion involves very limited alterations to the external appearance of the buildings, particularly in terms of existing window and door openings which are retained. The main alteration is the addition of a small lean-to extension to the building on the east side of the courtyard to provide cycle storage facilities along with an adjacent screened, bin storage area. Internally, a degree of subdivision is proposed to create the residential units.

## **4. Consultations/comments**

- 4.1 Seven neighbour objections have been received that raise the following key concerns (inter alia):



- There is no vehicular access to Miles Ward Court or car parking available
- People will park in the Market Place causing obstruction and adding to congestion
- Emergency vehicles will not be able to gain access
- The permit parking in nearby streets is already over subscribed
- The discounted rents make businesses viable
- There are no alternative suitable premises available in Halesworth
- There will be a loss of local services and jobs
- Loss of revenue to local businesses
- Inappropriate development in a conservation area
- Additional houses are not needed
- The steep slope makes access difficult, particularly in bad/icy weather
- Insufficient amenity space

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	11 October 2019	29 October 2019
<p>Summary of comments:</p> <p>The Town Council held an extraordinary meeting last night to consider the application DC/19/3914/FUL &amp; DC/19/3915/LBC - Miles Ward Court. A summary of the decision and the reason for recommending refusal and deferral to ESC's Planning Committee are shown below. The relevant extract from the minutes which includes further comments is also attached:-.</p> <p>1. DC/19/3914/FUL Alterations to and change of use of business units to create 5 no. residential dwellings for over 55s - Miles Ward Court, Market Place Halesworth Suffolk IP19 8AY – The Council considered the comments made by members of the public and members of the Council and it was then RESOLVED that the Council recommended that this application is refused and that the application is called in for determination by East Suffolk Council's Planning Committee for the following reasons:-</p> <p>a) Highway Safety: There is no access for vehicles and therefore offloading will inevitably involve vehicles parking at the top of the court with potential to block traffic to Chediston Street.</p> <p>b) Traffic &amp; Parking: There is no provision or capacity for parking permits for the 'Market Place' which is the address for the property.</p> <p>c) Disabled Access: Business owners state that the slope in the Courtyard is too severe for mobility scooters to operate and they require assistance to get up the slope. The slope becomes treacherous in wet weather, particularly in winter where it is prone to icing up and is especially dangerous for the elderly.</p> <p>d) The layout of the units are unsuitable for residential use.</p> <p>e) Drainage &amp; Flood Risk: The site is partially in Flood Zone 2 and suffers from potentially flooding due to the courtyard being much lower than the adjacent street.</p> <p>f) It will have a negative impact on the community. There are no alternative B1 units available in the town so current businesses will need to relocate out of the town. Conversely there are over 200 one &amp; two bed units planned for the town either in the outline planning stage or as permitted</p>		

developments.

g) The site is subject to a restrictive covenant.

h) The Council were in full support of the comments made in the letter from East Suffolk Council's Economic Development team.

2. DC/19/3915/LBC Listed Building Consent - Alterations to and change of use of business units to create 5 no. residential dwellings for over 55s - Miles Ward Court Market Place

Halesworth Suffolk IP19 8AY - It was RESOLVED that the Council recommended that this application is refused and that the application is called in for determination by East Suffolk Council's Planning Committee.

Please would you confirm when these applications will be considered by East Suffolk's Planning Committee as HTC would like to make representation at the meeting.

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 October 2019	4 November 2019
Summary of comments: Not fully satisfied with regards to the lack of parking provision and impact on the surrounding highway network but, following consideration of comments made, if the Local Planning Authority wish to grant consent the highway authority would not object subject to conditions.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	28 October 2019	28 October 2019
Summary of comments: Advisory comments		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 October 2019	11 November 2019
Summary of comments: A noise assessment should be submitted.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	11 October 2019	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	11 October 2019	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 October 2019	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	11 October 2019	5 November 2019
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	14 October 2019	25 October 2019
Summary of comments: Do not support the application.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	31 July 2020	14 August 2020
Summary of comments: No objection subject to conditions.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	18 October 2019	8 November 2019	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	18 October 2019	8 November 2019	Lowestoft Journal

## Site notices

General Site Notice

Reason for site notice: Conservation Area; Listed Building

Date posted: 14 October 2019

Expiry date: 4 November 2019

### 7. Planning policy

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))

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

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

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019))

### 8. Planning considerations

#### Principle of Development

- 8.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable Development. In line with the principles of sustainable development policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019) (WLP) defines settlement boundaries which indicate where housing and other forms of development would be suitable, subject to consideration of other relevant policies within the Local Plan.
- 8.2 The site is located within the defined settlement boundary for Halesworth. It is close to Halesworth town centre and adjacent to the primary shopping area and retail premises within the secondary shopping frontage (as defined by policies WLP8.18 and WLP8.19 respectively). Therefore, the site is sustainably located close to services and facilities in the town centre. As such the principle of residential development on the site is considered acceptable.

#### Loss of Business Premises and Employment Considerations

- 8.3 The Planning Statement states that Miles Ward Court is a former hemp store that was refurbished by Foundation East (the current owner and applicant) to provide small business units (planning and listed building consent to provide light industrial units was granted in 2006). Foundation East is a membership organisation, based in the East of England, that is democratically run and controlled by its members and is recognised by HMRC as an exempt charity. Their mission is to support job creation, job sustainability and to strengthen communities by providing financial products and associated services.

- 8.4 There are 9 small business units at Miles Ward Court, although only 2 of them are currently occupied. The Applicant has confirmed that Units 2 and 8 were vacated in April 2020; Units 1 and 9 were vacated in April 2020; and Units 5 and 7 have been vacant for 7 months. The Planning Statement explains as follows:

*"The maintenance costs of running these business units have become a strain on the organisation such that there is pressure to release this premises for residential purposes, thereby raising capital that can be used by the organisation to support other such facilities and to help deliver the numerous other services offered by Foundation East. In simple terms, this is an asset that has become difficult for the charity to sustain and finding an alternative use for the premises will deliver much needed funding to support the wider functions of the charity".*

- 8.5 Policy WLP8.12 of the Local Plan identifies existing employment areas where the redevelopment or change of use of employment premises (including those falling within Use Class B1) will only be permitted where the premises have been adequately marketed for employment use and the proposed use is compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns.
- 8.6 However Miles Ward Court is not identified in the Waveney Local Plan as an existing employment site (such designations apply, in the main, to purpose built industrial estates) and therefore Policy WLP8.12 is not relevant to the determination of this application.
- 8.7 Paragraph 8.63 of the Waveney Local Plan states that not all employment premises need to be protected from conversion. Some premises are located in areas where there are already a good mix of uses or in areas close to residential properties where an alternative use may be more appropriate. Policy WLP8.12 goes on to state:

*"Outside of Existing Employment Areas the redevelopment or change of use of existing employment premises falling within use classes B1, B2 and B8 will be permitted".*

- 8.8 Most of the units are now vacant and are becoming difficult for the applicant to sustain. Whilst the loss of light industrial business premises is regrettable, the site is not a designated employment area and there are no employment related policies within the local plan that would preclude a change of use of the premises to residential use. Therefore, it is considered that the application cannot be refused on the grounds of the loss of employment/small business units.
- 8.9 The Town Council and some of the objector responses note that Miles Ward Court was set up with the help of grant funding for the specific purpose of job creation and assisting start-up businesses. Whilst this might have been the case, there are no planning policies that would prevent the subsequent change of use of premises that were created with the benefit of grant funding. This is not therefore a material consideration in the determination of this application.

#### Access and Parking Considerations

- 8.10 Miles Ward Court currently does not benefit from any off-road parking or vehicular access and none is proposed within this application. The application therefore proposes pedestrian access only along the existing access, without any on-site car parking provision.

- 8.11 Policy WLP8.21 on sustainable transport states that development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities. It also states that (subject to design considerations) new development will be required to provide parking that meets the requirements set out in Suffolk County Council Suffolk Parking Standards. In accordance with the Suffolk Parking Standards the proposed 5 units would generate an on-site parking requirement of 6 car parking spaces, although none are proposed.
- 8.12 Whilst it is not possible to provide on-site car parking the proposal does cater for cyclists by proposing a secure cycle store within the site. The provision of cycle storage (which currently doesn't exist on the site) should help encourage people to travel using non-car modes to access services and facilities in accordance with Policy WLP8.21.
- 8.13 As will be noted above, the Highway Authority do not object to the application although they do make a number of comments regarding the reduced parking provision, having regards to the Suffolk Guidance for Parking requirements. Most notably, with regards to the impact on the surrounding road and footpath network, the Highway Authority state that they are not fully satisfied (as opposed to not satisfied) that the proposal would not result in inconsiderate and unsafe parking on nearby roads. It follows therefore that there must be some uncertainty as to whether the proposal would result in inconsiderate and unsafe parking. In all other respects the Highway Authority are of the view that the proposal complies with the criteria in the Suffolk Guidance for Parking when considering reduced parking provision, given the highly sustainable location of the site.
- 8.14 As set out above in the Highway Authority's response, it is also notable that the Suffolk Guidance for Parking accepts, to some degree, that occupiers of single bed units will be car free and that the risk of parking harm arising would likely be reduced if all the proposed units were to be only one bed. It is considered notable that only one of the proposed units is not a 1-bed unit.
- 8.15 The comments of the Highway Authority are acknowledged but only one of the proposed units is not a one-bed unit, and it is considered unlikely that any parking requirement arising from a single 2-bed unit would be significant, in this instance.
- 8.16 In view of the above considerations it is considered that there are a number of factors that mitigate for the lack of on-site car parking as follows:
1. The highly sustainable location of the site close to the town centre shops and services, including public transport;
  2. The fact that all but one of the units are 1-bed units; and
  3. The provision of on-site secure cycle storage within the proposals.
- 8.17 In addition to these points any prospective occupiers/purchasers of the proposed residential units would be doing so in the full knowledge that there is no on-site parking provision for any of the units.
- 8.18 It is also considered relevant to note that the existing business units operate without any on-site car parking whereas the Parking Standards would normally require 9 parking spaces to be provided for the existing use. As such, the proposed residential units require fewer

parking spaces although, as noted above, the Highway Authority consider that parking needs for residential development are very different to those for business developments.

- 8.19 Taking all the above considerations into account, it is considered that there is insufficient justification to refuse the application on the grounds that there is no on-site parking provision. The proposal is in accordance with policy WLP8.21.

Heritage Considerations

- 8.20 The building is not listed however the adjoining properties to the south of the site which front onto Market Place, either side of the pedestrian entrance into the site, are listed buildings. These include nos. 25 & 26 Market Place, a Grade II listed late 19th century brick building of 3 storeys with a hipped slate roof; and no. 154 Chediston Street, an early 18th century, two-storey painted brick building with a black pantiled roof which is also Grade II listed. Given the sites close proximity to these listed buildings, and likely former association, the building subject of this application is considered to be curtilage listed. As such a separate application seeks listed building consent for the proposed conversion (DC/19/3915/LBC).
- 8.21 The Conservation Area Character Appraisal published in 2006 describes the confined entrance through the passageway, which opens up into the wider space of the yard behind as contributing to the spatial characteristics of the area.
- 8.22 The Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act") sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

- 8.23 The NPPF and the Local Plan (Policies WLP8.37 and WLP8.39) give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraphs 195 and 196 of the NPPF state that where harm would rise, it must be properly weighed against the public benefits of the development.
- 8.24 Paragraph 192 of the NPPF states that that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness
- 8.25 The application is supported by a Planning Statement and Heritage Statement which complies with the requirements of Paragraph 189 of the NPPF.

- 8.26 The Heritage Statement explains that the original conversion of the buildings, dating back to 2006, resulted in significant works to the buildings due, at that time, to their poor condition. Significant investment was made into bringing the buildings into a useable form and condition, which has secured them for the foreseeable future.
- 8.27 However, as explained above, the applicant no longer considers the current use to be a viable one as the units are not making a return that makes its ongoing maintenance and upkeep viable.
- 8.28 Key considerations are the impact on the existing buildings, the setting of the adjoining buildings, and whether the character and appearance of the Conservation Area will be preserved or enhanced in accordance with Section 72 of The Act.
- 8.29 The proposed scheme of conversion involves very limited alterations to the external appearance of the buildings, particularly in terms of existing window and door openings which are retained, although some of the doors are to be renewed with a slightly different design. The main alteration is the addition of a small lean-to extension to the building on the east side of the courtyard to provide cycle storage facilities along with an adjacent screened, bin storage area. This is to be simple and traditional in form, with a natural slate roof, timber weatherboarding and timber doors. Internally, a degree of subdivision is proposed to create the residential units. Overall, the proposed changes are minimal, and the character of the buildings as former industrial structures will be retained. The proposals have been considered by the Design and Conservation Officer who is of the view that the very minor changes to the external appearance of the building will not have a harmful impact on either the building itself or the setting of the adjoining listed buildings; the character and appearance of the Conservation Area will be preserved. As no harm to designated heritage assets arises it is considered that it is not necessary to undertake the balancing exercise advocated in Paragraphs 195 and 196 of the NPPF (see above).
- 8.30 It is proposed to re-glaze seven existing windows and replace three. The Design and Conservation Officer has no objection to this subject to details which can be secured by condition in the event permission is granted.
- 8.31 As noted above, the wider space of the courtyard contributes to the characteristics of the area. There may be a desire to create small areas of private space to the front of the proposed apartments through the erection of walls or fences or other means of enclosure. Such enclosures would detract from the open character of the courtyard and the building itself. Should planning permission be granted the erection of any means of enclosure could be prevented by condition.
- 8.32 The proposal therefore accords with requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan policies relating to the Historic Environment, and the NPPF.

#### Residential Amenity

- 8.33 Policy WLP8.29 states that proposals should, inter alia, protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.



- 8.34 Within the rear, west facing, elevation are a number of existing openings which face over the rear gardens of 152 and 154 Chediston Street. However, the majority of these windows have louvres which prevent any direct overlooking. The Agent has confirmed that these louvres are to be retained and this can be secured by condition. Two of the existing windows in the west elevation have clear glazing. One of these is at ground floor level from which it is not considered that any significant overlooking will occur. The other is to a first-floor landing giving access to a kitchen/sitting room. A condition could require this window to be glazed with obscure glass to prevent any overlooking.
- 8.35 The site does not benefit from space around the buildings that would enable dedicated garden spaces to be provided. The lack of private amenity space can largely be put down to the buildings historical use as a former hemp works and more recent use as small business units together with its location adjacent to the town centre. It is acknowledged that apartments often do not have dedicated garden space and whilst there could be a perceived conflict with Policy WLP8.29 it is considered that, in this particular case, the lack of any amenity space is justified.

#### Noise Assessment

- 8.36 There are four air conditioning units within the yard area opposite the site, to the rear of numbers 26/26a Market Place. The Environmental Protection Officer (EPO) was concerned that these may cause disturbance to the proposed residential units. To address this issue a Noise Assessment was submitted which proposes double glazing and the installation of mechanical ventilation to each of the units. On this basis, the EPO had no objection to the proposal subject to the details of the ventilation system, which can be secured by condition.

#### Ecology and Habitat Mitigation

- 8.37 The physical works to the building are relatively limited (with the building having already previously been converted to its current business unit use), with only a small amount of exterior works to windows and enclosing the existing external staircase. This work appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).
- 8.38 With regard to Recreational Avoidance Mitigation Strategy (RAMS), the site is within the Suffolk Coast RAMS Zone of Influence (Zone B) and will result in an increase in residential units, therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) would be required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).
- 8.39 The applicant has made the required financial contribution to the RAMS strategy and therefore it can be concluded that in-combination recreational disturbance impacts arising from this proposal will be satisfactorily mitigated in accordance with WLP8.34.

#### Other matters

- 8.40 The proposed dwellings are intended for the over 55's and the applicant has indicated that a Unilateral Undertaking could restrict occupation to this age group. However, there is no

policy requirement that would require occupation of the dwellings to be restricted to persons of this age group. Should planning permission be granted the applicant may wish to restrict occupation to the over 55's, but that would be a matter for the applicant. As such a unilateral undertaking or planning condition is not considered necessary.

## **9. Conclusion**

- 9.1 The site lies within the settlement boundary for Halesworth where the principle of development is acceptable. As such the site is sustainably located close to the facilities and services within the town centre. It is acknowledged that no on-site parking provision is proposed but this is off-set by the highly sustainable location and provision of cycle storage facilities both of which will encourage sustainable methods of transport.
- 9.2 A number of the units are currently vacant, and the applicant has explained that they are no longer viable. There is no Local Plan policy to restrict the change of use because the site is not designated within the Local Plan Policy Maps as an existing employment area. The proposed conversion provides an optimum viable use for the buildings that will secure their long term future. Only minimal alterations to the building are proposed which do not have a harmful impact on the setting of adjacent listed buildings or the conservation area.
- 9.3 It is considered that the above mentioned benefits of the proposal are not outweighed by the lack of on-site parking.
- 9.4 The application is considered to accord with Policies WLP1.2, WLP8.21, WLP8.29, WLP8.37 and WLP8.39, and the National Planning Policy Framework. Subject to conditions the application is recommended for approval.

## **10. Recommendation**

- 10.1 That the application be approved subject to 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 dwg. no. 2919-01 and 2919-04 received 4 October 2019 and dwg. no. 2919-03 A received 19 February 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. Prior to the removal of the windows to be replaced as shown on dwg. 2919-03-A, large scale joinery details including profiles of sills, frames, opening lights and glazing bars; method of opening; position of window within the opening; colour and finish and ironmongery details shall be submitted and approved in writing by the local planning authority. The replacement windows shall be installed in accordance with the approved details.

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

4. Prior to the reglazing of windows to be reglazed as shown on dwg. 2919-03-A details shall be submitted to and approved in writing by the local planning authority to show that the existing glazing bars can accommodate the additional thickness of the double glazing. The windows shall be reglazed in accordance with the approved details.

Reason: In order to safeguard the special architectural or historic interest of the building, the glazing bars should remain structural rather than being applied to the inner and outer faces of the double glazed units.

5. 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, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.

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

6. The hall window on the west elevation at first floor level shall be glazed with opaque glass, or other appropriate screening and shall be retained in that condition.

Reason: To preserve the amenity of adjacent property.

7. The existing louvres to the windows on the west elevation shall be retained in their existing form as shown on dwg. 2919-03-A

Reason: To preserve the amenity of adjacent property.

8. No development shall commence on site until detailed plans and a specification of ventilation heat recovery to each of the hereby approved residential units (such details to include the provider and model of the proposed units, location and form of ducting, material finishes (inclusive of any coverings/new walls/cupboards/ceilings) and the performance of such units) have been submitted to the Local Planning Authority for their approval in writing. After the system(s) have been approved in writing by the Authority, it shall be installed in accordance with the approved plans and specification before the development hereby approved first commences, and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To ensure satisfactory ventilation in the interests of residential amenity.

9. No development shall commence on site until detailed plans and a specification of the acoustic design of windows, insulation and any necessary sealing of any gaps, as indicated in the acoustic supplementary report, have been submitted to the Local Planning Authority for

their approval in writing. After the specification has been approved in writing by the Authority, it shall be implemented in accordance with the approved plans and specification before the development hereby approved first commences, once completed the work should be validated against the specification and the validation report submitted in writing to the local planning authority for approval. The insulation works shall thereafter be permanently maintained in accordance with the approved specification.

Reason: In the interests of residential amenity.

10. Prior to the installation of the Mechanical Heat Recovery Ventilation (MVHR) system, full details of the tile vents including numbers and locations shall be submitted to and approved in writing by the local planning authority. The tile vents shall be installed in accordance with the approved details.

Reason: In order to safeguard the special architectural or historic interest 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.
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](mailto: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:

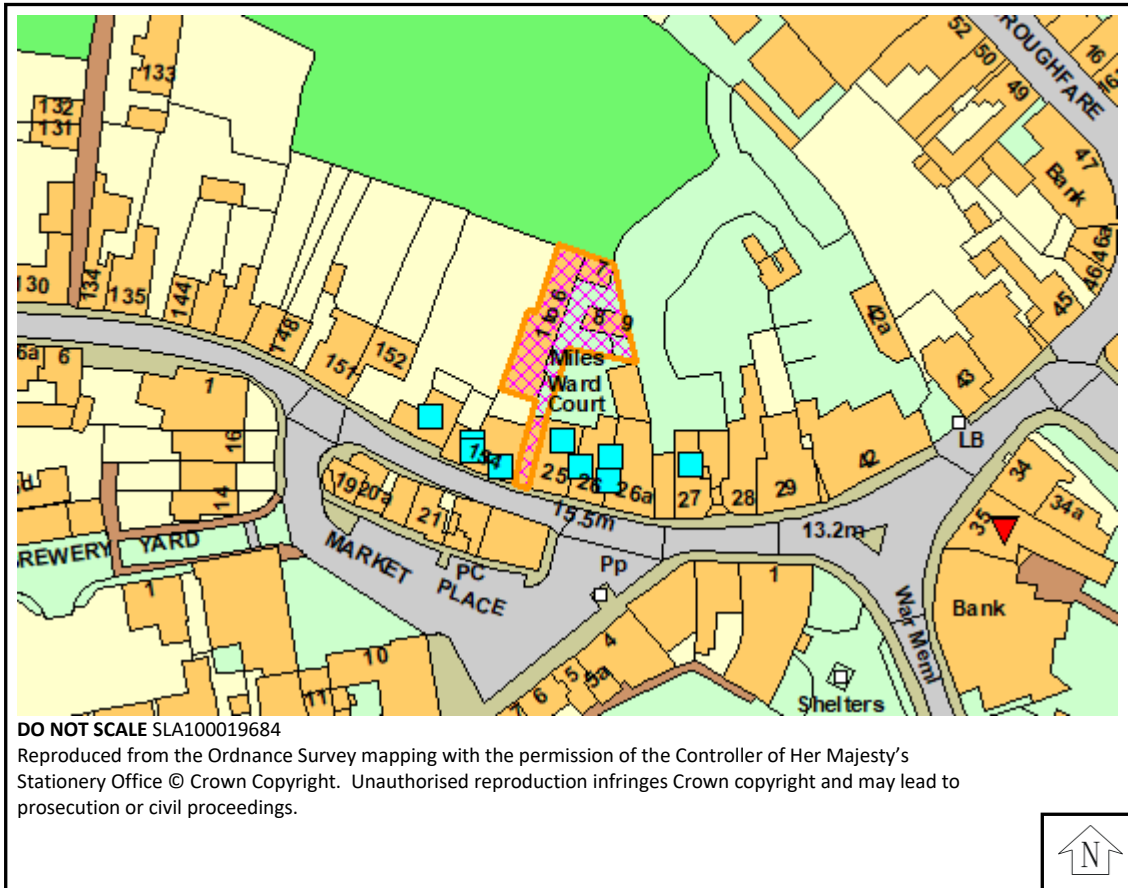
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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





## Background Papers

See application reference DC/19/3914/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee – 13 October 2020**

**Application no** DC/19/3915/LBC

**Location**

Miles Ward Court  
Market Place  
Halesworth  
Suffolk  
IP19 8AY

**Expiry date** 5 December 2019

**Application type** Listed Building Consent

**Applicant** Foundation East Ltd.

**Parish** Halesworth

**Proposal** Listed Building Consent - Alterations to and change of use of business units to create 5 no. residential dwellings for over 55s

**Case Officer** Phil Perkin  
(01502) 523073  
[philip.perkin@eastsoffolk.gov.uk](mailto:philip.perkin@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1 This application seeks listed building consent to convert a building comprising nine small business units into five residential units. A separate application seeks planning permission (DC/19/3914/FUL).
- 1.2 Although the building itself is not listed the adjacent buildings fronting the Market Place are. The building is therefore considered to be curtilage listed. The site falls within the conservation area.
- 1.3 Only minimal external alterations to the building are proposed which are not considered to impact adversely on the character of the building, the conservation area, or the setting of the adjacent listed buildings. The proposal is considered to comply with Policy WLP8.37.

