



Riverside, 4 Canning Road, Lowestoft, Suffolk,  
NR33 0EQ

# 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 in the Conference Room, Riverside, Lowestoft,  
on **Tuesday, 14 January 2020** at **2.00pm**

An Agenda is set out below.

## Part One – Open to the Public

Pages

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### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

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

<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>East Suffolk Enforcement Action - Case Update ES/0264</b> Report of the Head of Planning and Coastal Management	<b>1 - 17</b>
<b>5</b>	<b>DC/19/1462/FUL - Land adjoining 8 The Street, Darsham ES/0256</b> Report of the Head of Planning and Coastal Management	<b>18 - 48</b>
<b>6</b>	<b>DC/19/2753/RG3 - Lowestoft Outer Harbour, Lowestoft ES/0257</b> Report of the Head of Planning and Coastal Management	<b>49 - 64</b>
<b>7</b>	<b>DC/19/2754/LBC - Lowestoft Outer Harbour, Lowestoft ES/0258</b> Report of the Head of Planning and Coastal Management	<b>65 - 71</b>
<b>8</b>	<b>DC/19/3887/FUL - Land at Ash Spring Game Farm, Westleton Road, Darsham ES/0259</b> Report of the Head of Planning and Coastal Management	<b>72 - 87</b>
<b>9</b>	<b>DC/19/3966/FUL - Field End, Rattla Corner, Theberton ES/0260</b> Report of the Head of Planning and Coastal Management	<b>88 - 99</b>
<b>10</b>	<b>DC/19/3313/FUL - Wren Business Centre, Priory Road, Wrentham ES/0261</b> Report of the Head of Planning and Coastal Management	<b>100 - 110</b>
<b>11</b>	<b>DC/19/3406/FUL - 303 London Road South, Lowestoft ES/0262</b> Report of the Head of Planning and Coastal Management	<b>111 - 117</b>
<b>12</b>	<b>DC/19/4124/FUL - Co-Op Funeral Care, The Cemetery, Holton Road, Halesworth ES/0263</b> Report of the Head of Planning and Coastal Management	<b>118 - 122</b>
<b>13</b>	<b>Quality of Place Awards 2019</b> To receive a short presentation on the 2019 Quality of Place Awards from the Design and Conservation Officer.	

## Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

**Close**

A handwritten signature in dark ink, reading "Stephen Baker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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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## PLANNING COMMITTEE

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

14 January 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 27 December 2019. At present there are 17 such cases.

Information on all cases has been updated at the time of preparing the report such that the last 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 27 December 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition  Unauthorized use of chalet as main or sole residence	<ul style="list-style-type: none"> <li>• Breach of Condition Notice</li> <li>• Compliance expired following extension of time</li> <li>• Further consideration by Service Manager and Legal</li> <li>• See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants</li> <li>• Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case.</li> <li>• Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case.</li> <li>• Further information being gathered from other bodies.</li> <li>• Meeting with Legal 25<sup>th</sup> November 2019 advised that due to the time passed the Council will not take action on the notice, however the Notice will remain in place.</li> </ul>	Following Legal advice, the notice remains in force though due to the time that has passed a decision has been made not to take any action in respect of the notice.

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> </ul>	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/03/2016 – Planning Appeal dismissed</li> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> </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>• Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <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</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <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-</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 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> </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> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 - Legal advice sought; letter sent to 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</li> </ul>	29/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Notice. Case to be referred to Legal Department for further 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</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>days for the site to be cleared before the Notice is served.</p> <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> </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. Public Inquiry to be held on 08/11/2017</li> </ul>	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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 Injunction was granted and the</li> </ul>	



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>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> </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> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> </ul>	17/02/2020 13/04/2020

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>• 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> </ul>	
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> </ul>	29/02/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <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. Statement due by 30/07/19.</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> </ul>	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Application received to Discharge Conditions</li> <li>• Application pending decision</li> </ul>	31/12/2019
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> </ul>	29/02/2020

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 has been submitted, awaiting a start date.</li> <li>• Start date now received by the Council, Statements due by 12/12/2019</li> </ul>	
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> </ul>	29/02/2020
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> </ul>	01/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> <li>Enforcement Notice served 16/08/2019.</li> <li>Appeal submitted, awaiting start letter.</li> </ul>	29/02/2020
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> </ul>	27/03/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	<ul style="list-style-type: none"> <li>Enforcement Notice served 05/12/2019</li> </ul>	10/05/2020
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> </ul>	17/03/2020



## Committee Report

Planning Committee - 14 January 2020

Application no DC/19/1462/FUL

**Location**

Land Adjoining 8  
The Street  
Darsham  
Suffolk

**Expiry date** 10 July 2019

**Application type** Full Application

**Applicant** Hopkins & Moore (Developments) Limited

**Parish** Darsham

**Proposal** Erection of 26 Residential Dwellings, together with associated access, car parking and open space

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

### 1. Summary

- 1.1 The application seeks full planning permission for the development of 26 dwellings and associated development on land to the north side of The Street, Darsham.
- 1.2 Under the current, adopted Development Plan for the Suffolk Coastal area of East Suffolk, the site is not allocated for development and is therefore in the countryside, for planning purposes. The proposed development represents housing in the countryside and a departure from the adopted Development Plan - and thus has been brought direct to planning committee for determination.
- 1.3 However, the application site is an allocation in the emerging Suffolk Coastal Final Draft Local Plan (January 2019) (policy SCLP12.49). The plan is at an advanced stage in the process and this specific allocation policy is deemed to be consistent with the National Planning Policy Framework (2019). The site is also sustainably located and would represent infilling of a gap between existing residential development. Thus, whilst the proposal represents a

departure from the current adopted spatial strategy of the Development Plan, some weight can be given to policy SCLP12.49 as a site allocation for residential development. The sustainable location of the site also weighs in favour of the principle of development.

- 1.4 The proposal is considered to be well-designed and suitably related to the existing character of the village, including the local residential environment. Safe and suitable access can be achieved whilst retaining the frontage trees protected by Tree Preservation Order. Local concern related to disruption in the construction phase could be properly controlled through a conditional construction method statement.
- 1.5 There would be significant public benefits from the proposal including (but not limited to): a 26-dwelling contribution to housing supply; eight affordable homes; short term construction job creation; and, longer term, spend in the local economy by future residents.
- 1.6 The proposal is therefore considered to represent a sustainable form of development and officers recommend that planning permission be granted.
- 1.7 The recommendation is authority to approve subject to the signing of a Section 106 legal agreement to secure necessary planning obligations; along with planning conditions to secure compliance and further details, where necessary, as detailed in the recommendation section of this report.