- 1.4 The application has been referred to the Planning Committee (North) by the Referral Panel in view of the public interest generated by the planning application.

## **2. Site description**

- 2.1 Miles Ward Court is located just off the market place within the historic core of the Halesworth Conservation Area in the centre of Halesworth. It is situated behind properties that front onto the market place either side of the arched access into the site that lies beneath the first-floor elements of these frontage properties. The frontage properties either side of the access are listed buildings.
- 2.2 The narrow access opens up into the wider space of Miles Ward Court. The building is a two storey red brick and pantiled range on the western and northern sides of the courtyard. The Planning Statement explains that the building is a former hemp store that was refurbished by Foundation East (the current owner and applicant) to offer small business units. The range of buildings within the site are not listed but are identified in the Conservation Area Character Appraisal as making a positive contribution to the character of the area.

## **3. Proposal**

- 3.1 The application seeks listed building consent for the alteration and change of use of the existing buildings to form five residential apartments; four containing one bedroom, and one providing two bedrooms. The proposed units are intended for occupation by the over 55's.
- 3.2 The proposed scheme of conversion involves very limited alterations to the external appearance of the buildings, particularly in terms of existing window and door openings which are retained. The main alteration is the addition of a small lean-to extension to the building on the east side of the courtyard to provide cycle storage facilities along with an adjacent screened, bin storage area. Internally, a degree of subdivision is proposed to create the residential units.

## **4. Consultations/comments**

- 4.1 Three neighbour objections have been received that raise the following key concerns (inter alia):
- Access
  - Harm to Listed building
  - Inappropriate in Conservation Area
  - Parking
  - Setting of precedent
  - Traffic or Highways
  - Loss of business units

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Town Council	11 October 2019	29 October 2019
<p>Summary of comments:</p> <p>The Town Council held an extraordinary meeting last night to consider the application DC/19/3914/FUL &amp; DC/19/3915/LBC - Miles Ward Court. A summary of the decision and the reason for recommending refusal and deferral to ESC's Planning Committee are shown below. The relevant extract from the minutes which includes further comments is also attached:-.</p> <p>DC/19/3915/LBC Listed Building Consent - Alterations to and change of use of business units to create 5 no. residential dwellings for over 55s - Miles Ward Court Market Place Halesworth Suffolk IP19 8AY - It was RESOLVED that the Council recommended that this application is refused and that the application is called in for determination by East Suffolk Council's Planning Committee.</p>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	N/A	4 November 2019
<p>Summary of comments:</p> <p>See comments on DC/19/3914/FUL</p>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	N/A	11 November 2019
<p>Summary of comments:</p> <p>No objection subject to conditions.</p>		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	11 October 2019	5 November 2019
<p>Summary of comments:</p> <p>No objection subject to conditions.</p>		

Consultee	Date consulted	Date reply received
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Economic Development (Internal)	N/A	25 October 2019
Summary of comments: Do not support		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	28 October 2019
Summary of comments: Advisory comments		

## 6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	18 October 2019	8 November 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	18 October 2019	8 November 2019	Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: Conservation Area; Listed Building Date posted: 14 October 2019 Expiry date: 4 November 2019
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## 7. Planning policy

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019))

## 8. Planning considerations

### Heritage Considerations

- 8.1 The building is not listed in its own right although Listed Building Consent was applied for and granted prior to the building being converted to light industrial units in 2006. However, the adjoining properties to the south of the site which front onto Market Place, either side of the pedestrian entrance into the site are listed buildings. These include nos. 25 & 26 Market Place, a Grade II listed late 19th century brick building of 3 storeys with a hipped slate roof; and no. 154 Chediston Street, an early 18th century, 2 storey painted brick

building with a black pantiled roof which is also Grade II listed. Given the sites close proximity to these listed buildings, and likely former association, the building subject of this application is considered to be curtilage listed.

8.2 The Conservation Area Character Appraisal published in 2006 describes the confined entrance through the passageway, which opens up into the wider space of the yard behind as contributing to the spatial characteristics of the area.

8.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act") sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

8.4 The NPPF and the Local Plan (Policies WLP8.37 and WLP8.39) give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraphs 195 and 196 of the NPPF state that where harm would rise, it must be properly weighed against the public benefits of the development.

8.5 Paragraph 192 of the NPPF states that that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

8.6 The application is supported by a Planning Statement and Heritage Statement which complies with the requirements of Paragraph 189 of the NPPF.

8.7 The Heritage Statement explains that the original conversion of the buildings, dating back to 2006, resulted in significant works to the buildings due, at that time, to their poor condition. Significant investment was made into bringing the buildings into a useable form and condition, which has secured them for the foreseeable future.

8.8 Key considerations are the impact on the existing buildings, the setting of the adjoining buildings and whether the character and appearance of the Conservation Area will be preserved or enhanced.

8.9 The proposed scheme of conversion involves very limited alterations to the external appearance of the buildings, particularly in terms of existing window and door openings which are retained, although some of the doors are to be renewed with a slightly different design. The main alteration is the addition of a small lean-to extension to the building on

the east side of the courtyard to provide cycle storage facilities along with an adjacent screened, bin storage area. This is to be simple and traditional in form, with a natural slate roof, timber weatherboarding and timber doors. Internally, a degree of subdivision is proposed to create the residential units. Overall, the proposed changes are minimal, and the character of the buildings as former industrial structures will be retained. The proposals have been considered by the Design and Conservation Officer who is of the view that the very minor changes to the external appearance of the building will not have a harmful impact on either the building itself or the setting of the adjoining listed buildings and the character and appearance of the Conservation Area will be preserved. As no harm to designated heritage assets arises it is considered that it is not necessary to undertake the balancing exercise advocated in Paragraphs 195 and 196 of the NPPF (see above).

8.10 It is proposed to re-glaze seven existing windows and replace three. The Design and Conservation Officer has no objection to this subject to details which can be secured by condition.

8.11 The proposal therefore accords with requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan policies relating to the Historic Environment, and the NPPF.

## **9. Conclusion**

9.1 The proposed changes to the external appearance of the building will not have a harmful impact on either the building itself or the setting of the adjoining listed buildings and the character and appearance of the Conservation Area will be preserved.

## **10. Recommendation**

10.1 Approve subject to conditions.

### **Conditions:**

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

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with dwg. no. 2919-01 and 2919-04 received 4 October 2019 and dwg. no. 2919-03 A received 19 February 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. Prior to the removal of the windows to be replaced as shown on dwg. 2919-03-A, large scale joinery details including profiles of sills, frames, opening lights and glazing bars; method of

opening; position of window within the opening; colour and finish and ironmongery details shall be submitted and approved in writing by the local planning authority. The replacement windows shall be installed in accordance with the approved details.

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

4. Prior to the reglazing of windows to be reglazed as shown on dwg. 2919-03-A details shall be submitted to and approved in writing by the local planning authority to show that the existing glazing bars can accommodate the additional thickness of the double glazing. The windows shall be reglazed in accordance with the approved details.

Reason: In order to safeguard the special architectural or historic interest of the building, the glazing bars should remain structural rather than being applied to the inner and outer faces of the double glazed units.

5. No development shall commence on site until detailed plans and a specification of ventilation heat recovery to each of the hereby approved residential units (such details to include the provider and model of the proposed units, location and form of ducting, material finishes (inclusive of any coverings/new walls/cupboards/ceilings) and the performance of such units) have been submitted to the Local Planning Authority for their approval in writing. After the system(s) have been approved in writing by the Authority, it shall be installed in accordance with the approved plans and specification before the development hereby approved first commences, and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To ensure satisfactory ventilation in the interests of residential amenity.

6. No development shall commence on site until detailed plans and a specification of the acoustic design of windows, insulation and any necessary sealing of any gaps, as indicated in the acoustic supplementary report, have been submitted to the Local Planning Authority for their approval in writing. After the specification has been approved in writing by the Authority, it shall be implemented in accordance with the approved plans and specification before the development hereby approved first commences, once completed the work should be validated against the specification and the validation report submitted in writing to the local planning authority for approval. The insulation works shall thereafter be permanently maintained in accordance with the approved specification.

Reason: In the interests of residential amenity.

7. Prior to the installation of the Mechanical Heat Recovery Ventilation (MVHR) system, full details of the tile vents including numbers and locations shall be submitted to and approved in writing by the local planning authority. The tile vents shall be installed in accordance with the approved details.

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

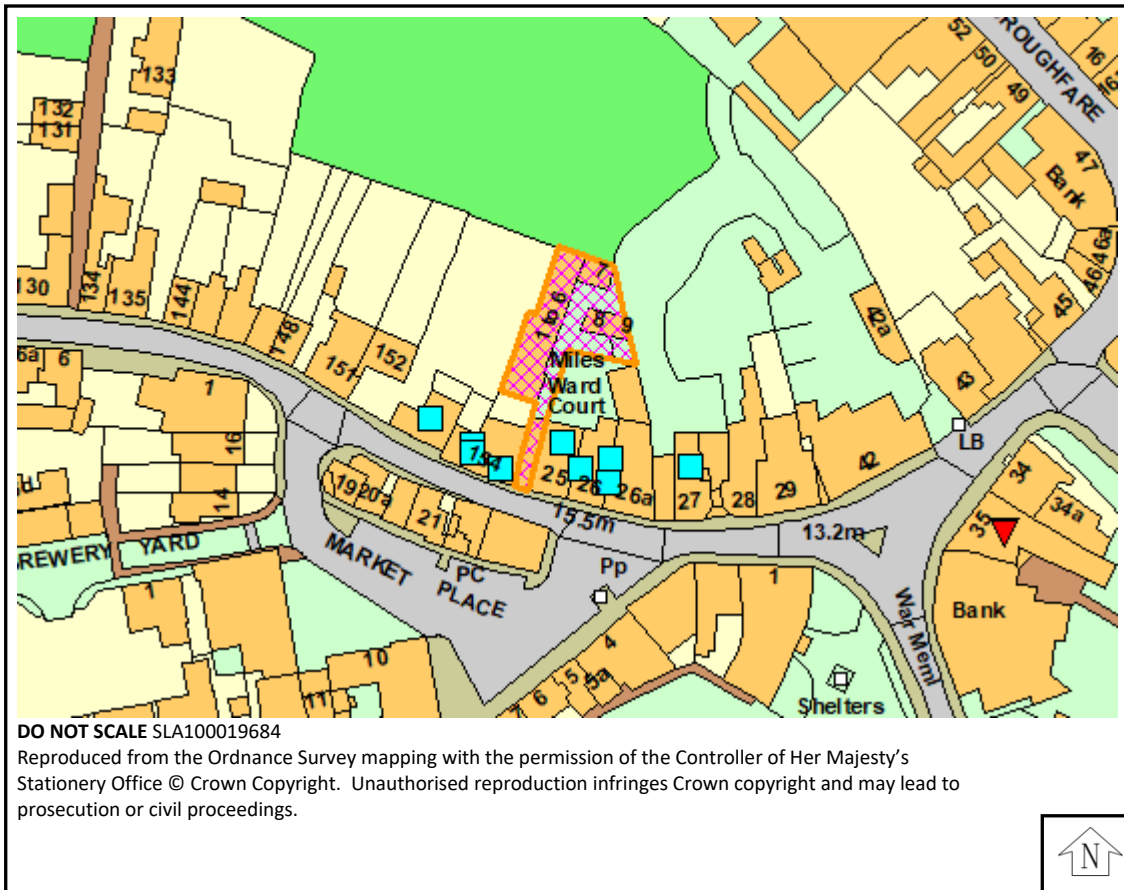
**Informatives:**

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/19/3915/LBC on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning committee** - 13 October 2020

**Application no** DC/20/1912/FUL

**Location**

3 Saltgate

Beccles

NR34 9AN

**Expiry date** 20 July 2020

**Application type** Full Application

**Applicant** Farrington Care Homes Ltd

**Parish** Beccles

**Proposal** Change of Use and Conversion of Wainford House, a class C2 care home, to nine class C3 residential flats

**Case Officer** Matthew Gee  
01502 523021  
[matthew.gee@eastsoffolk.gov.uk](mailto:matthew.gee@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the change of use of an existing care home (use class C2) to nine residential flats (use class C3). The principle of the change of use is considered acceptable. The proposal would cause limited harm to the significance of the listed building, but that would be outweighed by the public benefits of the proposal in accordance with NPPF paragraph 196. The proposal would preserve the character and appearance of the Conservation Area. Additionally, whilst the proposal does not fully comply with Suffolk County Council parking standards, the site is in a sustainable location within the Town Centre boundary and walking distance of transport hubs. As such, the reduced level of parking would not adversely impact on highway safety. It is noted that the Highways Authority have removed their holding objection. Officers have worked positively with the applicant and their agent to ensure that technical matters, and issues arising from the consultation process, have been fully addressed.
- 1.2. Therefore, the proposal is considered compliant with local and national planning policy, and as such it is recommended that planning permission be granted subject to conditions.

- 1.3. The application is referred to Planning Committee as the request of the planning referral panel due to the level of public interest.

## **2. Site description**

- 2.1. The site is within the Settlement Boundary and Town Centre Boundary for Beccles. The site comprises of an end of terrace Grade II Listed building, currently in C2 use. The building fronts Saltgate to the east and is bounded by the Grade I Listed St Micheals Church to the south, and a B&B to the north. The site vehicular access is off Puddingmoor, to the west.

## **3. Proposal**

- 3.1. Planning permission is sought for the change of use of a 30-bedroom care home (C2 use) to nine residential flats (C3 use). This will comprise of five no. one bedroom flats, and four no. bedroom flats. Additionally, the proposal includes the re-introduction of eight windows to the front elevation, and removal of existing conservatory and erection of single storey rear extension.
- 3.2. This also includes the provision of six parking spaces at the rear of the site, and the placement of secure cycle storage areas.
- 3.3. The application has a tandem application DC/20/1913/LBC, which includes the internal and external alterations to the Listed Building. This tandem report should be read alongside this report in order to fully understand all heritage matters arising from the development proposal.

## **4. Consultations/comments**

- 4.1. Two third party representations have been received raising the following planning matters (amongst other things):

- Existing access is not suitable
- Under provision of parking and impact on existing parking provision
- Loss of trees
- Bin Storage and collection
- Impact on and ownership concerns regarding the Gazebo at rear of site
- Construction management concerns
- Incorrect land ownership
- Drawing omit garage for no.7

- 4.2. Comments have been received from the following ward members:

- 4.3. Cllr Topping:

*"As a Ward councillor for Beccles, I did attend the Beccles Town Council planning meeting last night and put in my objection. In the applicants own statement they highlighted that we are in need of an additional 905 care beds, that is before we potentially lose this home which currently houses 18 local people and can take up to 24 I believe? Where are these people*



*supposed to go? And with additional housing being built in Beccles and Worlingham we are going to have an increased demand on care beds, especially beds funded by the council.*

*The car parking for this development is inadequate and the access to the potential car parking is out on a very dangerous piece of narrow highway, on a hill and blind bend.*

*The Pavillion is privately owned, not by the Wainford House owners, but is of great historical interest and I have asked Beccles Town Council to register their interest to be first to be informed if this comes onto the open market."*

#### 4.4. Cllr Elliot:

*"I am concerned about this application and would like it to be determined by the Planning Committee. My concerns echo those of the Town Council who will submit comments in due course. They are:-*

- Loss of care home beds in the local area*
- Access & parking via Puddingmoor*
- Protection of the historic pavilion*
- Protection of the walnut tree*
- Bin storage and presentation*

*If consent is granted by delegated authority I would like to see a construction management plan as the access to the rear of the site in Puddingmoor is narrow and dangerous"*

#### **Consultees**

##### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Beccles Town Council	3 June 2020	26 June 2020
Summary of comments: Refused: <ul style="list-style-type: none"> <li>• Road access onto Puddingmoor and concerns on the grounds of road safety due to the steep slope in winter.</li> <li>• Loss of care places considered a requirement as per the ESC Waveney Local Plan Policy WLP8.31 - Lifetime Design and within BECC9 of the Beccles Neighbourhood Plan 2019-2036 Submission Stage (Regulation 16) Consultation Draft.</li> <li>• Loss of Walnut Tree</li> <li>• Effect on the gazebo listed building.</li> </ul>		

##### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	5 June 2020	19 June 2020
Summary of comments: Recommended a holding objection until such time as the redline outline issue is successfully		

resolved.

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	5 June 2020	No response
Summary of comments: Comments incorporated into officer considerations as part of the Planning Service.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	3 June 2020	11 June 2020
Summary of comments: No objections, requested contamination conditions, and noted that impact on noise transmission between new dwellings should be carefully considered.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	3 June 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	3 June 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
The Beccles Society	3 July 2020	15 June 2020
Summary of comments: The applicant should ensure that vehicles can enter and leave the site in a forward gear. This may involve the loss of some parking spaces. The additional three spaces are shown edged in blue and are therefore not in the applicants control.		

Consultee	Date consulted	Date reply received
The Beccles Society	3 July 2020	8 June 2020

Summary of comments:

No objection to the scheme in principle, but wished to place a holding objection on the scheme until the area edged red is amended.

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	9 June 2020	22 June 2020
Summary of comments: Comments incorporated into officer considerations as part of the Planning Service		

**Reconsultation consultees**

Consultee	Date consulted	Date reply received
The Beccles Society	29 July 2020	No response
Summary of comments: No further comments received		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	29 July 2020	No response
Summary of comments: Comments incorporated into officer considerations as part of the Planning Service		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	29 July 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 July 2020	No response
Summary of comments: No further comments received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 July 2020	No response

Summary of comments: (full and detailed comments available on Public Access)

Remove holding objection, but noted the following points:

- Proposed development would change the parking type from short term destination to long term origin parking
- Guidance states that 13 spaces should be provided, the proposal is for 6 spaces, but the site is in a sustainable location
- Existing garage does not fully conform to parking guidance in terms of size
- One space would impinge on access route to 1 pudding moor
- Unlikely that proposal would have wider impact on parking, but may have some local impact on highway network
- Not enough evidence for SCC as LHA to recommend refusal on highways safety grounds but SCC as LHA would recommend that, in the planning balance, the increased risk to highway safety be considered to weigh against the latest reductions in on-site parking provision.

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 July 2020	No response
Summary of comments: Comments incorporated into officer considerations as part of the Planning Service		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	29 July 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Beccles Town Council	29 July 2020	14 August 2020
<p>Summary of comments:</p> <p>The Chair welcomed Mr &amp; Mrs Frost who own the Gazebo, and Mr Richard Sword of 7 Saltgate, and invited both to speak.</p> <p>Mr Sword informed all that his garage had not been included, that there wasn't sufficient space for parking in accordance with the Suffolk CC Suffolk Guidance for Parking and that there wasn't sufficient space for drivers to access all the properties through the Puddingmoor entrance.</p> <p>Councillor Robinson noted that the amount of parking spaces has reduced from nine to six for a development of five one-bed and four two-bed flats, but in response to sustainable transport advice from Suffolk CC, the cycle shelter had been upgraded from the original proposed shelter and moved it away from the tree as requested by the ESC Tree Officer. There is now an additional shelter for 3 bikes. In addition to this, they have added electric charging points for 2 cars. Councillor Robinson noted that the parking still did not comply with the parking guidance.</p>		

There was still no plan showing exactly who owned the areas of land for the Gazebo and Wainford House respectively. Concerns were also raised about the access rights to the gazebo.

Councillor Wheeler informed all that the gazebo is an important building and the first doctor's surgery in Beccles. She enquired if the owners have the title deeds for the gazebo.

Mr Frost bought the property on the understanding that there was a right of access from present gateway near the current car park and that there was always a 3' wide section of garden to the north of the gazebo and a 10' to the east. The gazebo garden was not currently fenced off from the rest of garden and he felt this was important with relation to the house, although it has been compromised by the current extension. Mr Frost felt it is important that the present garden is retained in its current state. Mr Frost was concerned as to the future arrangements for grounds maintenance and advised that Wainford House would no longer be a care home and it wasn't known who would be managed the grounds. He was advised to contact the developer with regard to the latter element.