## **2. Site description**

- 2.1 Darsham is a small village to the east of the A12 approximately halfway between Ipswich and Lowestoft. The village has a small number of facilities including a village hall and a public house. Darsham station is around 0.8 miles to the southwest of the village and provides rail connections to Ipswich and Lowestoft.
- 2.2 The application site is located on the north-western edge of Darsham and represents a gap within the existing developed area in this part of the village, with development of Millfields immediately to the east of the site having recently taken place. Planning Permission has also been granted for residential development on land to the south east of the site on the opposite side of The Street that is currently under construction (The Cheyney Green Development). That development incorporates the provision of a new village hall.
- 2.3 The application site is broadly rectangular in shape and covers some 1.1 hectares to the north side of The Street where it forms the junction with Fox Lane. The majority of the site is well-maintained grassland with scrub, species-rich hedgerow and mixed deciduous trees delineating the southern, western and northern boundaries. The site is relatively flat and there is an existing field access at the southern edge, from The Street.
- 2.4 There is a recent residential development to the east, further residential development to the west and south, and arable land to the north. As the site falls outside the drawn Darsham settlement boundary it is a countryside location, for planning purposes.
- 2.5 There is no relevant planning history to report for the application site.

### **3. Proposal**

- 3.1 The application seeks full planning permission for the erection of 26 Residential Dwellings together with associated access, car parking, drainage and open space.
- 3.2 The development proposal has been amended during the determination period in response to local comments, consultation responses and officer feedback; the proposal for consideration includes the following key elements:
- 26 dwellings, comprising 18 open market dwellings and 8 affordable dwellings;
  - Areas of public open space;
  - Frontage pedestrian footway;
  - Surface water drainage strategy;
  - Comprehensive site landscaping proposal; and
  - Associated development.
- 3.3 The proposed development would take vehicle access from The Street at the eastern end of the site frontage. This will involve the removal of around 40 metres of hedgerow and some existing trees in that area to facilitate visibility splays from the highway access point. The frontage Oak trees (protected by Tree Preservation Order) to the central and western half of the site would be retained as part of the development proposal.
- 3.4 The layout is generally organised around a main shared surface road running west-east through the site with private drives running off that to serve smaller groups of dwellings. Development along the southern frontage has been pulled back from The Street, to avoid the root protection areas of retained TPO trees, and the result is a curved building line in the central area with a semi-circular area of open space to the south, diagonally opposite the road junction with Fox Lane. Adjacent the vehicle access is further open space where the site adjoins Millfields, to the east; and then to the west side of the access is a shallow attenuation basin as part of the drainage strategy for the site.
- 3.5 The proposed buildings are standard house types for Hopkins & Moore Ltd – traditional in form and detailing, all two-storeys in height comprising a mix of external materials (various brick types, rendering, pantiles, slates, and painted weatherboard cladding).

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

- 4.1 48 letters of objection have been received that raise the following key concerns (inter alia):
- Darsham has already seen lots of residential development and there is not a housing need in the village;
  - The village would, with all of the housing development, become a town;
  - The Street is narrow and not suitable for more vehicles;
  - More dwellings at the entrance to the village will divide the village into two: a commuter development at the entrance and established, older dwellings further down;
  - Proposal does not respect rural character of the village;
  - Proposal will put stress on local infrastructure;
  - Removal of trees and hedgerows will harm the character and appearance of the village;
  - Site is not yet allocated for development in the Local Plan;



- Construction works in the village are disruptive and this proposal would add to that impact;
- Development will result in loss of wildlife;
- Increased traffic in the village will result in serious accidents and congestion;
- Development will result in light pollution in the village;
- The proposal, in addition to proposed works at Sizewell, will result in disruption to local residents;
- Millfields and Cheyney Green are not in keeping with the village and nor would this proposal be in keeping;
- Bus service in the village is poor;
- Loss of outlook and view from neighbouring properties;
- The access will result in a dangerous staggered junction with Fox Lane;
- Darsham is not a sustainable location as there are very few services within the village;
- Parking provision is inadequate due to density of development;
- Darsham village plan recommends single depth plots complementing the rural nature of the village; and
- Development should be focussed on the site at Darsham Station;

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Darsham Parish Council	12 April 2019	16 May 2019
<p><i>"Darsham Parish Council object and oppose this application in the strongest possible terms. This decision [taken at the meeting on 14th May 2019] was unanimous with all 9 councillors rejecting the application.</i></p> <p><i>To ascertain the thoughts of the village a ballot for parishioners was undertaken. 68 ballots were cast, the result of this was - 67 AGAINST with 1 for."</i></p>		

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	31 May 2019	17 June 2019
<p>Summary of comments: Holding objection for further information.</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	12 April 2019	20 May 2019
<p>Summary of comments: Holding recommendation of refusal until matters addressed.</p>		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	12 April 2019	18 April 2019
Summary of comments: No objections; conditions recommended.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	12 April 2019	18 April 2019
Summary of comments: Holding objection for further information.		

Consultee	Date consulted	Date reply received
Network Rail	12 April 2019	No response
Summary of comments: No objections.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Development & Policy (SCDC)	2 May 2019	No response
Summary of comments: Internal; see report.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	7 May 2019
Summary of comments: No objections. Standard advice given regarding building regulations compliance in terms of access and firefighting facilities; water supply; and sprinklers.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 April 2019	3 May 2019
Summary of comments: Holding objection as further survey work is required.		

Consultee	Date consulted	Date reply received
SCDC Environmental Protection	12 April 2019	1 May 2019
Summary of comments: No objections. See report for details.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	12 April 2019	3 May 2019
Summary of comments: Internal consultee; comments incorporated into officer report.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	12 April 2019	17 April 2019
Summary of comments: Comment that layout is generally well-designed. Design guidance offered on some aspects of the layout.		

Consultee	Date consulted	Date reply received
Mr Steve Newman	12 April 2019	15 April 2019
Summary of comments: No comment; consulted in error.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	12 April 2019	No response
Summary of comments: Comment that layout is generally well-designed. Design guidance offered on some aspects of the layout.		

Consultee	Date consulted	Date reply received
Disability Forum	12 April 2019	18 October 2019
Summary of comments: No objections but comments on accessibility of the dwellings and provision of bungalows.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	16 May 2019	7 June 2019
Summary of comments: Advice given on infrastructure requirements through CIL contribution and S106 planning obligations.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	13 May 2019	5 June 2019
Summary of comments: Internal consultee; comments incorporated into officer report.		

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	9 October 2019	No response
Summary of comments: No comments received.		

#### **Re-consultation consultees – in response to amended layout plans.**

Consultee	Date consulted	Date reply received
Disability Forum	26 September 2019	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	26 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	26 September 2019	31 October 2019
Summary of comments: Internal consultee; see officer report.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	26 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Mr Steve Newman	26 September 2019	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
Darsham Parish Council	26 September 2019	10 October 2019

*Darsham PC objects to this planning application on the following grounds:*

*The land in question is not within the village envelope till the proposed Local Plan is adopted by East Suffolk Council following the recommendations of the inspector.*

*The PC has consistently opposed early development of this site, while acknowledging that it could be developed in 10 years' time, if the need for new houses dictates. In the consultation over the Local Plan, we asked that the Delivery Timescale should be changed from 2020-2025 to 2030-2035. This request was ignored. We then made representations to the inspector, who asked the planning department to take our views into account, a request they verbally agreed to at the inspector's meeting on the 17th September 2019. As the Local Plan has "over-allocated" delivery of houses in the early part of the plan period, (see appendix A page 436) we felt this to be a very reasonable request.*