Mr Frost was advised that unfortunately none of his concerns are planning considerations, so he may wish to consider fencing off the garden area. He advised that the gazebo was purchased in 1990 and will send a copy of the land registry document to Beccles TC.

Councillor Robinson considered that the land registry document may help indicate if there was a potential planning land access issue.

After a further brief discussion, the committee considered that the application should be refused on the same grounds as before.

#### Refused

- Road access onto Puddingmoor and concerns on the grounds of road safety due to the steep slope in winter.
- Loss of care places considered a requirement as per the ESC Waveney Local Plan Policy WLP8.31 – Lifetime Design and within BECC9 of the Beccles Neighbourhood Plan 2019-2036 Submission Stage (Regulation 16) Consultation Draft.
- Loss of Walnut Tree
- Effect on the gazebo listed building.
- That inaccurate information in relation to the property boundary had been provided.

Consultee	Date consulted	Date reply received
Beccles Town Council	3 July 2020	21 July 2020

#### Summary of comments:

The Chair outlined that the only change was the submission of a revised boundary plan and then introduced Richard Sword of No. 7 Saltgate. RSw outlined his primary objection to the revised plan as he considers it does not accurately reflect the actual property boundary, with a copy of the land registry plan submitted in support of this. RSw considers that the access and land ownership issues have not been addressed or accurately represented.

The committee were very disappointed to note the inaccurate boundary plan re-submitted, with CW enquiring as to who actually owns the gazebo land parcel. After also noting the concerns of the ESC Design & Conservation Officer, the committee resolved to refuse this application for reasons previously given and to register their grave concerns in regard to the inaccurate land boundary plan, particularly given its potential impact on the historically significant grade 2 listed gazebo.

#### Refused

- Road access onto Puddingmoor and concerns on the grounds of road safety due to the steep slope in winter.
- Loss of care places considered a requirement as per the ESC Waveney Local Plan Policy WLP8.31 - Lifetime Design and within BECC9 of the Beccles Neighbourhood Plan 2019-2036 Submission Stage (Regulation 16) Consultation Draft.
- Loss of Walnut Tree
- Effect on the gazebo listed building.

o That inaccurate information in relation to the property boundary had been provided

Consultee	Date consulted	Date reply received
The Beccles Society	3 July 2020	9 July 2020
Summary of comments: Object, raising concerns regarding lack of parking, impact on current parking provision and access arrangements		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	3 July 2020	No response
Summary of comments: No further comment		

Consultee	Date consulted	Date reply received
Essex and Suffolk Water PLC	3 July 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	3 July 2020	No response
Summary of comments: No further comments received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	3 July 2020	No response
Summary of comments: No further comments received		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	3 July 2020	8 July 2020
Summary of comments: No further comment		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	3 July 2020	No response
Summary of comments: No comments received		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	12 June 2020	3 July 2020	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	12 June 2020	3 July 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Affects Setting of Listed Building	5 June 2020	26 June 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Conservation Area	5 June 2020	26 June 2020	Beccles and Bungay 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. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 6.3. 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"*.
- 6.4. National Planning Policy Framework (NPPF) (2019)
- 6.5. National Planning Policy Guidance (NPPG)
- 6.6. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- WLP1.1 - Scale and Location of Growth
  - WLP8.18 - New Town Centre Use Development
  - WLP1.2 - Settlement Boundaries
  - WLP8.29 - Design
  - WLP8.37 - Historic Environment
  - WLP8.39 - Conservation Areas

## **7. Planning considerations**

### Principle

- 7.1. The proposal involves the change of use of a care home to nine residential units. The applicant has provided a statement which sets out that on 17th January 2019 Wainford House was inspected by the Care Quality Commission (hereon referred to as CQC) and received the rating of Inadequate for its use as a care home. Following this inspection, CQC served a notice of decision, which meant that they wanted to remove registration so this location could no longer be used as a care facility or could care for people by law. This assessment was challenged, however the CQC have received to continue with the tribunal. As such it is understood that the current operators have no choice than to close this facility and look for an alternative location. Therefore, the use of the building for C2 purposes in its current form will not exist.
- 7.2. The applicant further notes that the site itself is no longer fit for purpose. It is identified that the building is incredibly awkward for the purpose of caring for the elderly and it is difficult to match the current standards as the heating, facilities and structure are not up to required standards of the CQC and regulatory panels. The site has multiple shared rooms and bedrooms can be narrow, small or have limited headroom which makes for a difficult environment to care for residents, with many floors being uneven.
- 7.3. Whilst no final date for closure has been identified, it appears likely that the facility will close in the near future. There are no explicit policies in the Local Plan that require care



homes to be retained, or marketed for the same use. The site is located within the Settlement Boundary for Beccles, whereby residential development is usually encouraged. As such, in this instance, it is considered that the principle of residential development is acceptable, and compliant with planning policies laid out in the NPPF and the Local Plan. Officers are therefore of the opinion that the change of use cannot reasonably be resisted.

#### Character and appearance

- 7.4. Policy WLP8.29 sets out that proposed development should, amongst other things, respect the character and appearance of the surrounding area and street scene. In addition, policy WLP8.39 sets out that proposed development should either preserve or enhance the character and appearance of the Conservation Area. The proposal seeks to install eight new windows into existing bricked-up openings on the front elevation. These windows will match the existing windows and are considered to preserve the character of the Listed Building and Conservation Area.
- 7.5. At the rear of the site is a Grade II Listed Gazebo, this is understood to have been in separate ownership for a considerable number of years. The Senior Design and Conservation Officer reviewed the scheme and did initially raise concerns regarding the proximity of car parking to this Gazebo, and the impact that this would have on the setting and potential risk involved from having parking so close. This parking area has therefore been removed from the scheme, and officers are content that the proposal now preserves the setting of the listed Gazebo. Furthermore, officers do not consider that access to the Gazebo would be impacted from the proposal.
- 7.6. The proposed rear extension will replace an existing Conservatory and is located in a discreet location at the side/rear of the property. Views of the proposed extension will be limited from the public realm due to the existing modern rear extension. The proposed materials and design of the extension are considered appropriate for its listed building setting and would not adversely impact on the street scene or character of the surrounding area. In addition, the officers raise no objections in regard to alterations required to the Listed Building or the impact that external alterations would have on the Conservation Area. It is therefore considered that the proposal would be compliant with policies WLP8.29, WLP8.37, and WLP8.39.
- 7.7. The proposal is considered to represent a low level of less than substantial harm to the significance of a designated heritage asset, as set out in paragraph 196 of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance it appears likely that the site will soon be vacant, and the continued use of a Listed Building is preferable to it sitting unused. The proposed change of use is not considered to have any significant adverse impact on the historic fabric of the building, and as such the addition of nine new flats in a highly sustainable location is considered to outweigh the low level of less than sustainable harm to the heritage asset.

#### Amenity

- 7.8. Policy WLP8.29 sets out that proposed development should not result in an adverse impact to the amenity of neighbouring land users. The proposed change of use from a care home to nine flats is likely to result in an increase in activity at the site. However, given its town

centre location it is not considered that the increase in activity would result in significant additional vehicle movements in the surrounding area, and as such it is not considered to create excessive noise levels. In addition, noise levels and insulation are covered under Building Regulations, and as such it is not considered that the impact on residents in the building or neighbouring buildings would be significant, or contrary to WLP8.29.

- 7.9. The proposed extension to the rear largely takes the place of an existing conservatory and would be constructed adjacent to an existing building. As such it is not considered that the single storey extension would result in any significant loss of light to neighbouring properties. Furthermore, the only additional windows are to be placed on the front elevation facing into the street, and as such it is not considered that the proposal would result in any additional overlooking.

#### Highways

- 7.10. Suffolk County Council Highways Authority initially recommended a holding objection; however, this has been subsequently removed. Whilst it is noted that the site's parking provision does fall below the Suffolk planning guidelines (which have not been adopted by East Suffolk Council) the site is situated within a highly sustainable location within the centre of Beccles, in close proximity of shops and amenities, local bus network, and within an approximately seven minute walk of Beccles Train Station. Officers are therefore content that a reduction in the number of parking spaces is appropriate as there is considered to be less reliance on car parking in this location. In addition, the area has several parking restrictions including double yellow lines and parking restrictions to limit highway parking in the area. The proposal also provides secure cycle storage on site, and the proposed parking spaces will also have electric charging points. It is also noted that the area is currently used for parking for the care home, and as such a level of parking not dissimilar to the proposed parking arrangements currently takes place. In this instance officers do not consider that the proposal would result in significant impact on highway safety or result in inappropriate parking in the wider area.
- 7.11. The application was initially submitted with nine parking spaces, with three located in the existing garden area at the rear of the site, in close proximity of the Grade II Listed Gazebo and wall at the rear. Officers considered the proximity of the parking to these features would have a harmful impact on the setting of the Listed Gazebo and significantly increased the risk to the listed wall. As such, the number of parking spaces was reduced from nine to six, thereby retaining the garden area at the rear and protecting the Grade II Listed Gazebo and wall. In this instance, given the sustainable location it was considered that the potential increase in off-street parking outweighed the significant impact that parking on the area closest to the gazebo would have, with the additional benefit of providing an outside communal garden area for the proposed flats. This is a matter where officers have worked positively with the applicant and their agent to find a proposal acceptable to both parties, in accordance with the relevant planning policies.
- 7.12. SCC Highways have raised some concerns that need to be considered in the planning balance, which are listed below and available for view in detail on the Council's public access page. One concern is that one of the parking spaces interferes with the cycle storage area for the property of 1 Puddingmoor, which was required under planning permission ref. DC/19/3793/FUL. 1 Puddingmoor falls within the applicant's ownership, and they have advised that the required cycle storage for the property would be repositioned further south

to the area adjacent its front door. Officers consider that this would be acceptable and have been advised that an application to vary consent DC/19/3793/FUL will be submitted in due course to amend the approved location of the cycle storage.

- 7.13. Concerns have also been raised regarding access to 1 Puddingmoor given that parking space three blocks access to the front door. This has been resolved by cutting a gap in the existing wall to allow access. Officers are therefore content that appropriate access is available for No.1 Puddingmoor.

### Trees

- 7.14. The site is located within a Conservation Area, and therefore the trees are afforded a level of protection with consent required for their removal if they exceed certain size thresholds. The proposal seeks to retain the existing trees on the site, and a condition will be attached to any consent requiring details of tree protection measures to be submitted prior to commencing on site to ensure that the trees are protected in an appropriate way. The Council's Tree and Landscape Officer did advise that the bike store and hard standing be positioned further from a tree located on the boundary with the adjacent church, and this has been undertaken. As such no objections are raised by officers regarding the trees on site.

### Other Matters

- 7.15. The site is situated outside of the Zone of Influence of nearby European Protected Sites, and as such a Suffolk (Coast) RAMS contribution is not required.
- 7.16. Concerns have been raised regarding the red line of the site denoted on the Site Location Plan. The red line was amended slightly during the course of the application so that it provided access into the site, and a full re-consultation was then undertaken. The applicant and agent contend that the red line is accurate for their site, and that appropriate notice has been served on land that is not within their ownership. Officers have no reasons to believe that the red line for the site is not accurate.

## **8. Conclusion**

- 8.1. In conclusion, the proposal will provide nine much needed one and two bedroom residential properties in a highly sustainable location in the centre of Beccles, whilst ensuring the continued occupation of a Grade II Listed building. These benefits are considered to outweigh the less than sustainable harm to designated heritage assets, and the under provision of on-site parking spaces. As such the proposal is considered compliant with all local and national planning policy.

## **9. Recommendation**

- 9.1. It is recommended that planning permission be granted subject to 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 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 26/05/2020for 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.

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 pre-commencement 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 pre-commencement 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 pre-commencement 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

#### **Informatives:**

1. 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](mailto: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](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

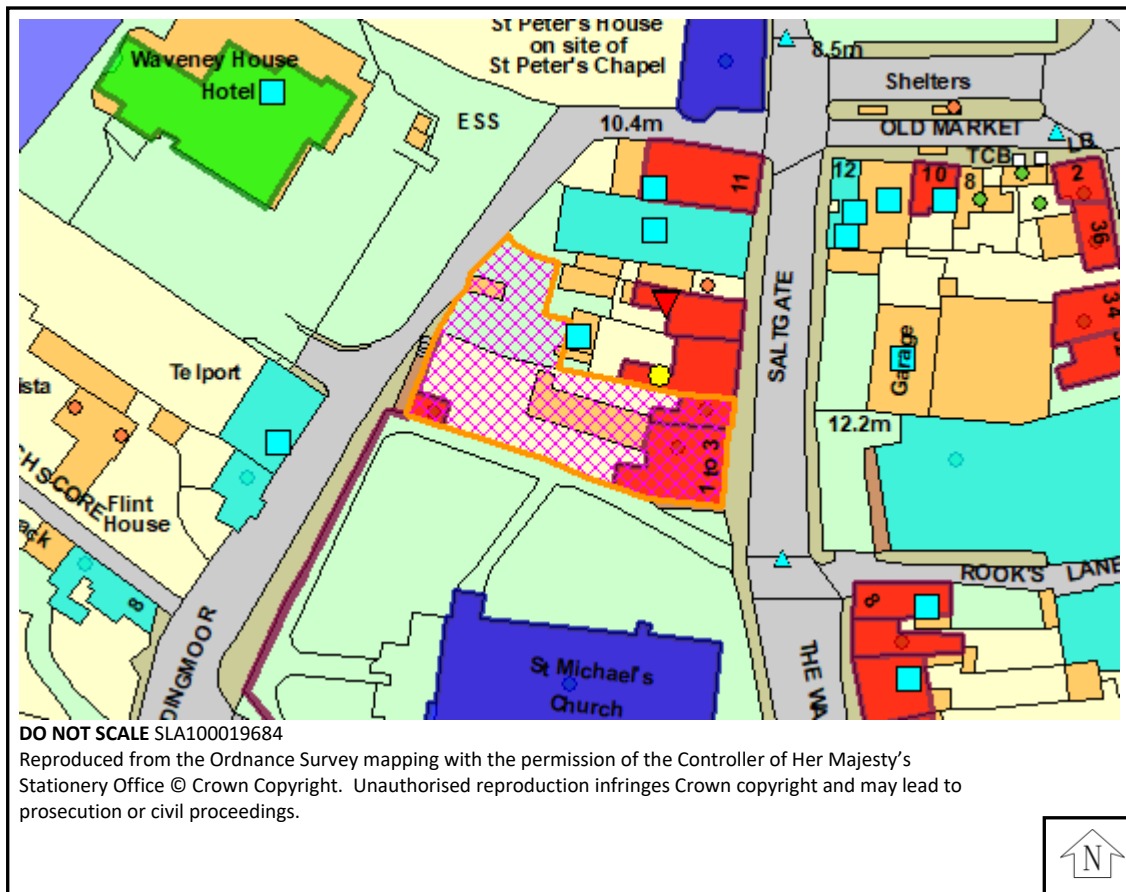
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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





### **Background Papers**

See application reference DC/20/1912/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAY1IOQXJS400>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 13 October 2020

**Application no** DC/20/1913/LBC

**Location**

3 Saltgate

Beccles

NR34 9AN

**Expiry date** 20 July 2020

**Application type** Listed Building Consent

**Applicant** Farrington Care Homes Ltd

**Parish** Beccles

**Proposal** Change of Use and Conversion of Wainford House, a class C2 care home, to nine class C3 residential flats

**Case Officer** Matthew Gee  
01502 523021  
[matthew.gee@eastsoffolk.gov.uk](mailto:matthew.gee@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Listed Building Consent is sought for the change of use of an existing care home (C2) to nine residential flats (C3), and associated works to the Listed Building. The proposal is considered to have an acceptable impact on the Listed Building, and is deemed to constitute less than substantial harm to the heritage asset, that is outweighed by the provision of nine flats in a highly sustainable location, and safeguarding the continued of a Listed Building. Therefore, the proposal is considered compliant with local and national planning policy, and as such it is recommended that planning permission be granted subject to conditions.
- 1.2. The application is referred to planning committee as the request of the planning referral panel due to public interest.

### **2. Site description**

- 2.1. The site is situated within the Settlement Boundary and Town Centre Boundary for Beccles and comprises of an end of terrace Grade II Listed building currently in C2 use. The building



fronts Saltgate to the east, and is bounded by the Grade I Listed St Michaels Church to the south, and a B&B to the north. The sites vehicular access is off Puddingmoor to the west.

2.2. The site boundary for this application covers two Listed buildings;

2.3. List Description for Grade II Listed 1 Saltgate, Listed in 1948:

*"17th century with probable 16th century base structure incorporated, and 18th century refacing of main front and one side with 19th century additions at the rear. Old deeds show that the house was once 'The Greyhound and Dog Inn'. The exterior is comparatively plain. 3 storeys with parapet. Brick distempered. 2 brick bands, 5 windows, some filled in. Modern casements, mullion transom, in flush frames with segmental arches. 6-panel door in wood case with 3/4 Doric columns and bracket pediment, arched radial bar fanlight. Interesting interior: panelled rooms, some enriched window architraves and mantels, and enriched cornices. 2 ducksnest grates, 1 contemporary, 1 imported. Oak stair with turned newels. 1 panelled room with date 1790 on door. It is said that Chateaubriand stayed in the house."*

2.4. List Description for Grade II Listed 3 Saltgate, Listed in 1971:

*" 17th century with 18th century front. As in No 1, the older work appears to be embedded in the rear, consisting of gabled cottages. 3 storeys. Parapet. Brick, distempered. Floor band. 2 windows, mullion transom casements, segmental arches at 1st floor, with flush frames. Pantiles. 6-panel door with flush frame, and with hood, on shaped brackets. NMR photo."*

### **3. Proposal**

3.1. Listed Building Consent is sought for the change of use of a 30 room care (use class C2) to nine residential flats (use class C3). This will comprise of five no. one bedroom flats, and four no. two bedroom flats. The work proposed includes external and internal alterations, including insertion/reinstatement of previously blocked up windows, the removal and addition of internal walls, the removal and addition of kitchen and bathroom facilities.

3.2. The application has a tandem planning application DC/20/1912/FUL.

### **4. Consultations/comments**

4.1. Two third party representations have been received raising the following matters:

- Existing access is not suitable
- Under provision of parking and impact on existing parking provision
- Loss of trees
- Bin Storage and collection
- Impact on and ownership concerns regarding the Gazebo at rear of site
- Construction management concerns
- Incorrect land ownership
- Drawing omit garage for no.7

**Consultees**  
**Parish/Town Council**

Consultee	Date consulted	Date reply received
Beccles Town Council	3 June 2020	26 June 2020
<p>Summary of comments:  REFUSED:</p> <ul style="list-style-type: none"> <li>• Road access onto Puddingmoor and concerns on the grounds of road safety due to the steep slope in winter.</li> <li>• Loss of care places considered a requirement as per the ESC Waveney Local Plan Policy WLP8.31 ' Lifetime Design and within BECC9 of the Beccles Neighbourhood Plan 2019-2036 Submission Stage (Regulation 16) Consultation Draft.</li> <li>• Loss of Walnut Tree</li> <li>• Effect on the gazebo listed building.</li> </ul>		

**Statutory consultees**

**Non statutory consultees**

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	3 June 2020	No response
<p>Summary of comments:  Comments incorporated into officer considerations as part of the Planning Service.</p>		

**Re-consultation consultees**

Consultee	Date consulted	Date reply received
Beccles Town Council	29 July 2020	14 August 2020
<p>Summary of comments:  The Chair welcomed Mr &amp; Mrs Frost who own the Gazebo, and Mr Richard Sword of 7 Saltgate, and invited both to speak.</p> <p>Mr Sword informed all that his garage had not been included, that there wasn't sufficient space for parking in accordance with the Suffolk CC Suffolk Guidance for Parking and that there wasn't sufficient space for drivers to access all the properties through the Puddingmoor entrance.</p> <p>Councillor Robinson noted that the amount of parking spaces has reduced from 9 to 6 for a development of five one-bed and four two-bed flats, but in response to sustainable transport advice from Suffolk CC, the cycle shelter had been upgraded from the original proposed shelter and moved it away from the tree as requested by the ESC Tree Officer. There is now an additional shelter for 3 bikes. In addition to this, they have added electric charging points for 2 cars. Councillor Robinson noted that the parking still did not comply with the parking guidance.</p>		

There was still no plan showing exactly who owned the areas of land for the Gazebo and Wainford House respectively. Concerns were also raised about the access rights to the gazebo.

Councillor Wheeler informed all that the gazebo is an important building and the first doctor's surgery in Beccles. She enquired if the owners have the title deeds for the gazebo.

Mr Frost bought the property on the understanding that there was a right of access from present gateway near the current car park and that there was always a 3' wide section of garden to the north of the gazebo and a 10' to the east. The gazebo garden was not currently fenced off from the rest of garden and he felt this was important with relation to the house, although it has been compromised by the current extension. Mr Frost felt it is important that the present garden is retained in its current state. Mr Frost was concerned as to the future arrangements for grounds maintenance and advised that Wainford House would no longer be a care home and it wasn't known who would be managed the grounds. He was advised to contact the developer with regard to the latter element.

Mr Frost was advised that unfortunately none of his concerns are planning considerations, so he may wish to consider fencing off the garden area. He advised that the gazebo was purchased in 1990 and will send a copy of the land registry document to Beccles TC.

Councillor Robinson considered that the land registry document may help indicate if there was a potential planning land access issue.

After a further brief discussion, the committee considered that the application should be refused on the same grounds as before.

#### Refused

- Road access onto Puddingmoor and concerns on the grounds of road safety due to the steep slope in winter.
- Loss of care places considered a requirement as per the ESC Waveney Local Plan Policy WLP8.31 – Lifetime Design and within BECC9 of the Beccles Neighbourhood Plan 2019-2036 Submission Stage (Regulation 16) Consultation Draft.
- Loss of Walnut Tree
- Effect on the gazebo listed building.
- That inaccurate information in relation to the property boundary had been provided.