*The reasons for our request are that Darsham has had two major developments of the past 4 years, the second one, of 20 houses, is still ongoing, with few if any of the new houses yet sold. There has been major disruption in the village caused by these developments (not least the Hopkins Homes Phase 1 estate). This has led to the street being impassable for the local bus on many occasions and consequent danger as emergency vehicles could not access the village from the A12. A further building site without means of storage off site (which existed in phase 1) would inevitably lead to major problems on the street, a problem not even mentioned by Hopkins Homes in their application.*

*There is also the question of social integration. We have welcomed new residents from the new estate and look forward to welcoming the new residents from the 20 new houses on the south of the street. But as a small village, there is a rate of development over which the present village would not be able to integrate new residents. The immediate building of a third estate of so many houses would endanger this integration. These new houses are definitely not "much needed" (See Para 3.9 of the Design and Access statement).*

*This objection is firmly supported by Darsham residents, who voted in a secret ballot at the last Annual Parish Meeting by 67 votes to 1 to object to this application. Note also the number of residents who have written objection letters to this application.*

*If, despite all the above, East Suffolk nevertheless decides to ignore the wishes of the village and support this application, then Darsham PC has the following points to make.*

*1) In the Local Plan Darsham is being asked to supply 43% of all new houses built in small villages, despite being only one of 14 small villages (7%)*

*2) This application is for 26 houses, where originally the site was for 15 houses then revised up to 20. The Hopkins Homes phase 1 site had 20 houses and no public space. Nevertheless, it was developed to a density of 20.83 homes per hectare. This application is for 23.42 homes per hectare despite having open space and a lower ratio of affordable homes to the neighbouring estate (Phase 1); a clear case of overdevelopment and not in keeping with the village or even recent development. It is noted too, that as well as the 8 affordable houses, 5 houses have no garage. This also suggests that too many houses are being crammed into too small a space.*

*3) The Suffolk Police report makes much of providing adequate lighting to deter crime. We strongly object to this recommendation as Darsham has no street lights at present and has a “Dark Skies” policy. This is a small rural village and not the middle of Ipswich and residents here, as in neighbouring villages, object to light pollution. If there must be night lighting on this estate, it should be only low level both in height and intensity.*

**Officer note:**

Darsham Parish Council also submitted comments on 10 October 2019 stating:

*“26 houses N. of the Street: councillors supported this application with the reservation that it should be delayed for 5 or 10 years.”*

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	26 September 2019	No response
Summary of comments: No further comments.		

Consultee	Date consulted	Date reply received
Network Rail	26 September 2019	No response
Summary of comments: No further comments.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	26 September 2019	7 October 2019
Summary of comments: Updated advice on infrastructure requirements.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	26 September 2019	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	26 September 2019	No response
Summary of comments: See previous holding objection.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	26 September 2019	28 October 2019
Summary of comments: Continued holding objection until amendments made.  Update: Holding objection removed and conditions recommended on 27/11/2019.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	26 September 2019	No response
Summary of comments: See previous comments.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 September 2019	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
Development & Policy (SCDC)	26 September 2019	No response
Summary of comments: Internal consultee; see officer report.		

Consultee	Date consulted	Date reply received
SCDC Environmental Protection	26 September 2019	No response
Summary of comments: No further comments received.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	26 September 2019	8 October 2019
Summary of comments: Internal consultee; see officer report.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 November 2019	25 November 2019
Summary of comments: Holding objection removed and conditions recommended (25/11/2019).		

## 5. Publicity

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

Category	Published	Expiry	Publication
Tree Preservation Order; Departure; Major Application	25 April 2019	17 May 2019	East Anglian Daily Times

Category	Published	Expiry	Publication
Tree Preservation Order	18 April 2019	14 May 2019	East Anglian Daily Times

### Site notices

General Site Notice	Reason for site notice: Tree Preservation Order; Major Application; Departure from Development Plan Date posted: 18 April 2019 Expiry date: 14 May 2019
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## 6. Planning policy

National Planning Policy Framework (2019)

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))



SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

XSP2 - Housing Numbers and Distribution (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP3 - New Homes (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

XSP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM2 - Affordable Housing on Residential Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

SSP32 - Visitor Management -European Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

## **7. Planning considerations**

### Policy Background

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies of the adopted Development Plan are set out in section 6 of this report.
- 7.2 Where policies of the East Suffolk Council – Suffolk Coastal Final Draft Local Plan (2019) (“The Emerging Local Plan”) are relevant they will be addressed within the planning analysis to follow.

### Principle of Development and the Emerging Local Plan

- 7.3 The site is located outside of the Darsham settlement boundary and therefore the current Development Plan establishes that the proposal represents an application for housing development in the countryside. The proposal should therefore be considered in relation to spatial strategy policies SP19, SP29 and DM3 of the adopted Core Strategy.
- 7.4 Policy SP19 (Settlement Hierarchy) of the Core Strategy details that residential accommodation in the countryside will only be permitted in special circumstances, including where the proposal relates to housing in a cluster. Policy SP29 (The Countryside) states that, within the countryside, the strategy in respect of new development is that 'it will be limited to that which of necessity requires to be located there and accords with other relevant policies of the Core Strategy (e.g. SP7 or DM17) or would otherwise accord with special circumstances outlined in paragraph 55 of the National Planning Policy Framework.'
- 7.5 Policy DM3 (Housing in the Countryside) sets out conditions under which housing in the countryside are considered, for which the proposal does not fall under criteria (a) to (e) of Policy DM3. To be considered a cluster, in relation to criterion e) of Policy DM3, a group of dwellings would need to be able to be infilled by one dwelling or a pair of semi-detached dwellings in order to provide a continuous built up frontage, as is required by criterion (a) of Policy DM4 (Housing in Clusters in the Countryside). Moreover, the scale of development under consideration in this application, namely 26 dwellings, is greater than that which would be acceptable under criterion (a) of Policy DM4. Criterion (f) of Policy DM3 states that development in the countryside would be allowed where it comprises 'Development which would otherwise accord with the special circumstances outlined in paragraph 55 of the National Planning Policy Framework.' Paragraph 55 of the 2012 NPPF has been superseded

by paragraph 79 of the 2019 NPPF. The proposal does not fall within the definitions of the types of development set out under Paragraph 79a)-e).

- 7.6 For the reasons set out, the principle of development is not supported by the current, adopted Development Plan for the Suffolk Coastal area of the District.
- 7.7 However, the relevant policies of the Suffolk Coastal Final Draft Local Plan (January 2019) (Emerging Local Plan) set out that the site occupies land proposed for site allocation under policy SCLP12.49. Thus, according to SCLP12.49 the principle of development in this location is accepted and the scale proposed, for 26 dwellings, is in accordance with the approximate scale afforded by SCLP12.49.
- 7.8 Paragraph 48a) of the NPPF sets out that the more advanced the emerging Plan in the plan-making process, the greater the weight that may be afforded to the policies within. The emerging Suffolk Coastal Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted for Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Since the emerging Plan's submission for examination the hearing sessions have been carried out between 20 August and the 20 September 2019.
- 7.9 Paragraph 48b) of the NPPF is concerned with the extent to which there are unresolved objections to the relevant policies of the emerging Plan and dictates that the less significant the unresolved objections the greater the weight that may be attributed to such policies. Two representations were made against SCLP12.49 at the regulation 19 consultation stage (14 January - 25 February 2019). Of these representations, Hopkins & Moore Ltd supported the principle of the allocation but objected to certain aspects of the policy and Darsham Parish Council objected to the Policy. Darsham Parish Council did not submit a Hearing Statement and thus their comments reflect those made at the Regulation 19 consultation. These objections include matters concerning historic amount of development, density, delivery timescale, traffic, cost of housing/second homes, and community cohesion.
- 7.10 East Suffolk Council and Hopkins & Moore Ltd have entered into a Statement of Common Ground (SoCG) in relation to some of the representations they have raised. This SoCG agreed to a number of modifications to Policy SCLP12.49 and its supporting text. The SoCG sets out that both parties agree the site is deliverable for approximately 25 dwellings; however, that the policy wording should be amended to refer to the need to provide safe and suitable access, rather than to specify which road this should be from and that, if access is via The Street, agreed that trees should be retained except where necessary to provide a satisfactory access. As set out later in this report, the proposed development is considered to provide safe and suitable access with retention of trees protected by Tree Preservation Order. It is therefore considered that the representations made by the applicant (Hopkins & Moore Ltd) on emerging policy SCLP12.49 are largely resolved.
- 7.11 In terms of the representation made by Darsham Parish Council during the plan-making process, that is as follows:

*"Introduction*

*The PC find it difficult to understand the continued thrust of the Local Plan with regard the development to the south of Darsham station when there could well be a car park in the village for approximately 1,200 vehicles with coach transport running along the A12 for 24*

hours a day. A development in the proposed location will involve a new access road to the A12, thus increasing the level of traffic using the A12 in a very short space.

There is also the development at Friston to consider and the impact the will have on traffic flow through and around the village.

The Local Plan also fails to take into account the rising age of people living in the area [though SCDC do recognise that by 2030 this will be the highest in any council area] and the cost of new housing. This is prohibitive to younger people trying to establish a first home in the area and will only encourage the older retiree to take up residence, it may also promote the purchasing of properties for 'second homes'.

#### *Background*

The 2012 register of electors shows Darsham had 282 electors living in 132 houses. Since then, along with 6 infill developments, we have had an estate of 19 new houses and are in the process having a further 20 built. In numbers this is exactly one third. SCDC are now proposing two further developments of 25 and 120 houses, Together with recent developments this would increase the village by 136%. This is the equivalent to building an additional 60,000+ houses in Ipswich or an additional 300+ houses in Aldbrugh.

Developments of this nature would change the village totally and impair the social integration within a village with a strong community spirit.

#### *SCLP12.45*

This is a natural infill within the village and would be quite acceptable, but with a changed time frame and a lower density of houses. The village has lived with a range of major build sites within its boundaries for the last three years and is still coping with one currently, expected to last a further two years.

It is strongly felt that we need a break from development and so the Parish Council **STRONGLY** believes this particular development should not start till 2030 at the earliest, with a maximum of 15 houses.

#### *Summary and conclusion*

##### *SCLP12.45*

This is a natural infill within the village. But, the village has had far too much development over the past three years, some of which is still ongoing.

The Parish Council **STRONGLY** believe the delivery time scale should be addressed with any start date being in the 2030-2035 time frame and the housing density reduced to 15."

- 7.12 In response to consultation on this application, Darsham Parish Council have most recently submitted two consultation responses (received 10 October). One of those responses supports the application in principle with the reservation that development should be delayed by 5-10 years. The second, a more detailed letter, objects to the application primarily due to the timeline of delivery of the site, with the PC wishing to see development of the site come forward in ten years' time. The PC raise concerns over the impacts of the construction process in addition to the disruption arising from existing developments under construction. A secondary concern of the PC is that early delivery of this site will pose

problems of social integration, with the village unable to properly integrate new residents in addition to other new developments in the village.

- 7.13 Darsham Parish Council's representation on the emerging policy SCLP12.49 is noteworthy in that it identifies the site as a natural 'infill' within the village. However, the Parish Council concern over timeline of delivery, reiterated in their response to the current application, makes clear that the Parish Council representation is unresolved and thus the weight attributed to Policy SCLP12.49 should be reduced, as set out in Paragraph 48b) of the NPPF.
- 7.14 Paragraph 48c) of the NPPF establishes that the greater the consistency of the policies in the emerging Plan to the policies in the NPPF, the greater the weight that may be given. Policy SCLP12.49 requires the provision of approximately 25 dwellings, which would include open market and affordable housing, which provides an opportunity to help meet the development needs of the area as is supported by Paragraph 11a) of the NPPF. 25 dwellings on 1.11ha would deliver an approximate density of 23 dwellings per net hectare which is considered to be consistent with Paragraphs 122 & 123 of the NPPF in respect of making efficient use of land. The emerging Plan, as a whole, has been produced in alignment with the NPPF and thus the intention behind all policies of the emerging Plan is that they are consistent with the NPPF and therefore some weight could be attributed to SCLP12.49, as afforded by Paragraph 48c).
- 7.15 SCLP12.49 of the emerging Local Plan establishes the principle of development on the application site. As a result, under the emerging Plan the proposal is not subject to policies concerning housing in the countryside. The proposal provides for 26 dwellings, which accords with the requirement for development to provide approximately 25 dwellings. The representation made by Hopkins & Moore Ltd during the plan-making process is considered to be largely resolved through the SoCG and the detail provided within the current application. The representation made by Darsham Parish Council, raising concerns over delivery of the site early in the plan period, means the weight to be attributed to emerging policy SCLP12.49 is somewhat reduced. However, officers consider that the emerging policy can still be given considerable weight given its consistency with the Framework and the advanced stage of the plan-making process. It is also noteworthy that the site is adjacent the drawn settlement boundary in the current, adopted Development Plan - and represents a gap between the main settlement and existing housing to the west. The site is also opposite the village pub, and the new village hall constructed to the south side of The Street is only a short walk from the application site. Accordingly, the site is considered to occupy a sustainable location which weighs in favour of the proposal.
- 7.16 Considering all of this, it is acknowledged that the principle of development is contrary to the current, adopted Development Plan. However, the site is sustainably located, and considerable weight can be given to emerging policy SCLP12.49 which allocates the site for residential development in the emerging Local Plan which is at an advanced stage. That allocation policy is consistent with the 2019 Framework. Therefore, officers consider that there are material considerations that otherwise support the principle of residential development on this site.

#### Housing Mix and Affordable Housing Provision

- 7.17 The proposed housing mix comprises:

Bedrooms	1	2	3	4+
Open Market Housing	0	7	7	4
Affordable Housing	5	3	0	0
All sectors	5	10	7	4
Percentage of Development	19%	38%	27%	15 %

7.18 The proposed housing mix broadly accords with the target proportions set out in Core Strategy policies SP3 and DM2. The layout incorporates a mix of detached, semi-detached and terraced dwellings. The proposal is, on the whole, considered to provide a policy compliant mix of housing type and tenure to meet the varied needs of the local population. The provision of eight affordable homes meets the 1in3 policy requirement and is a considerable public benefit of the scheme. The proposal also provides at least 40% of the development as 1 and 2 bed properties to meet the smaller property needs identified in emerging policy SCLP5.8.