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	29 July 2020	No response
Summary of comments: Comments incorporated into officer considerations as part of the Planning Service.		

Consultee	Date consulted	Date reply received
Beccles Town Council	3 July 2020	21 July 2020

Summary of comments:

The Chair outlined that the only change was the submission of a revised boundary plan and then introduced Richard Sword of No. 7 Saltgate. RSw outlined his primary objection to the revised plan as he considers it does not accurately reflect the actual property boundary, with a copy of the land registry plan submitted in support of this. RSw considers that the access and land ownership issues have not been addressed or accurately represented.

The committee were very disappointed to note the inaccurate boundary plan re-submitted, with CW enquiring as to who actually owns the gazebo land parcel. After also noting the concerns of the ESC Design & Conservation Officer, the committee resolved to refuse this application for reasons previously given and to register their grave concerns in regard to the inaccurate land boundary plan, particularly given its potential impact on the historically significant grade 2 listed gazebo.

Refused

- Road access onto Puddingmoor and concerns on the grounds of road safety due to the steep slope in winter.
- Loss of care places considered a requirement as per the ESC Waveney Local Plan Policy WLP8.31 ' Lifetime Design and within BECC9 of the Beccles Neighbourhood Plan 2019-2036 Submission Stage (Regulation 16) Consultation Draft.
- Loss of Walnut Tree
- Effect on the gazebo listed building.
- That inaccurate information in relation to the property boundary had been provided

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	3 July 2020	9 July 2020
Summary of comments: Comments incorporated into officer considerations as part of the Planning Service.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	12 June 2020	3 July 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Conservation Area	12 June 2020	3 July 2020	Beccles and Bungay 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. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.3. 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".
- 6.4. National Planning Policy Framework (NPPF) (2019)
- 6.5. National Planning Policy Guidance (NPPG)
- 6.6. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- WLP8.29 - Design
  - WLP8.37 - Historic Environment
  - WLP8.39 - Conservation Areas

## **7. Planning considerations**

### Front elevation

- 7.1. The proposal looks to install a number of new windows where the openings appear to have been blocked up in the past, as part of the conversion of the building to nine flats.
- 7.2. The heritage statement states;

*"4.2.1 External The blocking up of the entire section of windows to the left of the front door has left the building with a rather unbalanced and somewhat derelict look (figure 1). Some of the windows might have been blocked up historically following the introduction of the window tax, but the wholesale blocking up of all windows on one entire side appears a rather unusual measure. Historic photographs appear to show these windows blocked up, but the 1894 photograph is not particularly clear on this (see below appendices). It is proposed to reinstate all blocked up windows."*

- 7.3. It is agreed that the effect of the blocking up of the windows does give a slightly negative overall character to the building when viewed from Saltgate. From the information supplied in the heritage statement it is not clear as to the origin of this appearance, i.e. if these windows were always blank or if they have since been blocked up. The plans record several of the openings as having chamfered reveals internally. These are designed to allow more light in and so would have not been necessary if these were never openings. Looking at the external evidence from the blocking up fabric used, the openings at ground floor are of bricks which are of a larger size than that of the bricks in adjacent walling and at first and second floors the openings are rendered which again tends to indicate the material below is not original to the rest of the frontage.

- 7.4. Taking this into account officers do not object to these openings being reinstated in timber to match the existing windows in this particular case.

#### Extension to the rear

- 7.5. This replaces in part existing structure and is acceptable subject to detailing and materials. The materials need to be of quality, including the roof covering which can be viewed from the windows above, so the choice of material is important.
- 7.6. The use of uPVC guttering as proposed on drawing is not acceptable on Listed buildings or extensions to them. This element needs to be in cast metal, and a condition will be attached that all guttering be cast iron.

#### Internal works

- 7.7. The scheme appears to have been designed to minimise impact on the historic fabric identified in the heritage statement. The scheme looks to remove some of the more recent partitions and elements such as modern lowered ceilings is a positive proposal and retain historic features such as timber framed elements, existing staircases and decorative plaster finishes. There is the need to upgrade the fire and acoustic resistance of some elements to the structure. This will cause some harm but is necessary to make the units safe and of adequate standard for occupation.

#### External works - parking

- 7.8. The application initially had provision of the parking in the rear garden area close to the adjacent Listed building of the Gazebo in No 1/3 Saltgate which was not considered acceptable as the building was designed to be within a garden setting related to No 1. So, having a hard standing and cars closely surrounding, and the use of concrete bollards negatively impacts its setting and is not acceptable. This causing harm to its significance as a garden room historically related to No1 Saltgate. Therefore, the application has been amended to remove the parking area closest to the Grade II Listed Gazebo.
- 7.9. Some works including works to add fire and acoustic resistance will cause some harm to the significance of the building by impact on existing historic fabric however, there are positives of the scheme such as the installation of the windows.
- 7.10. Therefore, on balance, officers do not object to the physical works, and the harm caused is considered to be less than substantial as set out in clause 196 of the NPPF, which states:

*"196. 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."*

- 7.11. The harm caused is considered to be low and against which the public benefit can be balanced. In this instance the benefit of providing nine new dwellings in a highly sustainable location and safeguarding the use of a listed building is considered to outweigh this less than substantial harm.

## **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 Listed Building Consent be granted subject to 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 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.

#### **Informatives:**

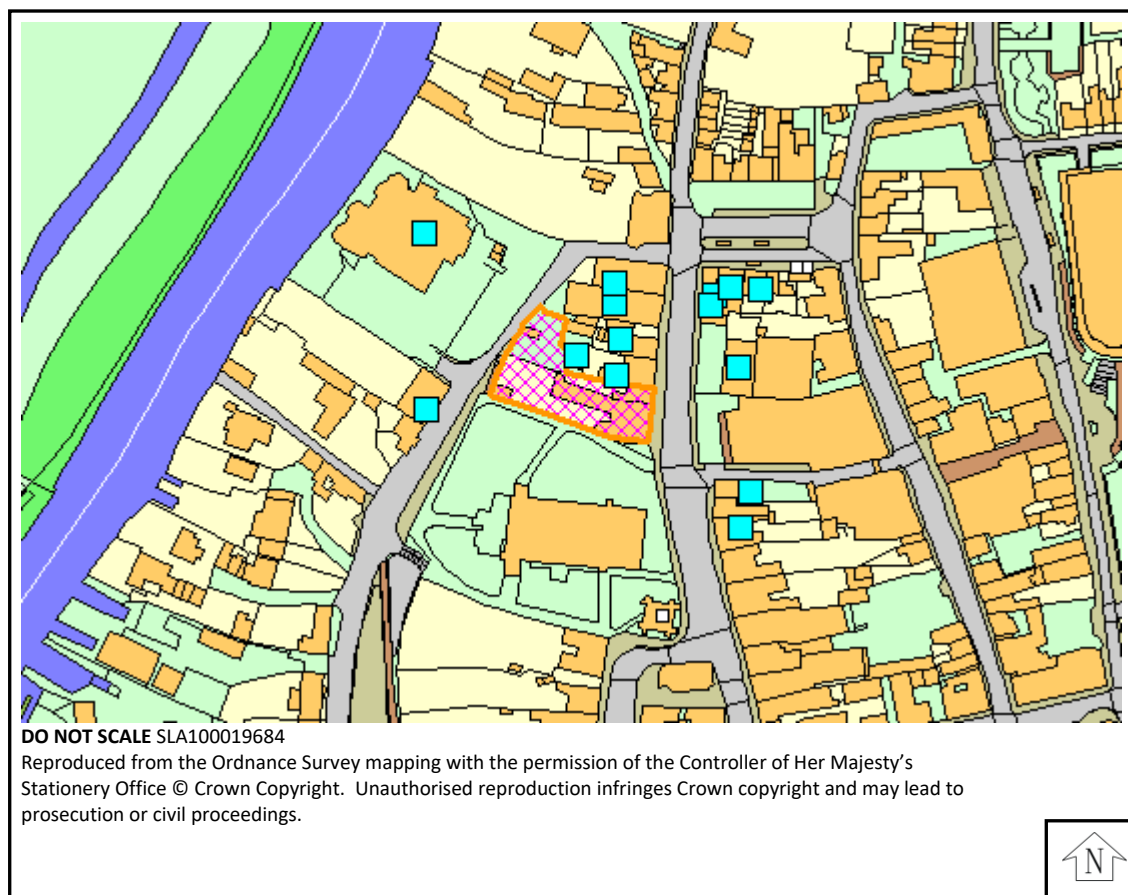
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan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

#### **Background Papers**





See application reference DC/20/1913/LBC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAY1ISQXJS500>



## Map



## Key

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

## **Committee Report**

**Planning Committee - 13 October 2020**

**Application no** DC/20/1352/FUL

**Location**

Royal Court Hotel  
146 London Road South  
Lowestoft  
NR33 0AZ

**Expiry date** 15 July 2020

**Application type** Full Application

**Applicant** Lowestoft Court Apartments Ltd

**Parish** Lowestoft

**Proposal** Redevelopment and extension of the former Royal Court Hotel to provide a café (A3) at ground level and 16 residential flats

**Case Officer** Joe Blackmore  
01394 444733  
[Joe.Blackmore@eastsuffolk.gov.uk](mailto:Joe.Blackmore@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1 The application seeks full planning permission for the re-development and extension of the former Royal Court Hotel to provide sixteen residential flats, and a café at ground floor level.
- 1.2 The application was initially submitted seeking planning permission for twenty-nine flats and a café. The scheme has been significantly amended and reduced in response to officer feedback. The revised scheme for sixteen flats and a café is now supported by Lowestoft Town Council, and all previous objections from statutory consultees have been positively resolved.
- 1.3 The Royal Court Hotel has sat vacant for many years in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre. The existing flat-roofed additions to the rear, along with the tired and vacant appearance of the building, detract from the character, appearance, and vitality of the area. The proposed development would see the building brought back into a viable use with a ground floor café fronting London Road South and well-designed residential accommodation within the existing

building and new rear extensions. The remodelling and rear extensions are high-quality contemporary design that will enhance the character and appearance of the Conservation Area. The proposal will bring more residents into the town centre who will then likely spend at local shops and services. The regeneration of a key site in such a prominent location will be a significant public benefit for the town and will make an important positive contribution to the wider work of the Lowestoft South High Street Heritage Action Zone that is about to commence.

- 1.4 Officers consider that the proposed development accords with the Development Plan and represents a sustainable form of development delivering significant public benefits. Accordingly, the application is recommended favourably.
- 1.5 At the request of the Planning Committee (North) Chairman, the application has been brought direct to committee for determination given the significance of the development and level of public interest.

## **2. Site description**

- 2.1 The application site is located in the Lowestoft settlement boundary and the South Lowestoft Conservation Area. The site falls within the Kirkley District Shopping Centre - which is located along London Road South between Parade Road South and Lorne Park Road.
- 2.2 The Royal Court Hotel is located at 146 London Road South. The majority of the site is taken up by the former hotel building which faces west, fronting London Road South. A gated point from the road provides access to the remaining area of hardstanding at the rear of the property which has historically been used for vehicular parking. The site covers an area of approximately 0.07 ha and is bounded to the north by a vacant retail store and to the east by a private surface level car park that is used in conjunction with Hatfield Lodge Hotel. To the south lies The Kirkley Centre, a business and training venue.
- 2.3 The building is a classically proportioned, red brick building with decorated overhanging eaves. It has a tall, projecting southern chimney stack. A modern two storey flat roof extension has been added to the rear facing Wellington Esplanade. The rear elevation of the Royal Court Hotel is situated a plot width back from Wellington Esplanade. The terrace of four storey buildings adjacent to the rear of the site is noted in the Conservation Area Appraisal as being Grade II listed and buildings to the front and rear of the site are local list candidates.
- 2.4 The site lies within tidal Flood Zone 3a (according to Environment Agency mapping).
- 2.5 There is a flat saturation area a short distance south of the site; however, the site falls outside this designated area.

## **3. Proposal**

- 3.1 As set out in the summary section, the application originally proposed a much larger scheme comprising 29 flats and a ground floor cafe. The proposals have been significantly amended

and reduced. The application was formally amended by revised submission received 17 August 2020, and public consultation undertaken on the amended scheme.

- 3.2 The proposed development is for the redevelopment of the existing building and provision of sixteen flats, with a café space at ground level.
- 3.3 Car and cycle parking provision is proposed to the rear of the building in the form of eight car parking spaces, and a secure cycle parking area accommodating, potentially, up to 40 bikes via secure/covered two tier cycle racks.
- 3.4 To facilitate this development a number of physical works are proposed including the extension of the building and insertion of dormers, doors and windows. The existing building comprises 651 square metres (sqm). The new building would comprise 1006 sqm of new floor space; 74 sqm would be occupied by the café with the rest given over to residential and communal areas.
- 3.5 The overall design retains and converts the existing building to provide a number of residential units, with areas of extension provided to add additional floor space. A vertical extension on the existing rear flat roof building provides additional units with the stair core also vertically extended to allow access to this new second floor level. The main element of the rear block would be clad in a brick slip system. The new second floor and roof terrace have been stepped back, with the second floor clad in a contrasting material to recess this element against the lower brick building.
- 3.6 The two flats within the new vertical extension would have large glazed openings on the south east elevation which allows the internal spaces to open up onto their private roof gardens/ terraces.
- 3.7 Access to the new apartments and café spaces would be gained via the existing front entrance that was used in conjunction with the hotel; access to the apartments is designed with a double door entry system.
- 3.8 Of the 16 flats/apartments proposed - twelve would be 1-bed (2-person); two would be 2-bed (3-person); and two would be 2-bed (4-person).
- 3.9 On the ground floor, fronting London Road South, 74sqm of floor space would be used as a café.

#### **4. Consultations/comments**

- 4.1 In response to the original proposals (for 29 flats and a cafe) 10 letters of objection were received that raised a number of key material planning issues (inter alia):
  - Doubling the height of the building will result in overlooking of nearby properties and harm to outlook.
  - 29 flats is much more than the 20 previous hotel rooms.
  - The accommodation is poor quality bedsit/HMO type accommodation.
  - The proposals will generate significant noise.
  - So many flats and a commercial use will create lots of rubbish.

- The application is 'dressed up' as accommodation for the offshore energy sector but will actually result in a poor-quality HMO.
- There are long standing problems in the area of poor-quality HMOs and social deprivation.
- There is no mechanism to secure the units to only offshore energy workers.
- No parking for 29 flats will cause problems locally.
- The development is unacceptable in the conservation area.
- Proposal will harm the character of the existing building.
- Not convinced the client base will be solely corporate lets for offshore sector.
- Over development in a flat saturation zone.
- Already local problems with bedsits and HMOs; this will add to those problems.
- Property should return to a hotel use.
- Over development of the site.
- Small unit size will attract transient tenants and bring about antisocial issues and decline in the area.
- No need for further commercial premises in this area of the town.
- This site would ideally suit a development of fewer but higher quality residential units contained within the existing building.

Three letters of support were received that raised several key material planning issues (inter alia):

- The development will bring new people working in the area to the town.
- Development will support local trade and investment into the community.
- Design should be commended.
- Parking will not be an issue for professionals employed in the offshore energy sector, as their vehicles can be parked at the docks for the duration of their work trip.
- The development will free up other houses for long term residents/families that are currently being rented to businesses.

- 4.2 In response to the amended proposals for sixteen flats and a cafe, one previous objector has submitted a letter to state that, after reviewing the amended plans, they withdraw their objection. Another previous supporter has reiterated their support for the amended scheme.

Three further letters of objection have been received that raise several key material planning issues (inter alia):

- Overdevelopment of the site and only 8 parking spaces is inadequate.
- The proposal has no outdoor space, limited parking, and limited bin space.
- No parking provided and parking on nearby streets is not an option.
- The grey annex at the back should be pulled down to allow for parking.
- It is unclear who the residents will be, and the result could be a HMO.

- 4.3 All properties originally consulted have been re-consulted, with a final response date for comments being 15 October 2020. Any officer recommendation to grant permission would be seeking authority to approve, subject to no new material planning issues being raised prior to 16 October 2020. Any additional representations received prior to Planning Committee will be reported to members via the update sheet.

## 5. Consultees

### Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	16 April 2020	14 May 2020
Summary of comments: The Planning and Environment Committee considered this application at a meeting on 12 May. It was agreed to recommend approval of the application.		

#### Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	5 June 2020	25 June 2020
Summary of comments: Concerns with the design of the scheme and impact on the conservation area.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	5 June 2020	25 June 2020
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	5 June 2020	11 June 2020
Summary of comments: Recommend approval.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	16 April 2020	18 May 2020
Summary of comments: Holding objection due to lack of parking provision.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Economic Development (Internal)	N/A	30 April 2020
Summary of comments: Support the application.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	5 June 2020	6 July 2020
Summary of comments: Internal planning consultee. See planning considerations section.		

Consultee	Date consulted	Date reply received
Design Council	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	16 April 2020	29 April 2020
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	16 April 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
CIL (Internal)	16 April 2020	17 April 2020
Summary of comments: Internal planning consultee; see planning considerations section.		

Consultee	Date consulted	Date reply received
Police - General	16 April 2020	21 April 2020
Summary of comments: Advice given.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	27 August 2020
Summary of comments: No objections. No archaeology conditions required.		

#### **Re-consultation consultees**

Consultee	Date consulted	Date reply received
CIL (Internal)	20 August 2020	4 September 2020
Summary of comments: Internal planning consultee; see planning considerations section.		

Consultee	Date consulted	Date reply received
Design Council	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	20 August 2020	No response
Summary of comments:		



Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 August 2020	20 August 2020
Summary of comments: No objections. See previous comments.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	20 August 2020	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	20 August 2020	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
Historic England	20 August 2020	28 August 2020
Summary of comments: No objections to amended plans.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	20 August 2020	24 August 2020
Summary of comments: No objections. Conditions recommended.		

Consultee	Date consulted	Date reply received
Lowestoft Town Council	20 August 2020	9 September 2020
Summary of comments: The Town Council's Planning and Environment Committee considered this application at a meeting on 8 September 2020. It was agreed to recommend approval of the application.		

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

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 August 2020	25 August 2020
Summary of comments: Recommend approval.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 August 2020	14 September 2020
Summary of comments: Holding objection removed. Conditions recommended.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	20 August 2020	No response
Summary of comments: No response.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Major Application	28 August 2020	21 September 2020	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Listed Building	28 August 2020	21 September 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Affects Setting of Listed Building	24 April 2020	18 May 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Affects Setting of Listed Building	24 April 2020	18 May 2020	Beccles and Bungay 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)

WLP2.1 - Central and Coastal Lowestoft Regeneration (East Suffolk Council - Waveney Local Plan (March 2019)

WLP2.12 - Kirkley District Shopping Centre (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.4 - Conversion of Properties to Flats (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.17 - Existing Tourist Accommodation (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.18 - New Town Centre Use Development (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.19 - Vitality and Viability of Town Centres (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.20 - Local Shopping Centres (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan (March 2019)

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

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.38 - Non-Designated Heritage Assets (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.39 - Conservation Areas (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-taking.
- 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 application site is located within Lowestoft settlement as defined in the Local Plan. Local Plan spatial strategy policies WLP1.1 and WLP1.2 set out, broadly, that new development should generally be directed to within the defined settlement boundaries, with the majority of development over the plan period allocated to Lowestoft as the largest town in the District. The principle of residential development, in that context, is entirely supported by the Local Plan.

### Change of Use and Kirkley District Shopping Centre

- 8.4 Policy WLP8.17 of the Local Plan seeks to protect existing tourism accommodation from change of use to residential. Changes of use will only be considered in exceptional circumstances where it can be fully and satisfactorily demonstrated that there is no demand for the tourist accommodation.
- 8.5 Policy WLP2.12 relates to the Kirkley District Shopping Centre and sets out that new town centre use development will be permitted within this area where the scale and function is consistent with the role of the District Centre and not harmful to the vitality and viability of the town centre. Although now superseded due to recent Government changes to the Use Classes Order, the desired ground floor uses in this area include A class uses such as retail, financial and professional services, cafes, and restaurants etc.
- 8.6 The proposal seeks to introduce a ground floor café use into the District Centre and this is supported by WLP2.12 which clearly sets out to promote new restaurant and café uses in the area. The provision of a café would enhance the commercial offer in this location, and it would not detract from Lowestoft Town Centre.
- 8.7 The Royal Court Hotel was first put up for sale in 2009, and was marketed again in 2011, with reportedly little interest aside from as a residential development opportunity. The property was marketed by Steel & Co from 2016 to its point of sale in 2019, although the developer has clearly purchased the property with the intention of change of use. Whilst the

marketing information provided with the application submission is limited, it is clear that the building has not been in a tourism/hotel use since 2009 and has been subject of extensive marketing for that consented use over the last eleven years. The building has sat vacant throughout most of this period which does detract from the vitality and appearance of the area. Proposals to bring the building back into a viable use, with commercial floorspace at ground floor level, fronting onto London Road South, will bring significant benefit to the area. Given the length of time that a hotel has not viably operated at the site, any 'loss' of tourism accommodation does not weigh significantly against the application, and the regenerative benefits from its development would far outweigh that limited conflict with WLP8.17. That the proposal meets other policy objectives for the District Centre, in terms of WLP2.12, again supports the comprehensive re-development proposal. There is also the added benefit that future residents of the development will likely spend in the local economy, further enhancing the vitality and viability of the area.

- 8.8 Within the initial proposals, the applicant's intention was to provide the accommodation for workers in the offshore energy sector. Whilst that is an idea with merit, officers raised concerns that there was no realistic way to ensure the accommodation was solely for that demographic. And then, there was concern over the future use of the accommodation should that sector change, and the flats no longer needed. The amended proposal, therefore, is residential accommodation that *could* be for offshore energy workers but, irrespective of that, it is accommodation designed to endure and meet the needs of all future occupiers in terms of amenity space and functionality. Officers consider that this is the correct long-term strategy for this area where there has been a history of substandard HMO and bedsit-type accommodation bringing problems of crime and anti-social behaviour. The nature of the spacious flats and functional ancillary space makes it unlikely the building use would deteriorate into that which would harm the vitality of the area.
- 8.9 For the reasons given, the change of use is considered to be acceptable and in accordance with WLP8.17 and WLP2.12, when read collectively.

#### Design and Heritage Considerations

- 8.10 The South Lowestoft Conservation Area and the Grade II Listed Post Office building are designated heritage assets. The starting point for heritage considerations is the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act").
- 8.11 For Conservation Areas, the statutory duty under s.72 of The Act is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.12 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.
- 8.13 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."*

8.14 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."*

8.15 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."*

8.16 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."*

8.17 The 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."*

8.18 In the case of non-designated heritage assets (NDHAs), paragraph 197 of the NPPF says that the effect of a proposed development on their significance should be taken into account, and that where a development would affect a non-designated heritage asset either directly or non-directly, *"a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

8.19 The NPPF at Paragraph 200 highlights the opportunity for local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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); WLP8.38 (Non-Designated Heritage Assets); and WLP8.39 (Conservation Areas). Policy WLP8.29 (Design) promotes high quality design.

8.21 To support the amended proposals, the applicant has submitted a Heritage Statement that assesses the impact on: the South Lowestoft Conservation Area; Nos. 9, 10 and 11 and

Eastleigh Waterloo Road (Grade II listed building); and Victoria House, and St Georges House and Gresham House (non-designated heritage assets/locally listed buildings). The Heritage Statement is comprehensive and complies with the NPPF requirement.

- 8.22 The Royal Court Hotel lies within the London Road South character area of the South Lowestoft Conservation Area. It is not mentioned within the character statement, but it is a classically proportioned, red brick building in English Bond with decorated overhanging eaves. It has a tall, projecting southern chimney stack. A modern two storey flat roof extension has been added to the rear facing Wellington Esplanade. The rear elevation of the Royal Court Hotel is situated a plot width back from Wellington Esplanade which is explained by the presence, on historic maps, of a building which has been long since demolished. The land is now used as a car park for an adjacent business.
- 8.23 The character of the South Lowestoft Conservation Area reflects the development of the late Georgian/early Victorian seaside resort. Much of the building occurred with Peto's development of Lowestoft as a pleasure resort and the coming of the railway to the town in the 19th century. London Road South developed as the commercial centre of South Lowestoft with many houses being converted to commercial use and rows of tall townhouses being built along Wellington Esplanade to take advantage of the sea views.
- 8.24 The significance of this building and site therefore lays in its architectural design, reflecting the fashion of the period and the predominant style within the conservation area. Its position close to the heart of the 19th century expansion of the town illustrates the town's development as a pleasure resort.
- 8.25 Whilst the original building has character, its current vacant appearance detracts from the significance of the conservation area. To the rear, the site is very prominent from Wellington Esplanade and presents unsightly flat roofed additions; hard surfaced car park; and poor-quality boundary enclosure. From this perspective, the site seriously detracts from the significance of the conservation area.
- 8.26 It is proposed to convert the red brick building on London Road South to a café venue on the ground floor and use part of the ground floor - and all of the upper floors - as residential accommodation. An extension fronting Wellington Esplanade would be used as residential flats.
- 8.27 The conversion and reuse of the building fronting London Road South would involve restoration work, in particular to the windows. This, subject to appropriate detailing, is likely to result in an enhancement to the character of the building and, to the conservation area. The additions of dormers in the roof slope is not unusual in buildings of this type and, subject again to details, is acceptable.
- 8.28 The new development to the rear of the site looks out over the existing car park and onto Wellington Esplanade. The site is extremely visible from this road. The new extension has been significantly amended and reduced in scale since first submission. A vertical extension on the existing rear flat roof building provides additional units with the stair core also vertically extended to allow access to this new second floor level. This also provides the opportunity to insert a vertical break in the elevation and visually separate the existing building from the reconfigured rear block, using a contrasting cladding material. The main element of the rear block would be clad in a brick slip system, with a brick to complement

the existing light/buff brick on the corner/rear of the original building. The new second floor and roof terrace have been stepped back to reduce the overall massing of the building, with the second floor clad in a contrasting material to recess this element against the lower brick building. The two flats within the new vertical extension benefit from large glazed openings on the south east elevation which allows the internal spaces to open onto their private roof gardens/terraces.

- 8.29 The proposal represents good design in accordance with WLP8.29 (Design) that will enhance the appearance of the building within the conservation area, thereby enhancing the significance of this designated heritage asset and the setting of nearby listed buildings. There would be no harm to any designated or non-designated heritage assets arising from this development proposal, which would accord with the historic environment objectives of the NPPF and Local Plan policies WLP8.37, WLP8.38 and WLP8.39. As no harm would arise, the balancing test of NPPF paragraph 196 is not engaged for decision-taking.

#### Residential Amenity

- 8.30 In terms of local living conditions, the site is located within a busy urban area and the introduction of sixteen flats and a café is unlikely to bring significant impact. The new extension would be flanked by deeper plan development to the north and south, and then new upper floor (west facing) windows and outdoor spaces would provide an outlook not dissimilar to the existing situation. This would allow for some overlooking of the rear of properties on Wellington Esplanade, but with back-to-back building separation distances of over 20 metres, such overlooking would not be unacceptable in the urban context.
- 8.31 The scale and massing of the building has been significantly reduced since the first submission, and the result is that the development – particularly the rear additions – are well related to the built context. The development would not be overbearing to neighbouring property.
- 8.32 The mix of café use and residential flats could bring some disruption to future occupants of the development. Therefore, a condition is recommended to restrict the café public opening hours to ensure that any disruption is limited to daytime hours. There is no extract or ventilation equipment proposed for the café use, which will not likely bring significant noise and odour, in any case. Officers recommend though that permitted development rights for changes of use of the commercial space be removed on any grant of planning permission, to ensure that commercial use on the ground floor is compatible with the residential use of the development.
- 8.33 For the reasons given, the amenity impact of the development is acceptable in accordance with Local Plan Policy WLP8.29.

#### Affordable Housing and Vacant Building Credit (VBC)

- 8.34 Local Plan Policy WLP8.2 sets out that new housing developments over eleven dwellings must make provision for a proportion of the total dwellings to be affordable housing. In the Lowestoft area such developments must provide 20% affordable housing.
- 8.35 However, in accordance with NPPF paragraph 63, the National Planning Practice Guidance sets out that:



*“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”*

- 8.36 The former Suffolk Coastal and Waveney DC’s published a VBC Advice Note that provides guidance on how the Council will apply the VBC:

*“The vacant building credit will only be applied where the building has not been abandoned and has not been demolished prior to the date when an application has been validated.*

*The national guidance does not specify how to calculate floorspace. For consistency Gross Internal Area (GIA) will be used for both vacant and proposed floorspace.*

*The NPPG does not provide a definition of “vacant building” so the two Council’s will apply the CIL definition, which is a building that has not been in continuous use for any 6 month period during the last 3 years. This means the whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied. This approach has been used by a number of councils across the country.*

*In addition it will not apply in situations where there is a valid live consent on the site, or where consent has recently lapsed, or where a site has had an application considered since the reintroduction of the guidance in the NPPG and the VBC was not sought.”*

- 8.37 The applicant has supplied information within their updated Planning Statement to cover this. The building has been vacant for at least three years and it has not been in any continuous use for any 6-month period during the last three years. The building was vacant at the time the application was validated, and there is no live or recently elapsed consent for development. Accordingly, the VBC applies to the Royal Court Hotel site and therefore needs to be calculated to determine any affordable housing requirement arising from the proposed development.

- 8.38 The process to calculate the VBC is:

- Calculate the Gross Internal Area (GIA) floorspace of the existing building/s as a proportion of the proposed GIA floor space of the proposed redevelopment to give the Credit Proportion (Note: for wholly residential schemes this will be the total GIA of all proposed dwellings, for mixed use schemes the GIA of the proposed future residential elements only will be used).
- All calculations will be rounded to the nearest square metre.
- Apply this Credit Proportion as a reduction to the Affordable obligation.
- Where a VBC calculation results in a part dwelling requirement this will be rounded up to the next whole affordable dwelling, e.g. 1.25 affordable dwellings after VBC has been applied will be rounded to 2 whole affordable dwellings.

8.39 In terms of the current application site, the VBC calculation is as follows:

Existing GIA (sq.m.) = 651

Proposed residential GIA (sq.m) = 932

Existing ÷ Proposed = 0.698

20% Affordable Rate on 16 units = 3.2 units

Reduction = (0.647 x 3.2) = 2.235

**3.2 units – 2.235 units = 0.965 affordable dwellings required**

8.40 With the application of the VBC, therefore, just under one affordable dwelling would be required on this development proposal. The 0.965 figure would be rounded up to 1 as the nearest whole number.

8.41 A single affordable dwelling within the development, above and adjacent to a commercial unit, is not likely to be attractive to a Registered Social Landlord. Normally, for management reasons, RSL's affordable housing stock is grouped and on a single site they would look to take on more than a single dwelling. On that basis, the residual affordable housing requirement of one dwelling can be provided for in the form of a commuted sum to fund the provision of offsite affordable housing in the District. This would need to be secured by S106 legal agreement prior to any planning permission being granted.

8.42 With the application of the Vacant Building Credit, and the residual affordable housing requirement delivered in the form of a commuted towards off-site affordable housing, via a S106 agreement, the proposed development would accord with Local Plan Policy WLP8.2.

#### Flood Risk and Surface Water Drainage

8.43 The site is located within Environment Agency (EA) Flood Zone 3a – this is an area identified as having a high probability of flooding. The application is therefore supported by a site-specific Flood Risk Assessment (FRA).

8.44 Local Plan policy WLP8.24 relates to flood risk and sets out, amongst other things, that:

*“Development proposals should consider flooding from all sources and take in to account climate change. Proposals at risk of flooding (taking in to account impacts from climate change) should only be granted planning permission if it can be demonstrated that:*

- *There are no available sites suitable for the proposed use in areas with a lower probability of flooding;*
- *The development provides sustainability benefits which outweigh flood risk; and*
- *A site specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development. This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere including on the natural environment.*

*New residential development on sites not allocated in this Local Plan or a Neighbourhood Plan will not be permitted on sites at risk from flooding."*

- 8.45 As the proposal is for residential development in flood zone 3a, the EA has been consulted. The EA raise no objection to the proposals as follows:

*"Thank you for your consultation dated 5 June 2020. We have reviewed the application as submitted and have no objection because the site is currently defended and the SMP policy for this area has an aspiration for hold the line."*

- 8.46 The NPPF seeks to mitigate the risk of flooding by restricting vulnerable new development (such as housing) within areas at risk from flooding. It does this by requiring development proposals in areas at risk from flooding to be subject to a sequential test where it has to be proven there are no suitable areas of land with a lesser risk of flooding and an exception test which identifies sustainability benefits of development and ensures the development is safe for its lifetime. However, these tests are not applicable to the current proposal because it involves the change of use of an existing building. It should also be noted that the consented use for the building is that of a hotel which, in flood risk terms, is a 'more vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. The proposed residential use is the same category of vulnerability.
- 8.47 The site-specific FRA recommends a number of measures that can be incorporated into the development proposal to ensure that, irrespective of 'hold the line' flood defences in the future, the development can be made safe and account for climate change. Officers recommend a pre-commencement condition be applied to any permission granted, in order to secure the final, precise details of the flood risk mitigation and evacuation measures that are to be incorporated into the development.
- 8.48 The FRA also details strategies for surface water drainage that would be acceptable to the Local Lead Flood Authority.
- 8.49 The proposal is acceptable in accordance with the objectives of WLP8.24 and the NPPF.

#### Ecology and Habitats Regulations

- 8.50 The Habitats Regulations Assessments (HRAs) of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document (2011 and 2013) and 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. The LSE is predicted to arise from increased levels of recreational use resulting from residents of new development. This would be an in-combination effect as a result of the total amount of new housing growth in the district.
- 8.51 Following the findings of the Local Plan HRAs and under direction from Natural England, the Local Planning Authorities with residential growth in areas which are likely to impact on Suffolk coast Habitats sites have worked collaboratively to prepare and implement a mitigation strategy to address the identified LSE and prevent cumulative new development resulting in an adverse effect on the integrity of the designated sites. The LPAs involved are East Suffolk Council (formerly Suffolk Coastal District Council and Waveney District Council);

Babergh and Mid Suffolk District Councils and Ipswich Borough Council. This strategy is currently referred to as the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy or "Suffolk Coast RAMS". The strategy identifies that new residential development within 13km of the Habitats sites identified in the Technical Report will contribute to in-combination recreational disturbance impacts. This area is referred to as the Zone of Influence (ZOI).

- 8.52 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. Any recommendation to grant permission/consent is subject to that RAMS contribution being secured before decision. With mitigation secured the proposal would accord with Policy WLP8.34.

## **9. Conclusion**

- 9.1 The application was initially submitted seeking planning permission for twenty-nine flats. The scheme has been significantly amended and reduced in response to officer feedback. The revised scheme for sixteen flats and a café is now supported by Lowestoft Town Council, and all previous objections from statutory consultees have been positively resolved.
- 9.2 The Royal Court Hotel has sat vacant for many years in a highly prominent location within the South Lowestoft Conservation Area and Kirkley District Shopping Centre. The existing flat-roofed additions to the rear, along with the tired and vacant appearance of the building, detract from the character, appearance, and vitality of the area. The proposed development would see the building brought back into a viable use with a ground floor cafe fronting London Road South and well-designed residential accommodation within the existing building and new rear extensions. The remodelling and rear extensions are high-quality contemporary design that will enhance the character and appearance of the Conservation Area. The proposal will bring more residents into the town centre who will then likely spend at local shops and services. The regeneration of a key site in such a prominent location will be a significant public benefit for the town and will make an important positive contribution to the wider work of the South Heritage Action Zone that is about to commence.
- 9.3 Officers consider that the proposed development accords with the Development Plan and represents a sustainable form of development delivering significant public benefits. Accordingly, the application is recommended favourably.

## **10. Recommendation**

- 10.1 Authority to Approve, subject to no new material planning issues being raised prior to 16 October 2020; and subject to a legal agreement being signed to provide a per-dwelling contribution to fund the Suffolk (Coast) RAMS, and a commuted sum to fund off-site affordable housing.

- 10.2 If the S106 Agreement is not signed within six months of the resolution to grant permission, or a revised timescale for such agree in writing with the LPA, then permission be refused due to the impact on the SPA and lack of affordable housing provision.

**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/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.

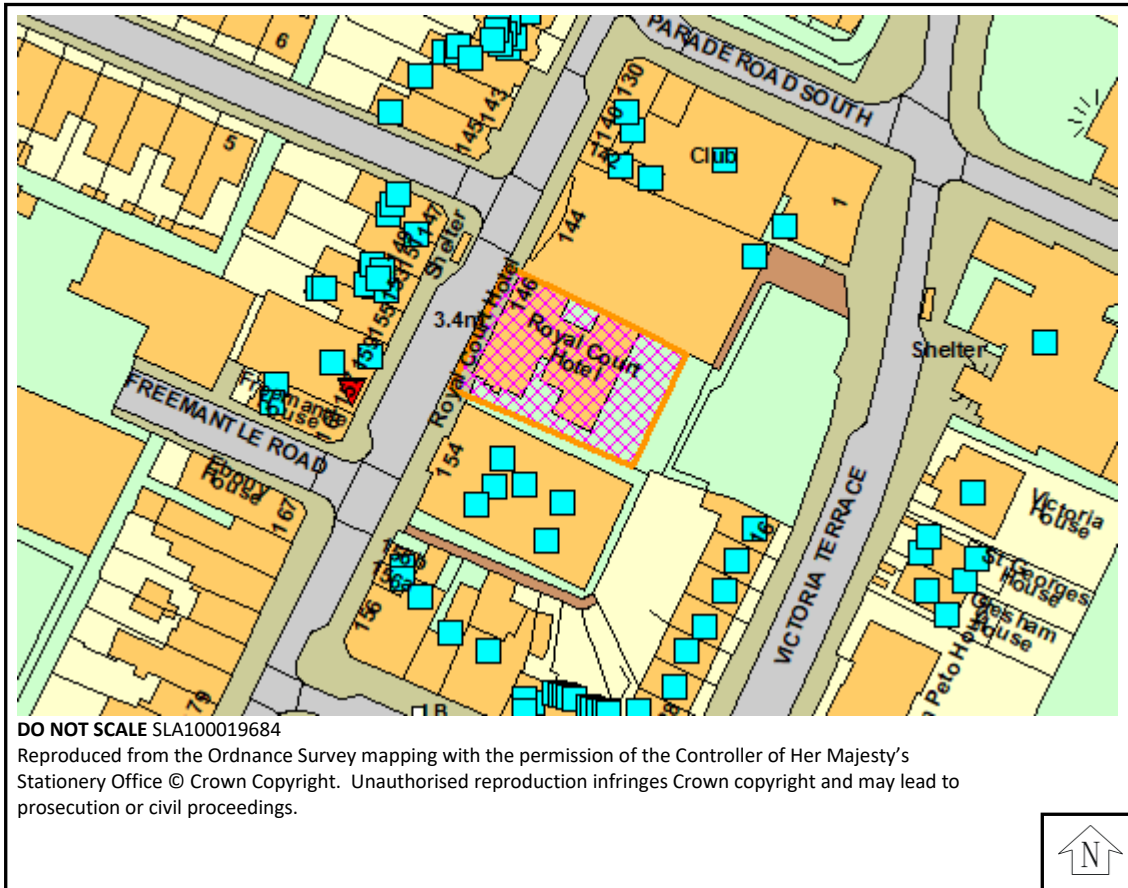
#### **Informatives:**

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.





## Background Papers

See application reference DC/20/1352/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee – 13 October 2020**

**Application no** DC/18/2687/FUL

**Location**

Land Adjacent 53 Ranville  
Carlton Colville  
Lowestoft  
Suffolk  
NR33 8UB

**Expiry date** 20 August 2018

**Application type** Full Application

**Applicant** Mr & Mrs Underdown

**Parish** Carlton Colville

**Proposal** Construction of a house

**Case Officer** Phil Perkin  
(01502) 523073  
[philip.perkin@eastsuffolk.gov.uk](mailto:philip.perkin@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1 It is proposed to construct a two-storey dwelling on the end of a terrace of seven properties at 53 Ranville, Carlton Colville, Lowestoft, NR33 8UB.
- 1.2 It is considered that there is sufficient space at the end of the terrace to accommodate an additional dwelling and that parking provision, for the existing and proposed dwelling, is adequate.
- 1.3 The application is referred to the Planning Committee by the Referral Panel to enable consideration of the car parking situation to be fully considered.



## **2. Site description**

- 2.1 Ranville is located to the west of the A12 Bloodmoor Road and is screened from it by a heavily landscaped verge. It forms part of a large residential estate in South Lowestoft. The application site is at one end of a terrace of seven two storey houses of light brown brick and dark coloured concrete pantiles.
- 2.2 The application site currently provides two car parking spaces alongside No. 53 Ranville. Immediately to the south of the site is an embankment and pedestrian ramp leading to a footbridge over Bloodmoor Road. The embankment contains trees and shrubs some of which overhang the application site. There is no direct access from the pedestrian ramp into Ranville. To the south of the footbridge is the South Lowestoft Industrial Estate. There is a large expanse of hardstanding to the front of the terrace which provides communal car parking space. On the opposite side of the hardstanding and to the rear of the application site are similar terraces of residential properties.
- 2.3 The site lies within the defined physical limits of Lowestoft.

## **3. Proposal**

- 3.1 It is proposed to add one two storey dwelling to the side of No. 53 Ranville; the design and appearance of which would match those of the existing properties within the terrace. The dwelling would set back approximately 1m from the front of No. 53 (which itself is set back from the adjoining dwelling) in order to facilitate the parking of two cars. Two existing parking spaces opposite the proposed dwelling would be retained and one car parking space adjacent to the landscaped verge would be reinstated.
- 3.2 The proposal would require the blocking up of two small windows at ground and first floor level in the side gable wall of No.53 Ranville. These windows are at the bottom and top of the staircase.

## **4. Consultations/comments**

- 4.1 No third-party representations received.

### **Consultees**

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Town Council	29 June 2018	23 July 2018
Summary of comments: Refusal for the following reasons Inadequate parking New development will have overlooking from the path		

Design and access statement section 6 suggests that there is a potential bedroom downstairs however there is no bedroom on the plan hence the plans are misleading.  
Further overcrowding on an already crowded estate, Overdevelopment of the area

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 June 2018	12 July 2018
Summary of comments: No objection		

### Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - Contaminated Land	29 June 2018	30 July 2018
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	29 June 2018	2 July 2018
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	29 June 2018	No response
Summary of comments: No response		

## 5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 4 July 2018

Expiry date: 25 July 2018

## 6. Planning policy

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

WLP1.2 - Settlement Boundaries (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)

National Planning Policy Framework (2019)

## **7. Planning considerations**

### Principle

- 7.1 Waveney Local Plan Policy WLP1.1 directs most new housing to Lowestoft, followed by the market towns. The site is within the defined physical limits of Lowestoft and therefore sustainably located in an established residential area where the principle of new residential development is acceptable.

### Design

- 7.2 Policy WLP8.29 expects development proposals to demonstrate high quality design. It sets down a number of criteria that proposals are expected to meet, including responding to the surrounding area in terms of scale and character, the height and massing of existing buildings and the relationship between buildings. Proposals should also protect the amenity of the wider environment, neighbouring uses, and provide a good standard of amenity for future occupiers of the proposed development.
- 7.3 As will be noted above, it is proposed to add a dwelling to the end of the terrace that would be very similar in terms of design and appearance to the existing dwellings. As such it is considered to be in keeping with the character and appearance of existing properties surrounding the site and in accordance with the relevant criteria within Policy WLP8.29. Neither is the proposal considered to have any significantly detrimental effect on residential amenity given the relationship to existing dwellings will be no different to the relationship between existing dwellings. There will be a slight loss of light to No.53 from the blocking up of the stairwell windows, but this is not considered to be significant and not a reason to refuse planning permission.
- 7.4 It is noted that the Town Council are of the view that the proposal constitutes overdevelopment of the site and that there is inadequate parking. However, it is considered that there is adequate space to the side of No.53 to accommodate one additional dwelling and that the amenity space available to the proposed dwelling is comparable to other properties nearby. Sufficient amenity space for No. 53 would also remain.