#### Design and Impact on the Character and Appearance of the Area

7.19 Core Strategy policies DM21 and DM22 seek good design that is both aesthetically pleasing and functionally sound. NPPF Chapter 12 sets out how well-designed places can be achieved:

- Good design is a key aspect of sustainable development (para. 124);
- *“Planning decisions should ensure that developments:*
  - (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”* (para. 127), and
- *“Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”* (para. 130).

- 7.20 The high quality design objectives of DM21 and DM22, in addition to the NPPF, are carried through into emerging policy SCLP11.1 (Design Quality).
- 7.21 The proposed development is a fairly low density of approximately 24 dwellings per hectare and includes areas of accessible public open space in addition to reasonable sized private garden areas to the dwellings. A comprehensive landscape strategy for the site is proposed that retains important TPO trees along the frontage of the site; mature trees on the western edge; and vegetation on the northern countryside edge. The layout therefore integrates well into its context and makes use of existing site features.
- 7.22 The set-back of buildings from The Street will ensure that some of the green, openness of the frontage is retained in this part of the village and the location of public open space around the road junction between The Street and Fox Lane will provide a well designed setting to this hub around the village pub.
- 7.23 The proposed buildings are not contemporary or original. However, they follow the character and form of the adjacent Millfields development which will help the proposal to integrate into the existing built environment to the east - albeit they are two separate development sites. The dwellings are of an appropriate scale, form and finish for the site context.
- 7.24 Overall, the development is considered to be well designed in accordance with the objectives of DM21 & DM22; the NPPF; and emerging policy SCLP11.1.
- 7.25 An area of concern is that vehicle access is taken from The Street and the resultant loss of roadside hedge and trees is somewhat harmful to rural landscape character. A better access arrangement would have been to utilise the existing access into the Millfields development to the east, with the estate road continuing on east-west into the development site. However, that was explored with the applicant but ultimately could not be achieved. The only access option, therefore, is from The Street and the proposal put forward meets highways safety requirements whilst ensuring that frontage TPO Oaks will be retained. The proposal is therefore considered to represent the best site access that can be achieved in terms of impact on the rural landscape character; thus, the loss of some hedgerow and trees on the frontage is not considered to weigh significantly against the proposal.

#### Residential Amenity

- 7.26 Core Strategy policy DM23 (Residential Amenity) seeks to protect the living conditions of all affected by development and sets out that the Council will have regard to the following: (a) privacy/overlooking; (b) outlook; (c) access to daylight and sunlight; (d) noise and disturbance; (e) the resulting physical relationship with other properties; (f) light spillage, air quality and other forms of pollution; and (g) safety and security. Development will only be acceptable where it would not cause an unacceptable loss of amenity to adjoining and/or future occupiers of the development. These objectives are carried through into emerging policy SCLP11.2 (Residential Amenity).
- 7.27 Much of the local objection to the proposal is regarding the disruption that could be caused from the development construction process. There are other sites that have recently been -

or are currently being - developed in Darsham and the village has reportedly experienced disruption from construction traffic, along with disruption from the physical works undertaken (noise, dust etc.). Officers are sympathetic to this and understand that such disruption detracts from local living conditions, although it should be noted that these impacts are generally temporary in nature and relatively short in duration. In any event, it is necessary, should permission be granted, for a detailed construction method statement to be submitted and approved by the Council to reduce those impacts down to an acceptable level and allow for monitoring and enforcement during the construction period.

- 7.28 In terms of impacts from the development once it is complete, officers consider that the proposal would not result in material harm to the living conditions of local residents. The low density development proposal means that built form is pulled away from the site edges and existing residential properties. For example, existing dwellings in the southwest corner of the Millfields development will be adjacent areas of public open space; in the northeast corner of the application site, the two-storey dwelling of plot 17 will be at least 18 metres from the side wall of neighbouring dwellings. In the southwest corner of the application site, plot 1 will be at least 17 metres from neighbouring dwellings to the west and has no first floor side windows. Front facing windows of plot 7 will be at least 25 metres from the rear wall of neighbour dwellings to the southwest and retained trees on the western edge will provide screening. Front facing windows of plot 17 will be at least 35 metres from the rear wall of neighbour dwellings diagonally opposite, at Millfields.
- 7.29 Officers accept that development of the site will clearly represent a significant change in site conditions, with agricultural land being developed into a residential use. That will bring, for some nearby residents, a marked change in view. However, change in itself is not necessarily harmful and the proposed development is well designed and responsive to the character and appearance of the village. It is also of note that the site is not within a protected landscape area where major development should be resisted, in principle.
- 7.30 Once complete and occupied, the development will generate some activity, noise and vehicle movements. However, it is not anticipated that 26 dwellings will result in significant adverse impacts in this regard. The site is adjacent the existing village and the proposed development will likely integrate into it with activity and vehicle movements becoming part of the normal circumstances of the village environment.
- 7.31 For the reasons given, the proposal accords with the amenity objectives of Core Strategy policy DM23 and emerging policy SCLP11.2.

#### Flood Risk and Drainage Strategy

- 7.32 Core Strategy Policy DM28 sets out that new housing development will not be permitted in high risk flood areas.
- 7.33 Chapter 14 of the National Planning Policy Framework (NPPF) sets out planning for flood risk:
- Development should be directed away from areas at highest risk (para. 155).
  - Local planning authorities should ensure that flood risk is not increased elsewhere, and applications should be supported by a site-specific flood-risk assessment. Development proposals in higher risk areas should demonstrate that:



- (a) Within the site development is directed to the lowest risk areas;
- (b) The development is appropriately flood resilient and resistant;
- (c) The development incorporates sustainable drainage systems;
- (d) Any residual risk can be safely managed; and
- (e) Safe access and escape routes are provided. (para. 163)

- Major developments should incorporate sustainable drainage systems (para. 165).