### Car Parking

- 7.5 With regards to the provision of car parking, two car parking spaces are proposed in front of the proposed dwelling. The proposed site plan indicates that there are two existing parking spaces within the communal parking area to the front of the terrace of houses which will be retained. In addition, the proposed layout shows that another car parking space adjacent to the embankment adjacent to the pedestrian ramp will be reinstated. It will be noted above that the Town Council consider the parking to be inadequate. However, Suffolk County

Council as the Highway Authority do not raise any objections to the proposal on parking or other grounds and, as such, it is considered that there are no highway related grounds for opposing the application.

- 7.6 The applicant has provided the following additional details in respect of car parking at the site:

Applicant has been and cleared the bank. Looking at the site and the parking areas, additional parking is provided by clearing the banking out.

On this side of the small close there are 8 houses - 41, 43, 45, 47, 49, 51, 53 & 53A (Proposed house), both 41 & 53A have their own parking spaces. Which leaves the row of parking spaces (opposite) to be divided by the 6 houses, this length of parking provides 9 spaces.

The additional restored parking area provides a couple of spaces, that will now be maintained.

### Ecology

- 7.7 The development falls within the recreational disturbance Zone of Influence for the following Habitats Sites (European designated sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) - Dunwich to Easton Bavents. Local Plan policy WLP8.34 seeks to support regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) where proposals that would cause a direct or indirect adverse effect on the integrity of Habitats Sites (either alone or in-combination with other plans or projects) will not be permitted.
- 7.8 The applicant has paid the Suffolk RAMS contribution and therefore it can be concluded that the proposal will not result in an adverse effect on the integrity of Habitats Sites. The proposal accords with WLP8.34.

## **8. Conclusion**

- 8.1 The site is sustainably located within an established residential area and is considered capable of satisfactorily accommodating the proposed dwelling without detriment to the character and appearance of the locality or to residential amenity. For the reasons outlined above the proposal is considered to comply with Waveney Local Plan Policies WLP8.29, WLP8.21, and WLP8.34 and is therefore recommended for approval.

## **9. Recommendation**

- 9.1 Approve.

### **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. 2319.18.1B received 16 July 2018, 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.

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 2319.18.1B 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.

#### **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](mailto: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](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

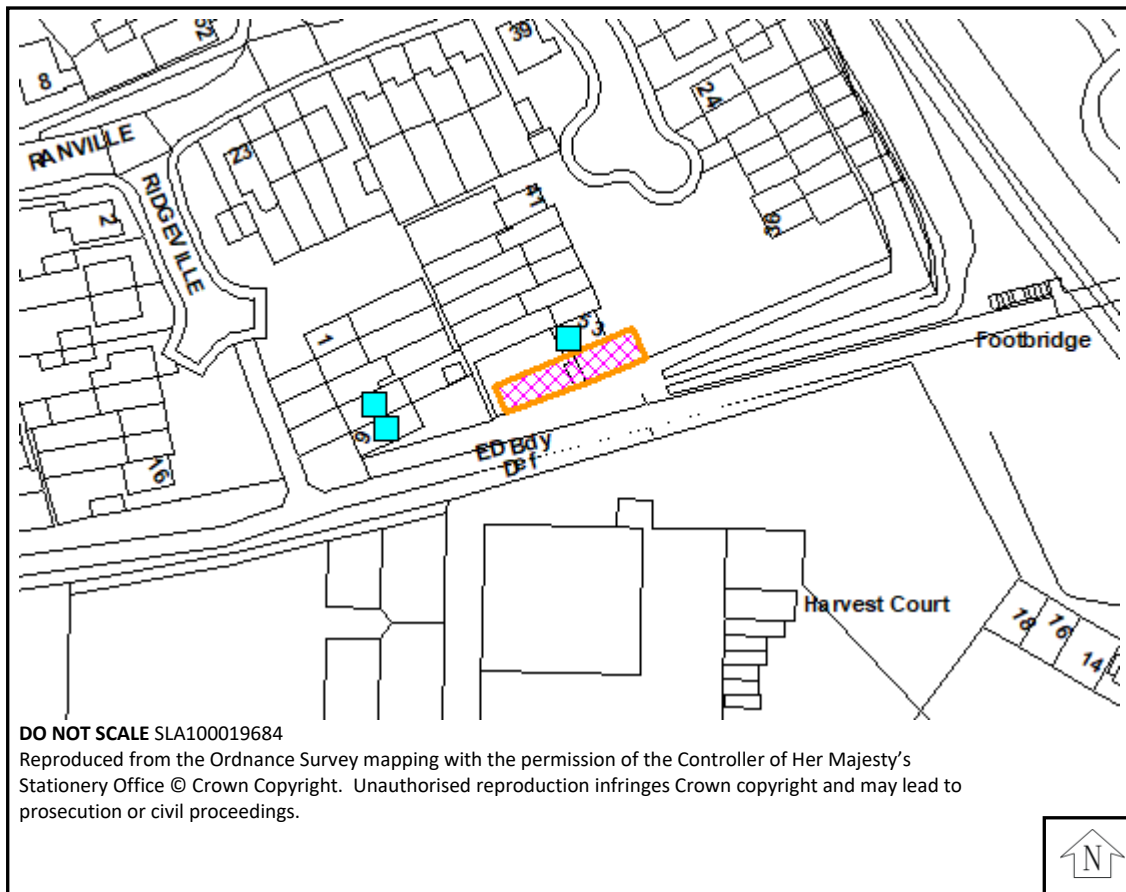
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)





#### **Background Papers**

See application reference DC/18/2687/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 13 October 2020

**Application no** DC/20/2249/FUL

**Location**

Orchard Barn  
The Street  
Somerleyton  
Lowestoft  
Suffolk  
NR32 5QB

**Expiry date** 13 August 2020

**Application type** Full Application

**Applicant** Mr and Mrs Morris

**Parish** Ashby, Herringfleet And Somerleyton

**Proposal** Extension of existing outbuilding to form dwelling

**Case Officer** Matthew Gee

01502 523021

[matthew.gee@eastsoffolk.gov.uk](mailto:matthew.gee@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the change of use of an existing outbuilding and extension to form a new dwelling. The site is located within the defined settlement boundary for Somerleyton, and as such the principle for new residential development is considered appropriate. In addition, the proposal is considered to have an acceptable impact on the character and appearance of the area, amenity of neighbouring residents, and would not adversely impact on highway safety. As such it is considered that proposal adheres to national and local planning policy, and therefore it is recommended that planning permission be granted.
- 1.2. The application is referred to Planning Committee as the request of the planning referral panel due to public interest associated with the application.



## **2. Site description**

- 2.1. The site is located within the settlement boundary and Conservation Area for Somerleyton and comprises of a detached outbuilding. The site is accessed from an unmade track that runs from 'The Street' located to the north of the site. The site is bounded by residential development to the north and east, amenity land to the south and grassed area to the west.
- 2.2. Planning History:
- DC/93/0503/OUT - Outline Application to erect two dwellings - Refused
  - DC/05/0880/FUL - Construction of detached outbuilding - Permitted

## **3. Proposal**

- 3.1. Planning permission is sought for a change of use and extension of an existing outbuilding to be used as a dwelling.
- 3.2. The proposed extension will measure 9.3m wide, 6.3m deep, 2.2m to the eaves, and 5.2m in height.

## **4. Consultations/comments**

- 4.1. Three letters raising comments only have been received raising the following points:

- Application should be viewed as new build
- Proposal would be out of character with vast majority of the village
- Access would impact on amenity of area
- Remove PD rights
- Access should be from a small area near to The Street
- What is the area edged in blue to be used for
- Protecting existing trees

- 4.2. Five letters of objection have been received raising the following points:

- Access cannot comply with SCC Highways visibility requirements
- Land ownerships queries
- Previous permission for dwellings on site was refused in 1993
- Existing building was not used for permitted purposes
- Land was sold off from Crown House once existing outbuilding was built
- Area not approved for housing
- Proposal is backland development
- Impact on character and appearance of the area
- Impact on amenity of neighbouring residents
- If approved it would set a precedent
- Proposal would not remain single storey
- Air Source Heat Pump would impact on amenity
- Impact on highway safety
- Impact on existing trees

- 4.3. Twelve letters of support have been received raising the following points:

- Decrease in crime

- Reduce vehicle movements to/from site
- New dwelling would support the village
- Access has been used for a considerable period of time
- Proposal is in keeping with the character and appearance of the area
- Good example of reuse of existing buildings
- Proposal would not adversely impact on amenity

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Ashby, Herringfleet And Somerleyton Parish Council	22 June 2020	8 July 2020
<p>Planning Application DC/20/2249/FUL Extension of Existing building to form Dwelling at Orchard Barn, The Street, Somerleyton, NR32 5QB</p> <p>Following a Meeting of the Planning Committee of the Parish Council on Thursday 2nd July 2020, Ashby Herringfleet and Somerleyton Parish Council believes that this application should be refused on the following grounds:</p> <p>In 1993 permission was refused to erect two dwellings on this site for reasons of “inadequate access and the adverse effect upon the occupiers of neighbouring properties”, amongst others. The situation has not changed in the intervening years.</p> <p>The existing building was granted planning permission in 2005 as an extension to Crown House for equestrian purposes, in the garden of which it was constructed. Mr &amp; Mrs Morris subsequently divided the site and sold Crown House, retaining the part of the site on which the building which it is proposed to extend sits. Although the land is now in two ownerships its context within the village remains a single dwelling with outbuildings and gardens.</p> <p>The Conservation Area Management Plan states:</p> <p>“Pressure for development often leads to the subdivision of larger gardens to provide space for new houses. Given the considerable contribution the well-kept gardens of Somerleyton make to the character of the conservation area and to the setting of individually designated historic assets, any further moves to build within them should be approached with considerable caution.”</p> <p>This approach is a reflection of the NPPF requirement that planning decisions should take into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens), ...” The proposal does not meet the criteria of Policy WLP 8.33 because it does not (a) provide safe access or (b) safeguard protected trees.</p> <p>(a) Safe Access: It appears that the access from the site will have insufficient visibility into The Street to be safe. Also, it appears that, given that this length of The Street has been recognised by the highways authority as being of reduced usable width (the highways authority has authorised short lengths of parking restriction in this area to help mitigate this, but not in the vicinity of the entrance to this potential development) the site will not be accessible to emergency services vehicles. The site is currently rarely accessed by motor vehicles but a change of use to a dwelling would result in regular (more than one daily) visits and departures by motor cars.</p>		

(b) Safeguard Protected Trees: The access road crosses the root protection area of a substantial oak tree adjacent to the boundary with number 6 Morton Peto Close and regular motor vehicle traffic, especially during construction but even thereafter, will severely impact this tree situated within the Conservation Area. There is a further oak tree adjacent to number 10 Morton Peto Close which may be affected depending on the route taken by construction traffic and the location of the finished car parking area.

Errors/omissions in and comments on the application:

Application form question 11. The response incorrectly states there are no trees and hedges which will be affected by this development.

The “Existing Plans” do not indicate the mezzanine level.

The “Proposed Plans” do not indicate whether the existing mezzanine will be retained for possible future conversion to additional accommodation. The future use of the existing high level window in the south facing wall is not indicated.

Design and Access Statement page 10: Re-use of redundant or disused buildings. This building has never been used for the purpose for which it gained planning permission – stables. It has been used for residential purposes and a studio but cannot be considered redundant or disused.

Design and Access Statement page 10, Small Sites. The statement refers to the building as a “residential outbuilding” but the fact that it has been used occasionally for residential purposes as a dwelling does not change the planning permission granted in 2005.

Design and Access Statement page 11, Policy WLP 8.31 – Lifetime Design. The proposed dwelling is too large at 105m<sup>2</sup> to be considered “a small, manageable life time dwelling”.

Other comments:

The proposed dwelling is very large for a single bedroom and it appears entirely feasible that it could be easily amended to provide 4 bedrooms within the shell indicated in the proposed plans, which would be gross overdevelopment of the site and its access. Should the application for conversion to a dwelling be permitted a condition should be applied that restricts the accommodation to one bedroom.

If planning permission is granted it is recommended that permitted development rights are removed to ensure that any future amendments to the building are appropriately controlled.

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 June 2020	14 July 2020
Summary of comments: Objections raised as access cannot meet visibility requirements, which could result in highway safety concerns.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	7 July 2020	15 July 2020
Summary of comments: No objections, comments incorporated into officer considerations as part of the planning service		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	22 June 2020	29 June 2020
Summary of comments: No objections subject to conditions		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	22 June 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	22 June 2020	No response
Summary of comments: No comments received		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	3 July 2020	24 July 2020	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	3 July 2020	24 July 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. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.3. 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".
- 6.4. National Planning Policy Framework (NPPF) (2019)
- 6.5. National Planning Policy Guidance (NPPG)
- 6.6. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 - Scale and Location of Growth
  - WLP1.2 - Settlement Boundaries
  - WLP8.29 – Design
  - WLP8.39 - Conservation Areas

## **7. Planning considerations**

### Principle

- 7.1. The site is located within the settlement boundary for Somerleyton, and as such the principle for new residential development is considered acceptable, subject to it adhering to local and national planning policy.
- 7.2. Concerns have been raised regarding the planning history for the site. Permission was granted in 2005 for the construction of an outbuilding, there are no conditions on the approval that required the building to be used for equestrian purposes only, or that it remains in the ownership of Crown House. As such from the information before me it does not appear that the building has been used for purposes outside of the approved use.

### Character and appearance

- 7.3. Policy WLP8.29 sets out that proposed development should be respectful of the character and appearance of the surrounding area, demonstrating a clear understanding of the form and character of the built, historic environment and use this understanding to complement local character and distinctiveness. In addition, Policy WLP8.39 sets out that proposed development in a Conservation Area should be high quality design and either preserves or enhances the character and appearance of the area.
- 7.4. The immediate surrounding area has a rather mixed character, with no real defined style or scale and dwellings in a mixed pattern. Development along The Street does take the form of linear development, albeit as previously noted the area has a mixed character, and development is not evenly separated or set back from the highway, creating an attractive

form of village development. The development to the east of the application site is a 1990's new build development, which whilst taking inspiration from the wider area, it does have a rather different development form compared to the wider village, with development not in a rather loser form of linear development.

- 7.5. The application site has an existing outbuilding located on it, with limited views of this building available from the public realm due to existing build development and foliage. It is not considered that the existing building adversely impact on the character and appearance of the Conservation Area. The proposed extension to the existing outbuilding is unlikely to be widely seen in the street scene, or the wider landscape area. The existing building and proposed extension are of an agricultural design, using materials that are considered to be sympathetic to the area, and that would minimise its visual intrusion.
- 7.6. In addition, it is considered that the scale of the dwelling is appropriate for the size of the curtilage, and would not result in a more built up appearance to the wider area as a result of the development given the distances to neighbouring properties. However, in order to avoid any potential impact on the character and appearance of the Conservation from more alien features such as rooflights, dormers, and PV Panels on the roof scape, it is considered necessary to restrict PD rights. It is therefore considered that the proposal would preserve the character and appearance of the Conservation Area and complies with the aims of policy WLP8.29 and WLP8.39.

#### Amenity

- 7.7. Policy WLP8.29 sets out that proposed development should not result in an adverse impact to the amenity of neighbouring residents. The proposed extension is located approximately 30m from the nearest residential dwelling, and as such it is not considered that the proposed extension would adversely impact on light to neighbouring properties. In addition, the proposal is single storey, and as such it is not considered to result in overlooking of neighbouring properties. However, given the proximity of neighbouring properties and the level of privacy of some neighbouring properties it is considered necessary to impose a condition removing PD rights to install dormers and rooflights, in order to ensure that consideration can be given to their placement.
- 7.8. Concerns have been raised regarding noise increase, both as a result of increased vehicle movements, and also increased activity on the site as a result of being occupied. The access is already in unrestricted use as such a level of noise is already likely from the access. Occupation of the dwelling is likely to result in additional vehicle movements from the site, however, given that the dwelling is only one bedroom it is unlikely that activity will be significant. Furthermore, the site is located within a residential area, and as such a level of activity is to be expected. It is therefore not considered that the proposal would result in a marked increase in noise that would significantly impact on the amenity of neighbouring residents.

#### Highways

- 7.9. Suffolk County Council Highways have objected to the proposal as appropriate visibility splays cannot be provided, and therefore they have concerns regarding highway safety. It is however noted that this is an existing access, which is currently used to access the outbuilding, and is also understood to have been used for a considerable period of time to

access the site. Visibility to the appropriate distance can be achieved to the east, but to the west it is partially blocked by build development, it is therefore acknowledged that visibility cannot be fully achieved. However, this is a relatively low speed area, given that vehicles have a tendency to park on one side of the road, and the number of existing accesses onto the road. In addition, visibility can be achieved in one direction and to the centre of the road in the western direction. As such in this instance it is not considered that the use of this existing access to serve a single bedroom dwelling would result in an adverse impact to highway safety along the road.

### Trees

- 7.10. The site contains a couple of trees either within or in close proximity of the application area which could be affected by development. The application has provided details of tree protection measures to be in place during the construction phase, and as details that the access track will be made up of gravel to reduce compaction around the T1-Oak. The Council's Landscape Officer is content with the details submitted and does not consider that the trees would be adversely impacted by the development.

### Ecology

- 7.11. The site is located within the zone of influence of nearby European Protected Sites, and as such mitigation is required due to the in-combination effect of new housing on these sites. A financial contribution to RAMS has been made, and as such it is deemed that the impacted is mitigated against.

## **8. Conclusion**

- 8.1. In conclusion, the proposal would provide a single bedroom dwelling, within the settlement boundary for Somerleyton, with a minor benefit in terms of economic and social benefits. The proposed dwelling is not considered to adversely impact on the character and appearance of the area, the amenity of neighbouring residents, or on highway safety. As such 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.

## **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, 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.

#### **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](mailto: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](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>

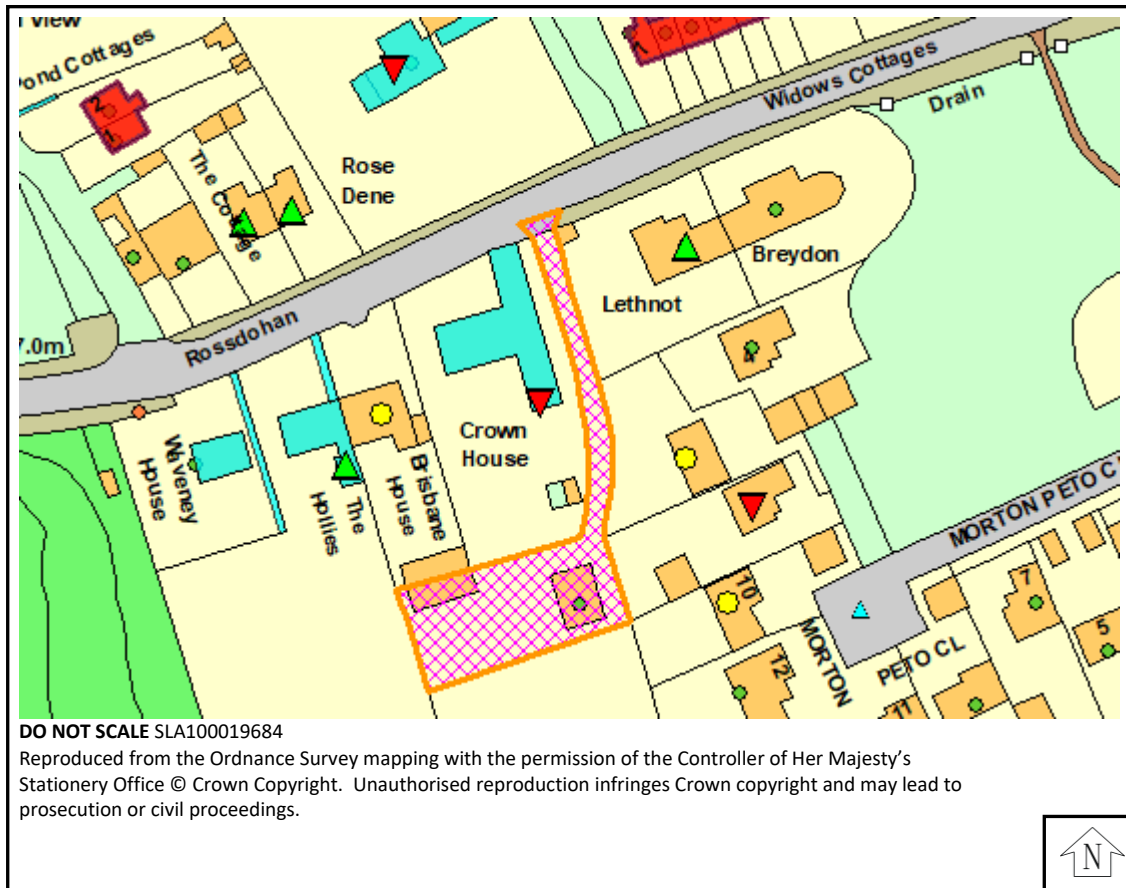
3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges

please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)





## Background Papers

See application reference DC/20/2249/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QC6KAIQXKB400>

## Map



## Key

-  Notified, no comments received  
 Objection  
 Representation  
 Support

## **Committee Report**

**Planning Committee** - 13 October 2020

**Application number** - DC/20/2348/FUL

**Location**

Rosecroft Farm  
Chediston Green  
Chediston  
Halesworth  
Suffolk  
IP19 0BB

**Expiry date** 15 September 2020

**Application type** Full Application

**Applicant** Miss Helen Cambridge

**Parish** Chediston

**Proposal** Siting of 4 shepherd huts for short term holiday letting  
Installation of treatment plant  
Provision of 4 parking spaces on existing hard standing  
Soft landscaping

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the change of the use of the land for the stationing of four shepherds' huts for short term holiday let use.
- 1.2. It is considered that the scale of the development proposed is appropriate to the nature and setting of the site and that the road network can accommodate the volume of traffic that would be generated by this proposal. The proposal would not cause an unacceptable loss of amenity to nearby neighbouring properties. It is therefore considered that the proposal is in accordance with the Local Plan and the NPPF, and approval is recommended.