- 7.34 The policy approach at a national and local level generally, therefore, is to make developments safe for all future occupiers through appropriate siting and design; and then ensure no adverse local impacts arising from the development through ensuring that development sites are well-designed incorporating sustainable drainage systems.
- 7.35 Emerging policy SCLP9.6 (Sustainable Drainage Systems) sets out that developments of ten or more dwellings should utilise above ground sustainable drainage systems, unless demonstrated to be inappropriate. This was explored with the applicant and their consultant, in consultation with the Local Lead Flood Authority. However, above-ground SUDs are not deemed feasible on this site.
- 7.36 The existing drainage regime at present is surface water run-off naturally falling towards the ditch adjacent to the main road (The Street) which drains off to the east and eventually adjoins the River Minsmere. In line with the NPPF it is proposed to mimic this regime via the introduction of permeable paving (with a lined sub-base and perforated pipe conveying it towards the outfall with a hydro-brake to restrict the flows) for all private roof and hard standing areas. The site has been modelled in two sections to allow for a highpoint around the centre of the site and therefore the captured surface water will naturally fall away from this point being collected and stored by the permeable paving as it is conveyed through perforated pipes within the sub base to the outfall. An attenuation tank in a form of crates has been added upstream of the hydro-brake to provide additional storage of the 1 in 100 year event + 40% climate change to provide storage below ground within the drainage system.
- 7.37 The revised drainage proposals do not affect flood storage within the floodplain and the peak surface water runoff rate leaving the site will be captured via the permeable paving's lined sub-base and attenuation tank before entering the existing ditch; therefore, surface water drainage from the site will mimic the existing drainage regime. A shallow attenuation basin in the south-eastern corner of the site provides capacity for a rare storm event.
- 7.38 The discharge of future surface water runoff from the site will not be increased as a result of the proposal but will provide a betterment in peak flows discharging from site, by attenuating and slowing the rate at which it is discharged into the existing ditch. The Local Lead Flood Authority at the County Council are satisfied with the revised drainage strategy and recommend approval with conditions.
- 7.39 In terms of fluvial sources, the site is located in flood zone 1 and therefore sequentially preferable for residential development.
- 7.40 The development proposal is in accordance with the flood risk prevention objectives of policy DM28; NPPF paragraphs 155, 163 and 165; and emerging policies SCLP9.5 (Flood Risk) and SCLP9.6 (Sustainable Drainage Systems).

## Highways Safety and Traffic Implications

- 7.41 Core Strategy Policy DM22 promotes design that is functionally successful and Chapter 9 of the National Planning Policy Framework (NPPF) provides clear guidance on considering development proposals:
- 7.42 Paragraph 108 - *"it should be ensured that... (b) safe and suitable access to the site can be achieved for all users"*; and  
Paragraph 109 - *"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."*
- 7.43 The proposal has been developed in consultation with Suffolk County Highways Authority in their role as statutory consultee. Following revisions and additional information, the County has no objections to the proposal and recommends conditions and obligations be attached to any grant of planning permission.
- 7.44 The Emerging Local Plan policy SCLP12.49 requires safe and suitable access to the site either through the existing Millfields development to the east, or via The Street, to the south. Officers pushed for access to be through the Millfields development to better integrate the proposal into the existing residential development. However, as that land has been transferred and is no longer in the control of Hopkins & Moore Ltd, that connectivity is not possible. The proposal therefore seeks to achieve vehicle access from The Street. The proposed access is considered safe in highways terms with appropriate visibility splays provided that can be maintained long term. It is unfortunate that achieving visibility requires the loss of some hedgerow and trees, although the frontage Oaks protected by TPO will be retained. It is considered that the access proposals are the best available option from The Street frontage and therefore acceptable to officers in accordance with SCLP12.49. The proposal provides adequate parking for each of the dwellings with all 2+ bedroom dwellings benefitting from at least two parking spaces; there would be an additional three visitor parking spaces within the site area. As such, it is not considered that the proposal will lead to vehicle parking on The Street.
- 7.45 The emerging allocation policy also seeks enhancements of the existing footway along part of the southern boundary linking into the site. The proposal has been amended to provide a 1.8 metre width footway along the site frontage, providing public pedestrian connectivity through the site along this part of The Street. That pedestrian link does not currently exist – and residents of existing development to the west of the site are forced to walk within the road to access the centre of the village. The provision of a public pedestrian link on the north side of The Street is, therefore, considered to be a public benefit of the proposal.
- 7.46 Under planning ref. DC/19/2933/OUT – for the residential development and village hall on land to the south side of The Street (The Cheyney Green Development) – a per-dwelling financial contribution was sought to partially fund a safer pedestrian route to Darsham Railway Station and the amenities, services and footway network beyond. The applicant has agreed to make a similar per-dwelling contribution to partially fund this pedestrian route, and this would need to be secured by S106 planning obligation. It is considered though that funding toward better pedestrian connectivity with the Station is of benefit - not just to the development itself but also the wider community in Darsham.

7.47 The NPPF sets out clear guidance on when development should be refused on highways grounds and, in this particular instance, officers consider that there are no highways safety concerns or residual impacts arising. The proposal accords with the sustainable transport objectives of the NPPF; core strategy policy DM22; and emerging policy SCLP7.1 (Sustainable Transport).

#### Ecology and Habitat Mitigation

7.48 The submitted Preliminary Ecological Appraisal (Southern Ecology Solutions, March 2019) identified that further surveys for bats (aerial inspection of tree(s) proposed for removal), great crested newts and reptiles were required to inform the assessment of the likely impact of this development on biodiversity. Those surveys have been undertaken and reviewed by officers, including the Council's own Ecologist.

7.49 The Ecological Impact Assessment (EclA) (Southern Ecological Solutions, July 2019 identifies that the application site contains habitats likely to support a range of protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), including great crested newts; reptiles; foraging and commuting bats and breeding birds.

7.50 Whilst the loss of some hedgerow and trees on the southern boundary is unfortunate, it is necessary to facilitate safe and suitable access to the development site and it is the only viable access arrangement that retains existing TPO trees. It is also considered that the recommendations detailed in the EclA are adequate to mitigate the majority of impacts on such species and those recommendations will need to be secured by conditions should planning permission be granted, covering: a Construction Environmental Management Plan; Landscape and Ecological Management Plan; Ecological Enhancement Plan; and detailed lighting strategy. With these conditions the direct ecological impacts of the development can be mitigated, and the proposal is in accordance with policy DM27 (Biodiversity and Geodiversity).

7.51 The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") lays down the legislation on the conservation of natural habitats and of wild fauna and flora. The Habitats Regulations require the competent authority (in this instance, the Council) to determine whether the development is likely to have a significant effect on the interest features of European sites protected under the legislation and, if there would be, to carry out an Appropriate Assessment of the implications of the proposal for the site's conservation objectives in accordance with the regulations.

The application site is located within 13km of four designated European sites:

- Minsmere to Walberswick SPA, SAC and Ramsar Site;
- Alde-Ore Estuary SPA and Ramsar Site;
- Benacre to Easton Bavents SPA; and
- The Sandlings SPA.

7.52 The proposed development is not likely to directly impact upon the interest features of these European sites through habitat loss, physical damage etc. However, the emerging Suffolk Recreational Avoidance Mitigation Strategy sets out that new residential development within a 13km zone of influence (ZOI) of European sites is likely to have a

significant effect - when considered either alone or in combination with other new housing - on the interest features of those sites through increased recreational pressure in terms of dog walking, water sports, hiking etc. Natural England recommend that a suitable per-dwelling financial contribution is sought to offset such recreational impacts.

- 7.53 Officers have carried out an Appropriate Assessment and conclude that, at this scale of development (less than 50 dwellings) and over 200 metres from any of the aforementioned sites, the recreational impacts of the proposed development could be properly mitigated by a per-dwelling financial contribution to the Suffolk RAMS and, with this mitigation secured, the proposal would not likely have significant effects. The applicant has agreed to this mitigation which would need to be secured through a S106 planning obligation.
- 7.54 For the reasons given, the proposal accords with the objectives of Core Strategy policies SP14 and DM27 (Biodiversity and Geodiversity); the objectives of SAASP policy SSP32 (Visitor Management - European Sites); and emerging policies SCLP10.1 (Biodiversity and Geodiversity) & SCLP10.2 (Visitor Management of European Sites).