- 1.3. The application is referred to Planning Committee (North) at the request of the planning referral panel due to concerns raised by the ward member and to enable the issues raised to be fully considered by the Committee.

## **2. Site description**

- 2.1. The site is situated in Chediston Green which is slightly removed from the main village of Chediston and, for the purposes of the local plan, is situated within the countryside.
- 2.2. Chediston Green is made of a linear form of development situated to the North West of Chediston.
- 2.3. The land subject of this application is set well back from the road frontage and is served by the former farm access which currently serves the farmhouse. Since farming ceased the former agricultural buildings have been used a variety of other commercial uses.
- 2.4. The site is well screened by existing mature trees and separated from other residential properties. The site is not within a designated landscape.

## **3. Proposal**

- 3.1. Planning permission is sought for the change of the use of the land for the stationing of four shepherds' huts for short term holiday let use.
- 3.2. The shepherd huts measure 2.4m x 6m, with a height of 2.75m, and are compliant with the Caravan Sites Act 1968. Each hut will be zoned into three parts: Sleeping, Living, Washing. Sleeping contains a king-size bed with under bed storage. Living contains a small kitchenette. Washing contains a WC, sink and Shower.

## **4. Consultations/comments**

- 4.1. No neighbour comments received.
- 4.2. Ward member comments as follows:

*"I am contacting you regarding the above application concerning the siting of 4 shepherds huts, treatment plant & associated parking at Rosecroft Farm, Chediston. I am receiving comments from local residents concerned that the village of Chediston is becoming overwhelmed by the number of holiday lets and leisure accommodation currently operated at several sites within the parish including barn conversions, camp sites, existing shepherd huts, and numerous holiday homes & B&B's.*

*These sites already have a significant impact on the amount of traffic visiting the village, especially along small country lanes where most of the accommodation is situated. The campsite located in Wisest Road, Chediston for example, is particularly noisy due to frequent loud music and associated vehicle movements and associated noise in this very quiet and undisturbed setting. Due to the significant impact that this application could*

*have then clearly, in my view, the application should be considered by the relevant planning committee rather than by delegated authority. I have not yet ascertained the view of the parish council, but this application is causing some local concern".*

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Chediston Parish Council	23 July 2020	13 August 2020
Summary of comments: With regard to the above, Councillors of Chediston & Linstead Group Parish Council have viewed the details of the application and have unanimously agreed to support the proposal.		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	30 July 2020
Summary of comments: General advice relating to access, firefighting facilities and water supplies.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	23 July 2020	13 August 2020
Summary of comments: No objection.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	23 July 2020	No response
Summary of comments: No comment received.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	23 July 2020	29 July 2020
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	23 July 2020	17 August 2020
Summary of comments: Internal - Comments included in main report.		

## 5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.
- 5.2. National Planning Policy Framework (NPPF) (2019)
- 5.3. National Planning Policy Guidance (NPPG)
- 5.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:
  - SCLP6.1: Tourism
  - SCLP6.5: New Tourist Accommodation
  - SCLP7.1: Sustainable Transport
  - SCLP10.1: Biodiversity and Geodiversity
  - SCLP11.2: Residential Amenity

## 6. Planning considerations

### Principle:

- 6.1. The Local Plan recognises that tourism is an important part of the economy of Suffolk Coastal, contributing 12% to total employment across the District in 2017. Local Policy SCLP6.1: "Tourism" states that the Council will seek to manage tourism across the District in a way that protects the features that make the District attractive to visitors, and supports local facilities where the local road network has the capacity to accommodate the traffic generated from proposals.
- 6.2. Policy SCLP6.5 "New Tourist Accommodation" sets out the criteria that are required to be met in order for proposals for new tourist accommodation to be acceptable which will be discussed below:

### Need for tourist accommodation:

- 6.3. The Local Plan states that providing a diverse range of tourist accommodation across the District is desirable and the Council is generally supportive of opportunities that come

forward subject to compliance with other policies in the Local Plan. Tourists visiting the area for short or longer periods of time have a positive impact on the viability of local shops and services and support the vitality of local and rural economies.

- 6.4. In this case, the applicant is of the view that there is the demand for this type of accommodation and, particularly in the current climate, it is evident that more people are staying within the UK for holidays and this is likely to be the case going forward. The Ipswich Economic Area Sector Needs Assessment (2017) identifies that growth is expected to be seen within the 'Hospitality and Leisure' sector of the District's economy of which tourism is an important part.
- 6.5. The structures are mobile in nature and if the demand is not there in the longer term there will be no pressure for this type of accommodation to be used for residential accommodation. A condition is to be imposed to ensure occupancy is restricted for tourist accommodation, only, in any case.

Design/Scale of development:

- 6.6. The design of these units is typical of shepherd's huts; they are small in scale and appropriate to their setting as required by Policy SCLP6.5.

Highways:

- 6.7. The intensification of this access would be minimal with the addition of four (2-person occupancy) shepherds huts. Suffolk County Council Highways are in agreement with the proposal to improve visibility in a westerly direction, and a condition is suggested to maintain the hedge as shown on the proposed plans.
- 6.8. It is considered that the road network is capable of accommodating the volume of traffic that would be generated by this proposal and that there would not be an unacceptable impact on highway safety. The proposal would therefore accord with Paragraph 109 of the NPPF.
- 6.9. It should be noted that a development of up to 5 touring caravans could utilise this land without the requirement for planning permission as highlighted within Schedule 2, Part 5, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Neighbour Amenity:

- 6.10. The units are well removed from other residential properties in the area. It is considered that, due to the limited number of units (which can be controlled by condition) and their limited capacity, the impact on the amenities of nearby residents in terms of noise and disturbance from occupiers would be minimal. A management plan condition is suggested so that details of how the site will be managed in terms of controlling noise is provided to the Council.
- 6.11. In terms of noise from traffic generation, the site is likely to only accommodate four cars when at capacity. The site is served by an existing access which has previously been used for purposes which generate higher levels of vehicular movements and when used for



farming by much larger vehicles. It is considered that the proposal would not have an unacceptable impact on neighbour amenity as required by Policy SCLP11.2 "Residential Amenity".

Sustainability of location:

- 6.12. There is no specific requirement within Policy SCLP6.5 for non-permanent structures for new tourist accommodation to be within or adjacent to settlement boundaries but in the interests of sustainable travel, proposals for new tourist accommodation will need to demonstrate good connectivity with tourist destinations, local amenities and promote walking and cycling opportunities.
- 6.13. This site is reasonably well located in terms of accessibility to tourist destinations and services and facilities of which are available in Halesworth. The site has good access to the public rights of way network and national cycle network. A condition is suggested to show provision for secure cycle storage.
- 6.14. This proposal is considered to comply with the requirements of Policy SCLP6.5 and SCLP7.1 in terms of the sustainability of the location.

Other matters - Ecology/RAMS:

- 6.15. There is a great crested newt record immediately adjacent to this site. Although the stationing of the huts on the field appears unlikely to result in any adverse impact on this species, further details have been provided in relation to the location of the proposed package treatment plant and discharge point. The proposal is not likely to impact on any habitats suitable for great crested newts.
- 6.16. Lighting is not mentioned within the application. Therefore, a condition is suggested in relation to lighting (if required) and the impact on biodiversity in the form of a 'lighting design strategy for biodiversity'.
- 6.17. With regard to the proposed landscape planting, details of this should also be secured by condition, should permission be granted.
- 6.18. In addition to the above, the site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This has been secured as a S111 payment.
- 6.19. The proposal would accord with the requirements of SCLP10.1.

Community Infrastructure Levy (CIL):

- 6.20. The units are compliant with the Caravan Sites Act 1968 and are therefore not CIL liable.

## **7. Conclusion**

- 7.1. This site is reasonably well located in terms of accessibility to tourist destinations and services and facilities. The use and scale of the proposal to site four temporary structures for use as holiday accommodation is considered to be of a scale appropriate to the nature of the site and its setting.
- 7.2. The road network is able to accommodate the volume of traffic that would be generated by this proposal without having an unacceptable impact on highway safety.
- 7.3. The proposal would not have an unacceptable impact on neighbour amenity in terms of noise and disturbance by occupiers or additional vehicular movements due to the relationship of the site to existing neighbours and the small amount of additional traffic that this proposal would generate.
- 7.4. The proposal would therefore comply with the aims of the adopted local plan and the NPPF and approval is recommend.

## **8. Recommendation**

- 8.1. Approve subject to the following conditions:

## **9. 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.

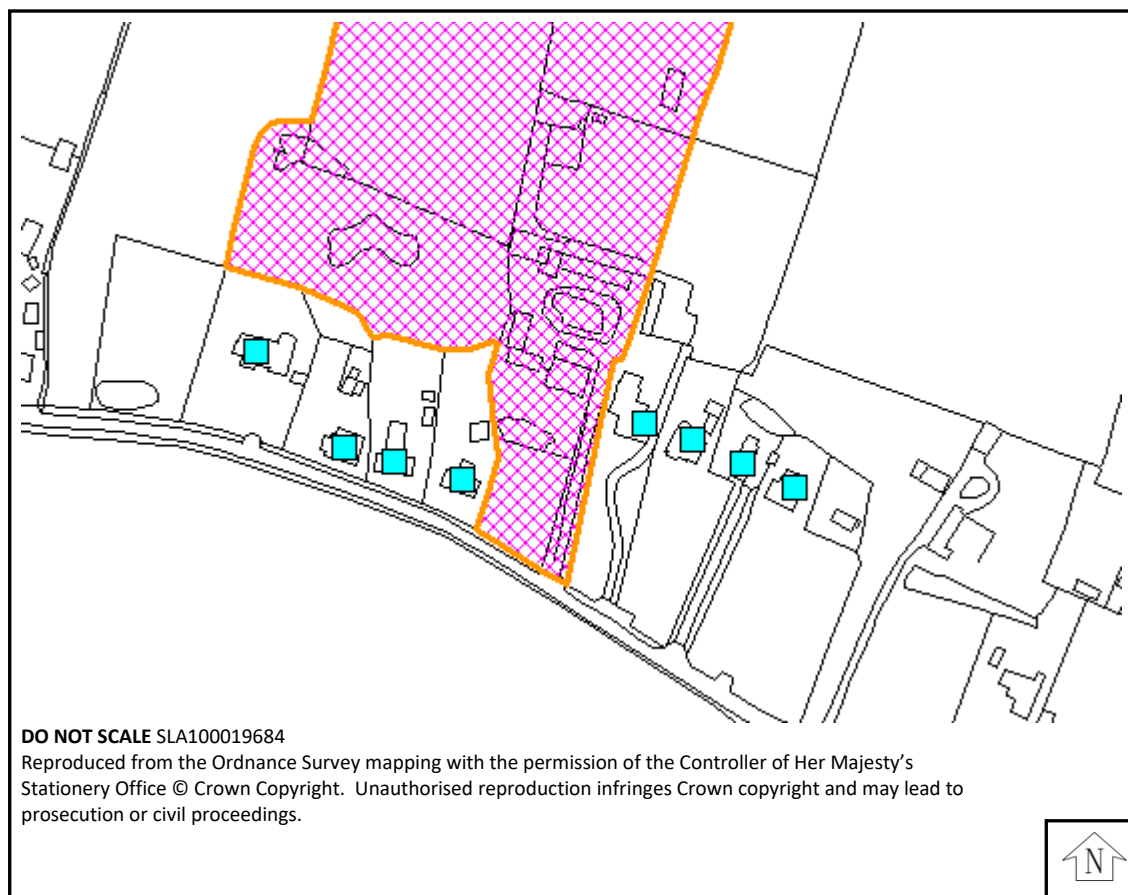
9. Prior to first use of the site a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The units shall then be managed in accordance with the approved details.

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





### **Background Papers**

See application reference DC/20/2348/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 13 October 2020

**Application number** - DC/20/3084/FUL

**Location**

24 St Marys Street  
Bungay  
NR35 1AX

**Expiry date** 7 October 2020

**Application type** Full Application

**Applicant** Richard Neale & Spencer Squire

**Parish** Bungay

**Proposal** Construction of 1 no. single storey dwelling + domestic store + rearrangement of parking facilities

**Case Officer** Iain Robertson  
(01502) 523067  
[iain.robertson@eastsoffolk.gov.uk](mailto:iain.robertson@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. Planning permission is sought for the construction of a single storey residential property on land adjacent to 24 St. Marys Street and to the rear of 18 - 20 St. Marys Street. This would include the reconfiguration of parking facilities. The site is located within the town settlement boundary.
- 1.2. 24 - 28 St. Marys Street fronts onto a public car park situated on Priory Lane. These properties, as well as the property known as Castle Arches, are within the ownership of the applicant. The site has been formed by acquiring additional land associated with these properties to form a site that would gain access through the public car park owned by East Suffolk Council.
- 1.3. The site is in a sensitive location situated within the Bungay Conservation Area, adjacent to several listed buildings. It is considered that the proposal would fail to respect the historic grain of the area which is characterised by long narrow rear yards which are used for associated ancillary buildings. The proposal would have a negative impact on the setting of

several listed buildings and the Bungay Conservation Area, by causing harm to their significance by the introduction of an alien form of development of a modern bungalow in an area that is historically and visually characterised by rear yard areas. The application is therefore recommended for refusal.

- 1.4. This application is before the Planning Committee as land within the application site is within the ownership of East Suffolk Council.

## **2. Site description**

- 2.1. The site is situated in a central location in Bungay Town centre within the physical limits of the settlement. The properties known as 24 - 28 St. Marys Street are set back from the built development facing on to St. Marys Street and are orientated to front onto the Priory Lane car park to the rear. This site is situated to the North of this group of listed buildings and currently forms part of the rear garden of a property known as Castle Arches which also adjoins the rear yards to the commercial premises that front on to St. Marys Street.
- 2.2. The site forms part of the Bungay Conservation Area within the historic core of Bungay and within the possible extent of the outer bailey of the castle. Although development in the late C20th within the Priory Lane area has detracted from the character of the Conservation area to some extent the grain of this area to the rear of the properties on St. Marys Street is characterised by long narrow rear yards with associated ancillary buildings.

## **3. Proposal**

- 3.1. The application seeks full planning permission for the construction of a single storey dwelling on the site with domestic store and rearrangement of parking facilities. Vehicular access would be gained from the South West side of the site through the public car park on Priory Lane owned by ESC. The land to the front and side of 24-28 St. Marys Street would be reconfigured to provide off street parking to the property. Pedestrian access is shown to the rear of the site from an existing gate which would provide access to St. Marys Street
- 3.2. The property would be of a bungalow of an "H" plan form, with two pitched roofed and gabled parallel wings joined by a central flat roofed area section. It is proposed to use zinc as a roofing material, with red brick and UPVC windows.
- 3.3. Several applications have previously been submitted on a smaller parcel of land within this location. Three of these applications were submitted in 2004/2005 and were refused due to their impact on the historic environment, amenity of the area, and design. One of which was appealed and dismissed by the Planning Inspectorate. More recently in 2018 a further application was submitted and was withdrawn due to similar concerns.
- 3.4. Since this time additional land has been acquired to increase the size of the site in order to attempt to overcome these concerns. In 2019 application Ref: DC/19/2435/FUL was refused by this committee for a bungalow of traditional form and character; again refused due to similar concerns relating to the impact of the proposal on the historic environment.

#### 4. Consultations/comments

4.1. One letter of objection has been received raising the following material planning considerations:

- Harm to Listed building
- Inappropriate in Conservation Area
- Landscape impact
- Over Development

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Bungay Town Council	14 August 2020	21 August 2020
Summary of comments: At a Bungay Town Council Planning, Environment & Highways Committee Meeting - It was proposed by BP, seconded by LH, and unanimously RESOLVED that these plans are recommended for REFUSAL with the comment that this is an overdevelopment of the site, and has access issues, in this historic part of the Town which is in a Conservation Area.		

##### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	20 August 2020
Summary of comments: General advice given in relation to access, firefighting facilities and the use of sprinkler systems.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	14 August 2020	4 September 2020
Summary of comments:  No objection - Standard Archaeology conditions required		



## Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	14 August 2020	16 September 2020
Summary of comments: Internal - Comments included in body of report		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	14 August 2020	24 August 2020
Summary of comments: Information submitted within the application suggests the potential for contamination. Therefore, standard CL conditions required.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	14 August 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	14 August 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	14 August 2020	4 September 2020
Summary of comments: Drawing No. 21246.2 does not show any parking provisions or cycle storage facilities for No. 24. Furthermore, the driveway accessing the car park, directly onto vehicles potentially reversing onto the driver's path from a parking bay is a concern. The wall adjacent to the driveway should either be set-back 2.4m from the car park entrance or reduced to a height of 0.6m in height. Drawing No. 21246.2 denotes that the existing access would be widened, this distance must be 4.5m.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	21 August 2020	14 September 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	21 August 2020	14 September 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 66 states that in exercise of planning functions as respects listed buildings the local planning authority shall have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” 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. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 - Scale and Location of Growth
  - WLP1.2 - Settlement Boundaries
  - WLP8.29 – Design
  - WLP8.33 - Residential Gardens and Urban Infilling
  - WLP8.37 - Historic Environment
  - WLP8.39 - Conservation Areas
  - WLP8.40 - Archaeology

## 7. Planning considerations

### Principle of Development

- 7.1. The site is within a central location in Bungay town centre situated within the settlement boundary as shown on the policies map. Settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing would be suitable. The principle of residential development in this location is supported by policies WLP1.1 and WLP1.2 of the Local Plan.

### Heritage Impact:

- 7.2. The NPPF and the Local Plan give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 7.3. Paragraph 194 of the NPPF goes on to say that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 7.4. The site lies to the side of Nos 24- 28 St Marys Street. Listed Grade II in 1972 the List description reads:
- 7.5. *"Early 19th century, 3 storey, Suffolk yellow brick, pantiles, 3 windows, sash with glazing bars, flush frames and flat arches (narrow side panes) 2 storey 1 window wing with side entrances, left. 6-panel door with arched radial-bar fanlight in wood case with pilasters and open pediment. In important position"*.
- 7.6. Although addressed as St. Marys Street, these buildings front onto Priory Lane and are accessed from this direction. The site is also behind several Grade II listed buildings which front St Marys Street. These being Nos. 16 (in part), 18, 20, & 22. The rear of these properties had long narrow rear yards and any associated ancillary buildings, where they occurred tended to follow this grain.
- 7.7. The proposed building is single storey of a "H" plan form, with two pitched roofed and gabled parallel wings joined by a central flat roofed area section.
- 7.8. Generally, the wings separately reflect the traditional form of development being long, thin and lower/subordinate to that of the development fronting the street. However, where long thin yards exist such elements are usually located on and down the sides of boundaries, but here the elements spaced away from the boundaries are centrally joined, creating a blocking effect in the grain. The most northwest wing is positioned off the boundary by approximately 800mm, presumably for maintenance/party wall issues, with the south-easterly element spaced very close to the side of No 24 St Mary's street, being only approximately 1m away from its gable.
- 7.9. Therefore, the result is a separate infill unit in the space, divorced from the surrounding properties rather than part of the normal tapestry of development which generally occurs in such locations. The size of the buildings footprint in such a confined space results in it appearing squeezed-in, with the limited remaining amenity space dominated by 1.8 m high fences, without the building having a frontage addressing any public area.
- 7.10. The acquisition of various pieces of land has created a site outline of very unusual appearance and would appear contrived within this setting. Historically, inter-visibility between the different sites appears to have existed. The erection of high close boarded fences to the rear boundaries would have a negative impact on the area by visually blocking off these areas removing inter-visibility between the different sites. The provision of structures such as the modern timber shed close to the rear elevations of the listed buildings fronting St Marys street further detracts from the proposal.

- 7.11. The development of which would have a negative impact on their setting as it fails to relate well to the existing buildings and fails to relate to the building pattern/grain of the area, in the midst what is traditionally and visually a rear yard/garden area.
- 7.12. This site lies in an area of archaeological potential recorded on the County Historic Environment Record, within the historic core of Bungay (BUN 028) and within the possible extent of the outer bailey of the castle. Historic OS maps show former buildings and property boundaries in the area in the 19th century. The impacts of later land-use are not fully determined but, as acknowledged in the Design and Access Statement, there is potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. Standard Archaeological conditions could be used to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In relation to this aspect of the proposal this would accord with Policy WLP8.40 - "Archaeology".
- 7.13. 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 and the Bungay Conservation Area. The proposals would therefore be contrary to requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of the NPPF and the Local Plan.
- 7.14. Paragraph 196 of the NPPF would therefore be engaged. The harm would be 'less than substantial' but moderate to high on this spectrum. The public benefits of this proposal would be minimal from only a single dwelling and would not outweigh the harm identified.

Design and layout:

- 7.15. Design is a material consideration in the determination of planning applications and improving design quality is a key theme of the NPPF. Local Plan Policy WLP8.29 requires development proposals to demonstrate high quality design which reflects local distinctiveness.
- 7.16. In terms of the layout of parking, the layout plan does not appear to show any parking provisions or cycle storage facilities for the existing property at No. 24. Furthermore, it is not possible to accommodate turning on site which will require cars to reverse out into the car park potentially into the driver's path from an existing parking bay. The wall adjacent to the driveway should either be set-back 2.4m from the car park entrance or reduced to a height of 0.6m in height. Drawing No. 21246.2 denotes that the existing access would be widened, this distance must be 4.5m. Although these matters would not cause an acceptable risk to highway safety it further highlights the insufficient quality of the layout of the proposal.
- 7.17. The proposed dwelling does not meet the requirements of the NPPF and Local Plan WLP8.29 in terms of the 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.

#### Residential Amenity:

- 7.18. Policy WLP8.33 and WLP8.29 also requires that development 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. Given the location of the site there would be a degree of overlooking from existing properties into the garden area. Given the urban location of the site this is considered to be acceptable to future occupiers.
- 7.20. Environmental Services have previously highlighted that the proposal has failed to consider the likely impact from noise sources associated with commercial premises nearby. Plant equipment is situated near to the residential curtilage and therefore a noise assessment should be carried out. This should be completed by a competent person which considers all potential sources of noise including any mitigation required to ensure that a good standard of amenity to the occupiers.
- 7.21. If other matters were acceptable this could be required by condition. Overall, it is considered that this proposal would protect the amenity of surrounding uses and would provide an acceptable living environment for future occupiers subject to potential noise mitigation measures and would comply with the Local Plan in this regard.

#### Other matters - Contaminated land:

- 7.22. Information submitted with the application states that this application is on the site of an old abattoir, therefore there is a possibility of contamination on this site. Standard Contaminated land conditions would be required to ensure that suitable site investigation and necessary remediation is carried out, in the event that permission was granted.

### **8. Conclusion**

- 8.1. The site is situated in an accessible location within the town centre of Bungay, the occupants of the property would therefore have good access to everyday services and facilities. The spatial strategy of the Local Plan supports the principle of new dwellings in such locations.
- 8.2. The NPPF states that there are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the historic environment. Given that the proposal is considered to harm the significance of a number of Designated Heritage Assets including the setting of surrounding listed buildings and failing to preserve or enhance the character and appearance of the Bungay Conservation Area, the proposal would be contrary to Policies WLP8.37 and WLP8.39 and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.3. The proposal would deliver some limited benefits with the provision of an additional dwelling to housing supply and the economic benefits associated with this including

support for local shops and services from the occupants, and short-term economic benefits through the construction of the property.

- 8.4. However, the benefits highlighted would only be given limited weight and would not outweigh the harm identified to the historic environment which the NPPF affords significant weight and the proposal would therefore not constitute sustainable development.

## **9. Recommendation**

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.

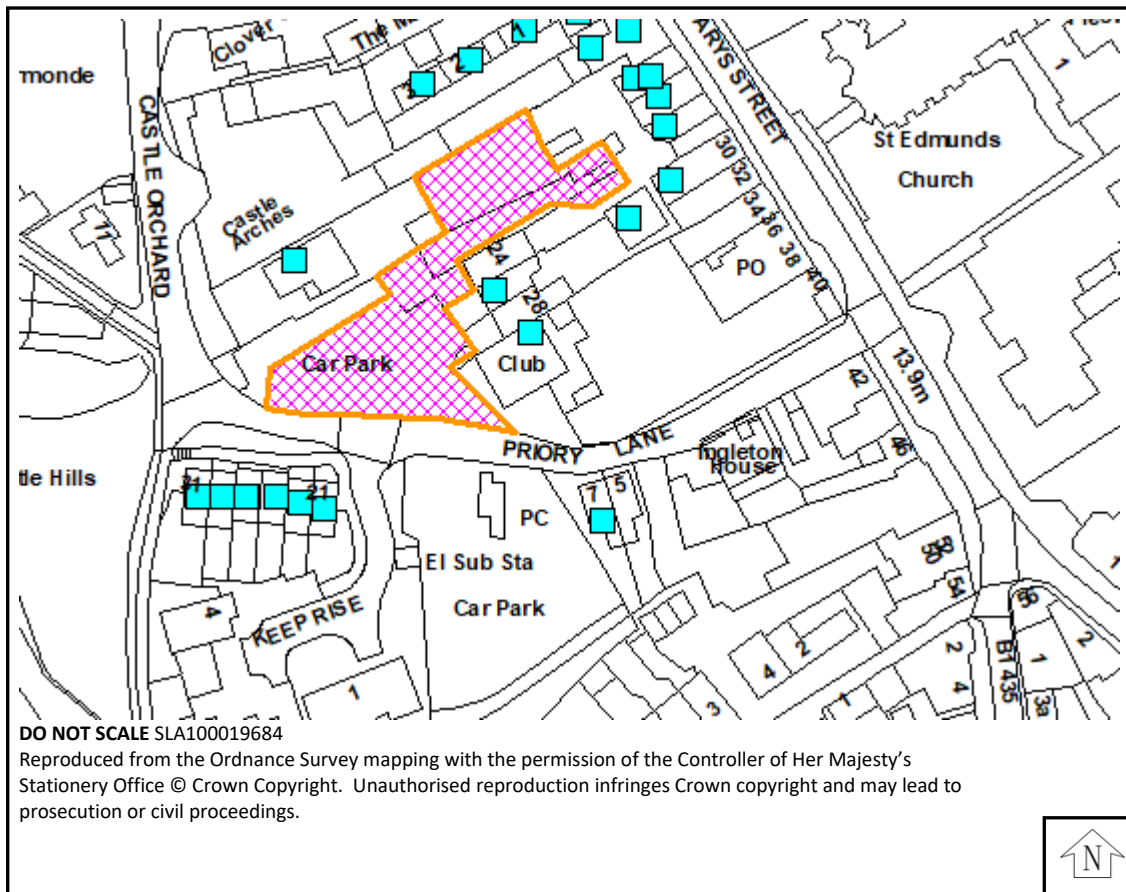
The application would have a negative impact on the setting of several Listed buildings, by causing harm to their significance by introducing an alien form of development within this sensitive location. The proposal also fails to preserve or enhance the Bungay Conservation Area. The harm would be less 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.





## **Background Papers**

See application reference DC/20/3084/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 13 October 2020

**Application no** DC/20/3175/FUL

**Location**

East Point Pavilion  
Royal Plain  
Lowestoft  
Suffolk  
NR33 0AP

**Expiry date** 21 October 2020

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Lowestoft

**Proposal** Works include internal strip out/reconfiguration of interiors, insertion of sliding folding doors, infill extensions, new door to PC block, proposed louvres and vents and proposed signage.

**Case Officer** Joe Blackmore  
01394 444733  
[Joe.Blackmore@eastsuffolk.gov.uk](mailto:Joe.Blackmore@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1 The application seeks planning permission for minor alterations and extension to East Point Pavilion. The application site is owned by the Council, and the application has also been submitted by the Council. Thus, the application has been brought direct to Planning Committee (North) for determination.
- 1.2 The proposed development represents good design that will improve the functionality of the building whilst preserving the character and appearance of the South Lowestoft Conservation Area. The works proposed will help facilitate regeneration of East Point Pavilion as a key objective of the Lowestoft Town Centre Masterplan.
- 1.3 The proposal accords with the Council's Development Plan and officers recommend approval.



## **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 This application seeks planning permission for some minor works to the building as part of the wider regeneration scheme. As noted in the site description section, much of the scheme is about internal re-design to bring the building back into full use and, being internal re-configuration and stripping out, it would not require planning permission.
- 3.2 The development requiring planning permission, subject of this application, comprises of the following:
  - Insertion of sliding folding doors.
  - Infill extension.
  - Proposed louvres and vents.
  - New door to WC block.
  - Minor fenestration changes (new glazing to existing openings).
- 3.3 In the description of development reference is made to proposed signage, although this is only indicative at this stage and not formally proposed. Signage will likely be subject to a future application seeking consent for the display of advertisements at the site.

## **4. Consultations/comments**

- 4.1 No third-party representations received.

## 5. Consultees

### Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	28 August 2020	9 September 2020
Summary of comments: <i>"The Town Council's Planning and Environment Committee considered this application at a meeting on 8 September 2020. It was agreed to recommend approval of the application."</i>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	28 August 2020	4 September 2020
Summary of comments: No comments on the application.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	28 August 2020	No response
Summary of comments: Internal planning consultee. See planning considerations section for heritage and design matters.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	11 September 2020	2 October 2020	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	11 September 2020	2 October 2020	Lowestoft Journal

## **7. Planning policy**

National Planning Policy Framework (NPPF)

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

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019))

## **8. Planning considerations**

- 8.1 The building occupies a very prominent position within the South Lowestoft Conservation Area (SLCA) and therefore the main issues to consider with this application are the design of development, and impact on the SLCA.
- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that development proposals either preserve or enhance conservation areas, and this statutory requirement is reflected in the Historic Environment objectives of the NPPF. Local Plan policies WLP8.37 and WLP8.39 are in accordance with the NPPF and require development in conservation areas to accord with the statutory requirement to preserve or enhance. Policy WLP8.29 works synergistically with these historic environment policies to promote high-quality design.
- 8.3 East Point Pavilion is well-separated from nearby buildings, meaning that the minor works proposed will have no material direct impacts on any buildings in the area.
- 8.4 The existing Pavilion is an interesting building and a focal point in the area, but it needs refurbishment to improve its appearance. The limited usage of the floorspace in such a key location within the SCLA is unfortunate, and therefore proposals that help facilitate bringing the whole building back into use are important for the vitality and viability of the area. Indeed, the Lowestoft Town Centre Masterplan acknowledges that the building - and the space around it - can be better utilised to maximise the value of this resource for residents and holiday makers.
- 8.5 The main element of the proposal is a timber clad infill extension between the public W.C. block and the main Pavilion. Being clad in timber, this will represent a different design to the glazed/metal framed structure. However, it will clearly be read as a modern infill addition, which is preferable to a pastiche design attempting to replicate the existing building. The use of vertical boarding will accentuate that contemporary appearance. The extension is modest and subordinate to both elements and represents good design.
- 8.6 The insertion of sliding folding doors on the southern and northern sides of the Pavilion will make accessibility into the Pavilion easier for future commercial uses. The loss of a small Portico on the northern side is slightly unfortunate, although the main feature Portico on that elevation would be retained, so no significant harm would result.
- 8.7 The insertion of glazing to two existing door openings, on the west elevation, will not significantly alter the appearance of that elevation. Louvres and vents inserted into the roof

will be minor and will not project above the roof slope. The new door to the W.C. block will relate will to the appearance of that (south) elevation.

- 8.8 For the reasons give above, the proposed development accords with policies WLP8.29, WLP8.37 and WLP8.39 of the Local Plan, in addition to the Historic Environment and Design objectives of the NPPF.

## **9. Conclusion**

- 9.1 The proposed development represents good design that will improve the functionality of the building, preserving the character and appearance of the South Lowestoft Conservation Area. The works will help facilitate regeneration of the building as a key objective of the Town Centre Masterplan.
- 9.2 The proposal accords with the Council's Development Plan and planning permission can therefore be granted.

## **10. Recommendation**

- 10.1 Approve with conditions as set out below.

### **Conditions:**

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

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

2. The development hereby permitted shall be 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.

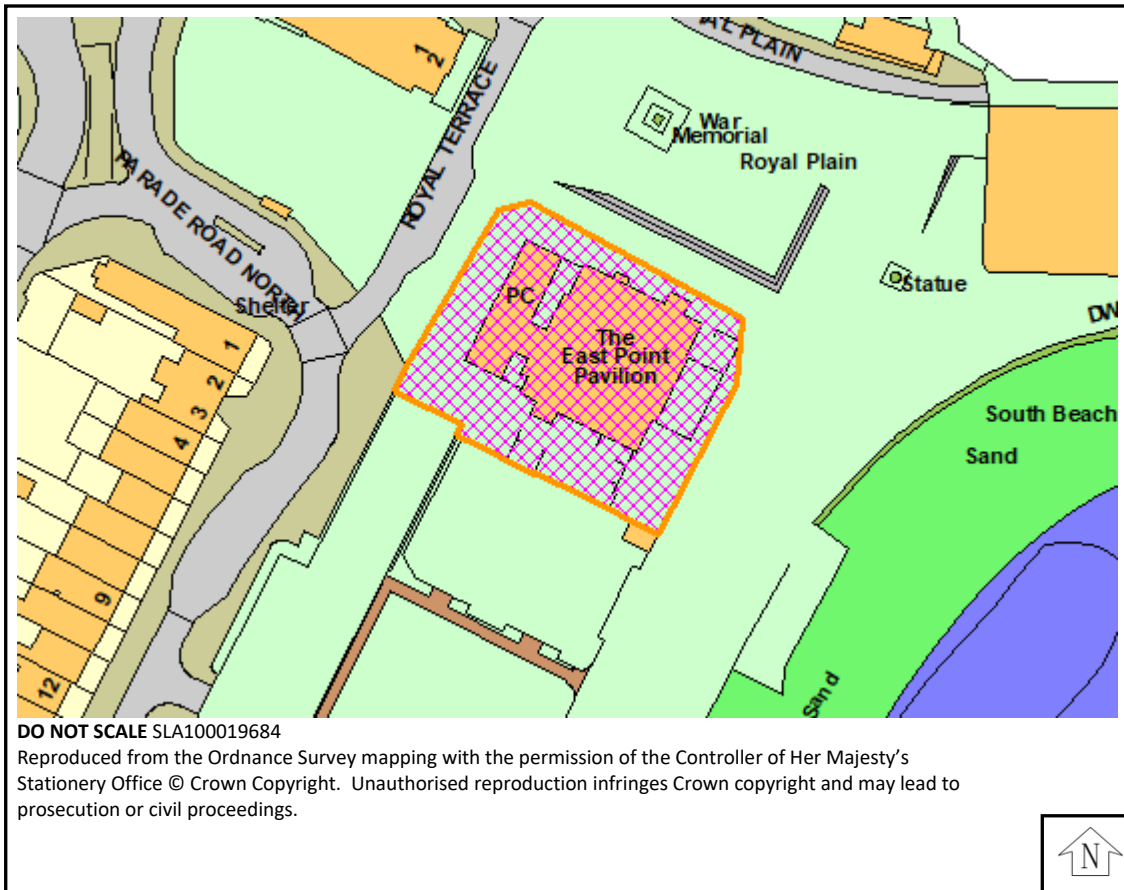
### **Informatives:**

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/20/3175/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 13 October 2020

**Application no** DC/20/2327/FUL

**Location**

Beech Tree Farm  
East Green  
Kelsale Cum Carlton  
Suffolk  
IP17 2PH

**Expiry date** 31 August 2020

**Application type** Full Application

**Applicant** Keith Beacham

**Parish** Kelsale Cum Carlton

**Proposal** 4.6m x 15.46m Lean-to extension to existing barn and 14.4m x 7.29m new shed to fit between two existing barns, for the storage of hay and farm equipment. Area is currently used for the storage of farm equipment.

**Case Officer** Jamie Behling  
01394 444412  
[Jamie.Behling@eastsuffolk.gov.uk](mailto:Jamie.Behling@eastsuffolk.gov.uk)

### **1. Summary**

- 1.1 The proposed development seeks permission to extend an existing barn sideways and erect a shed that will connect the two existing parallel barns on site.
- 1.2 This application has been brought before the committee due to the applicant being related to a member of staff of East Suffolk Council. As the proposal complies with policy and there have been no objections from the parish or any statutory consultees, officers are recommending that the application be supported.

### **2. Site description**

- 2.1 The site is a plot of land set back and hidden from the road by a long private dirt track. This track passes the farmhouse of Beech Tree Farm, which is a grade II listed building, before

arriving at the two existing agricultural barns in a separate plot of land outside of the curtilage of the house itself. This plot of land is surrounded by dense vegetation with no public rights of way in close proximity, limiting views of the site.

- 2.2 The first barn was built in 1997 for the housing of sheep, hay/straw and agricultural machinery whilst the second barn was built in 2002 for the further storage of agricultural machinery. Barn one to the west is a larger steel box section design whilst barn two is of a similar footprint but less tall made from concrete block and Yorkshire boarding.

### 3. Proposal

- 3.1 The proposal seeks to extend Barn one sideways infilling part of the space between the two barns in a lean to form, 4.6m x 15.46m, following the pitch of the existing roof and using matching materials.
- 3.2 An open shed 14.4m x 7.29m, made from concrete block with a cement fibre roof also proposed to be positioned across the back of the two barns connecting them together in a U formation. The extension and shed will be used for the storage of hay and farm equipment.

### 4. Consultations/comments

- 4.1 No third-party representations received.

### 5. Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	7 July 2020	30 July 2020
Summary of comments: Kelsale Cum Carlton Parish Council "The Parish Council are in support of this application."		

#### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	7 July 2020	No response
Summary of comments: No comments received.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	7 July 2020	24 July 2020
Summary of comments: No objections.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	16 July 2020	6 August 2020	East Anglian Daily Times

## 7. Planning policy

National Planning Policy Framework

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

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

## 8. Planning considerations

### Planning Considerations - Principle

- 8.1 The site is considered within the countryside and its use class is agricultural. The extension of this building for further agricultural storage would be considered acceptable in principle as no material change to the use of the site would take place. The plot is large enough for expansion without being considered over development with only minor impacts to the surrounding area. The proposal would not significantly increase the scale of the business or traffic to and from the site and therefore the impact on the wider area would be negligible.

### Planning Considerations - Visual Amenity, Street Scene and Landscape

- 8.2 For agricultural Buildings and Structures in the countryside, it is paramount that any new structures do not intrude materially into the landscape. The site is well screened from all aspects due to the dense hedgerows surrounding the plot and being set approx. 165 metres from the nearest public highway. The surrounding vegetation is higher than the barns and therefore they do not appear within the wider landscape or contribute to the setting of the listed farmhouse. The proposed extension and shed are lower than the highest point of Barn one (the larger barn) and therefore will not dominate the appearance of the site and are sympathetic to the existing building massing, infilling between the two barns. The form of



the buildings are of an agricultural appearance and would blend into the character of the site using similar materials and design features.

- 8.3 The proposed buildings are of an appropriate scale and design so as to not result in an overly dominant development, and whilst it is a large building, the plot is of a size to be able to take it comfortably. The proposal therefore also complies with policy SCLP11.1 of the Local Plan. There would be no harm to the significance of the listed farmhouse.

#### Planning Considerations - Residential Amenity

- 8.4 Due to the location and the nature of the proposal it is considered that there would be no harm to the amenity of the neighbouring properties and the other land uses. The proposal is therefore considered to be in conformity with Policy SCLP11.2 of the Local Plan.

### **9. Conclusion**

- 9.1 The buildings are considered to be reasonably necessary for agricultural purposes that would permit the principle of such a development in the countryside and of an appropriate design and location such that it would not have a significantly detrimental impact on the wider countryside. It would therefore accord with the planning policy listed above.

### **10. Recommendation**

- 10.1 The application is recommended for approval.

#### **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.

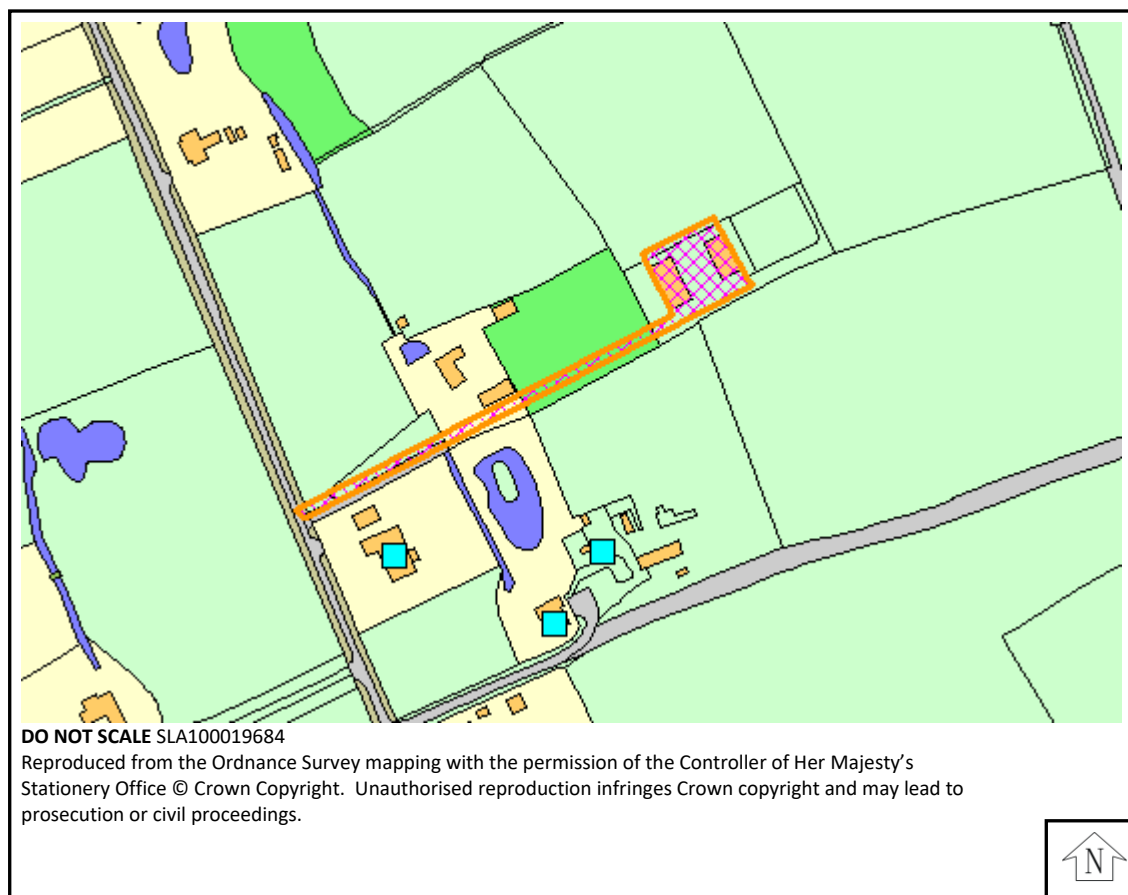
#### **Informatives:**

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/20/2327/FUL on [Public Access](#)

## Map



## Key

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