#### Other Matters

- 7.55 The site is not located within a conservation area and does not form part of the setting of any designated heritage assets. There are no non-designated heritage assets on or adjacent the site.
- 7.56 The site is not located within a locally designated special landscape area, nor the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.
- 7.57 The County Council Archaeological Service (SCCAS) has been consulted on the application. SCCAS identify that the site lies within an area where there is high potential for the discovery of below-ground heritage assets of archaeological importance. There are no grounds to refuse planning permission on archaeological conservation but planning conditions would need to be applied to any permission securing an appropriate programme of investigation and recording in accordance with the NPPF.
- 7.58 A Phase 1 and Phase 2 contaminated land report has been submitted in support of this application and concludes that contamination is unlikely at this site. The only condition necessary is a standard one to require action in the event unexpected contamination is discovered on site.

## **8. Conclusion**

- 8.1 Although the site is not allocated for residential development under the current, adopted Development Plan for the Suffolk Coastal area of East Suffolk, the application site is an allocation in the emerging Suffolk Coastal Final Draft Local Plan. The plan is at an advanced stage in the process and this specific allocation policy is deemed to be consistent with the NPPF (2019). The site is also sustainably located and would represent infilling of a gap between existing residential development. Thus, whilst the proposal represents a departure from the adopted Development Plan, some weight can be given to policy SCLP12.49 as a site allocation for residential development. The sustainable location of the site also weighs in favour of the proposal.

- 8.2 Officers consider that the proposal is well-designed and suitably related to the existing character of the village, including the local residential environment. Safe and suitable access can be achieved whilst retaining the frontage trees protected by Tree Preservation Order. Local concern related to disruption in the construction phase could be properly controlled through a conditional construction method statement.
- 8.3 Whilst local objection to the application is noted and has been duly considered, officers are of the view that significant material harm would not arise from this proposal; where issues have been identified, planning conditions and obligations can be secured to deal with those issues and make the development acceptable. The proposal would also give rise to significant public benefits including (but not limited to): a 26-dwelling contribution to housing supply; eight affordable homes; short term construction job creation; longer term spend in the local economy by future residents; and provision of a public pedestrian footway along the site frontage.
- 8.4 On balance, therefore, the proposal is considered to represent a sustainable form of development and officers recommend that planning permission be granted.

## **9. Recommendation**

Authority to approve with conditions, subject to completion of a S106 agreement securing:

- Affordable housing provision;
- Open space provision and long term site management;
- Per-dwelling contribution to Suffolk RAMS to mitigate recreational impacts on designated European sites; and
- A financial contribution to partially fund a safer pedestrian route to Darsham Station and the amenities, services and footway network beyond.

## **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 carried out in accordance with the following plans and documents:

Drawing Nos. DAR3-003 rev B and DAR3-002 rev B, received 26 November 2019;

Flood Risk Assessment and Drainage Strategy (Rev D) (ref. 1810-224 Darsham), received 25 November 2019;

Ecological Impact Assessment (EclA) (Southern Ecological Solutions, July 2019), received 29 October 2019;

Drawing Nos. DAR3-004 rev A, DAR3-005 rev A, DAR3-006 rev ADAR3-010 rev A, DAR3-011 rev A, DAR3-012 rev A, DAR3-013 rev A, DAR3-014 rev A, DAR3-016 rev A, DAR3-017 rev A, DAR3-018 rev A, DAR3-019 rev A, DAR3-020 rev A, DAR3-021 rev A, DAR3-022 rev A, DAR3-023 rev A, DAR3-024, DAR3-025, DAR3-026 rev A, DAR3-027 rev A, DAR3-028 rev A, DAR3-029 rev A, DAR3-030 rev A, DAR3-031 rev A, DAR3-032 rev A, DAR3-033 rev A, DAR3-301 rev A, DAR3-302 rev A, DAR3-303 rev A, DAR3-304, DAR3-400, HOPK 428/28-002 rev B, HOPK 428/28-001 rev B, received 12 September 2019; and Drawing No. DAR3-001, received 05 April 2019.

Reason: To secure a properly planned development and for the avoidance of doubt as to what has been considered and approved.

3. Before the development is commenced, details of the access and associated works (including layout, levels, gradients, surfacing and means of surface water drainage), shown indicatively on External Works Layout Drawing DAR-03-B, shall be submitted to and approved in writing by the Local Planning Authority.

The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: To ensure that access on to the 'highway maintainable at public expense' is designed and constructed to an acceptable standard and made available for use at an appropriate time in the interests of highway safety.

4. Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

5. Before the access is first used, visibility splays shall be provided as shown on Drawing No. DAR-03-B and thereafter retained in the specified form. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

6. Before the development is commenced, details of the 1.8m width footpath means of public pedestrian connectivity through the site (including layout, levels, gradients, surfacing and means of surface water drainage), shown indicatively on External Works Layout Drawing DAR-03-B, shall be submitted to and approved in writing by the Local Planning Authority.

The approved public connectivity footpath shall be laid out and constructed in its entirety prior to occupation of the 10th dwelling. Thereafter the public connectivity footpath through the site shall be retained in its approved form.

Reason: To ensure the provision, within the site, of a footway link that is segregated from conflict with the vehicular traffic on the relatively narrow section of The Street's carriageway fronting the site and that will allow the public to traverse east-west through the site. This footway link will form part of any future safer pedestrian route to Darsham Railway Station, amenities/facilities and the footway network beyond.

7. 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.

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

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

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

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

9. 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 8 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

10. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 25/11/2019, ref: 1810-224) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

11. 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 county of Suffolk.

12. 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.

13. Prior to the commencement of development, a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In accordance with the recommendations made within the approved Arboricultural Impact Assessment, to ensure that retained trees are not damaged during the construction process.

14. All hard and soft landscape works shall be carried out in accordance with the approved drawing nos. HOPK 428/28-002 rev C & HOPK 428/28-003 rev B, and shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow). Thereafter it shall be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.



Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

15. None of the trees or hedges shown to be retained on the approved plan No. 7685-D-AIA rev A (received 16 December 2019) shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written approval of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been approved in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the frontage TPO trees and other valuable specimens on and adjacent the site.

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

- o the parking of vehicles of site operatives and visitors;
- o loading and unloading of plant and materials;
- o storage of plant and materials used in constructing the development;
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o wheel washing facilities;
- o measures to control the emission of dust and dirt during construction;
- o a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- o delivery, demolition and construction working hours.

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

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

17. Prior to the commencement of development, the following Ecological documents/plans shall be submitted to and approved in writing by the Local Planning Authority:

- Construction Environmental Management Plan (CEMP) (including details of ecological mitigation measures identified in the EclA); and
- an Ecological Enhancement Plan (EEP).

The EEP shall detail ecological enhancement measures to be provided (in accordance with the recommendations made in the approved Ecological Impact Assessment EclA) including, but not limited to, the measures identified in the EclA and the provision of integrated swift nest boxes at a ratio equivalent to one per property.

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

Reason: to mitigate the ecological impacts of development and secure biodiversity net gain, in accordance with the objectives of Development Plan policies SP14 and DM27.

18. Prior to the occupation of any part of the development, details of an external lighting scheme shall be 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 protection of the local ecological environment.

19. 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 BS10175:2011+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.

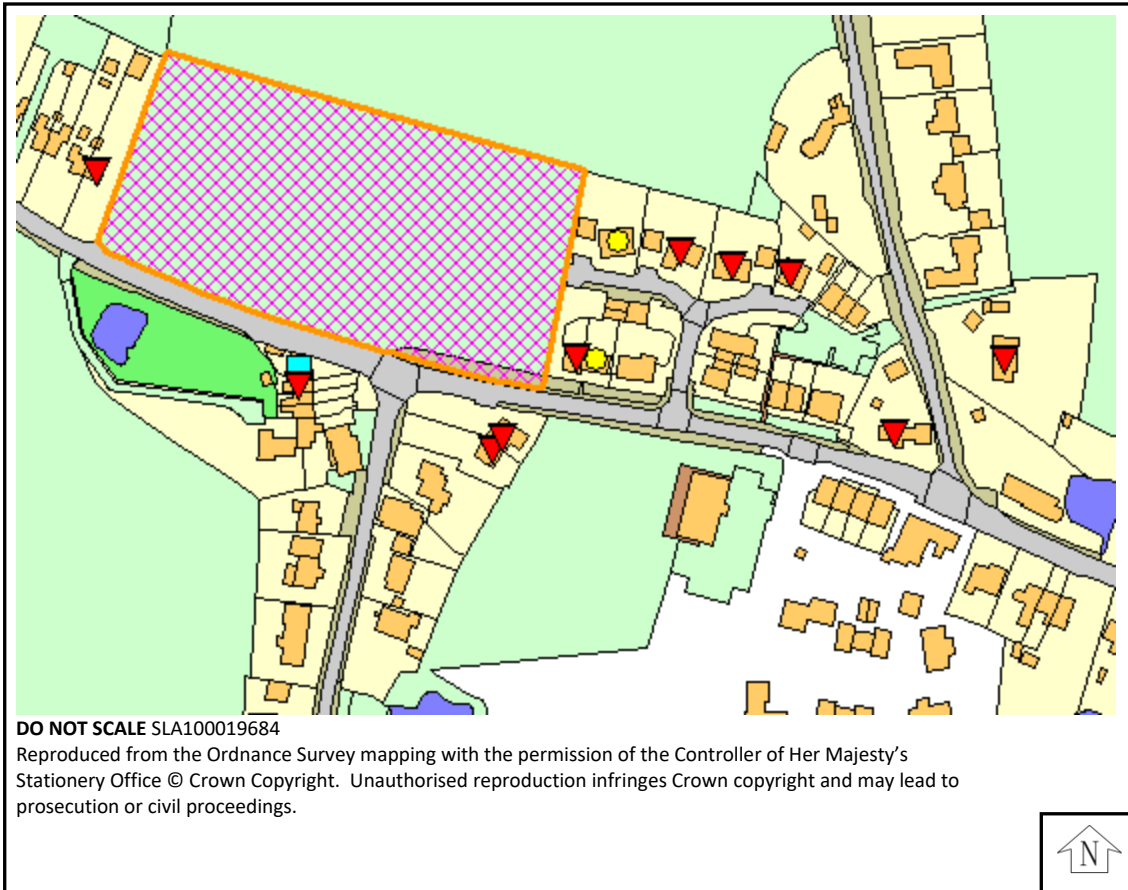
CIL forms can be downloaded direct from the planning portal:

[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)





### **Background information**

See application reference DC/19/1462/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPHTH8QXJ8T00>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 14 January 2020

**Application no** DC/19/2753/RG3

**Location**

Lowestoft Outer Harbour

Lowestoft

**Expiry date** 8 October 2019

**Application type** Deemed Council Development

**Applicant** East Suffolk Council

**Parish** Lowestoft

**Proposal** Construction of tidal flood walls in Lowestoft Outer Harbour, to provide a 1 in 200 (0.5%) AEP standard of protection against direct tidal flooding to residential and commercial areas of Lowestoft.

**Case Officer** Chris Green  
(01502) 523022  
[chris.green@eastsoffolk.gov.uk](mailto:chris.green@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. This project delivers improved tidal flood resilience to Lowestoft, by building up sea defences in areas where levels are too low to offer effective defence and providing temporary barriers and flood gates where gaps for access occur.
- 1.2. It is referred to committee because the applicant is East Suffolk Council and there is significant public interest.
- 1.3. There is also support from the Town Council and the proposal acts with development proposals being reviewed by the Secretary of State for a tidal barrier in the navigation channel to enable other important development around the bridge area envisioned by the Local Plan.
- 1.4. The officer recommendation is for approval with conditions and are seeking authority to determine the application to resolve outstanding matters with the Environment Agency.

## **2. Site description**

- 2.1. It is considered that there is little relevant history in as much as this scheme seeks to enhance the flood resilience of port infrastructure that dates principally from the 19th century. However, it should be noted that a defensive barrier within the bridge channel is subject to an application to the Secretary of State (Planning Inspectorate) as it constitutes Nationally Significant Infrastructure. This barrier links the sea walls here proposed to the north and south of the bridge channel.
- 2.2. The submitted site location plan divides the application site into four parts:

### Area i)

South of the harbour channel around the yacht club and south pier pavilion. The yacht club is Grade 2 star listed.

### Area ii)

North of the harbour channel around the trawl dock. To the south of the Waveney Road, lined with a three-storey continuous block of offices, with some limited elements of residential activity on the upper floors. This is a conservation area. It is also an area covered by Policy WLP8.18 - Town Centre Use where A type uses are encouraged at ground floor level. The bridge control room and A47 trunk route are to the west of this part of the project area. To the east end of this segment of the wall, stands the entrance point for vehicles accessing the outer harbour area.

### Area iii)

North of the Hamilton Dock basin and to the south of Hamilton Road. This area is characterised by industrial sheds to the north side of Hamilton Road, the open land used for offshore platform accommodation module construction to the east, the Hamilton House office block to the west and close to the west end of the wall termination, the new offshore wind energy base nearing completion for SSE

### Area iv)

A works compound on the former "shell" base in the inner harbour at the west end of Commercial Road. This will be a temporary use of land that is cleared and levelled currently following demolition of the Shell buildings.

## **3. Proposal**

- 3.1. The proposal is also split across the four areas described in section 2:

### Area i)

South of the harbour channel around the yacht club and south pier pavilion. To erect solid walls to replace open blockwork with glass screens above to allow persons on the south pier and at the yacht club to enjoy unrestricted views across the yacht basin and to-and-from the listed yacht club building. To erect a moveable flood gate across the access onto the south pier.

To carry out an adjustment to the boundary wall to the yacht club facing pier plain to ease the passage of vehicles and construction traffic into the yacht club car park.

Area ii)

North of the harbour channel around the trawl dock. To erect solid brick faced solid walls atop sheet piles to the trawl basin with 2.4m to top weld mesh fences above this. Around the dock entrance to the east end the trawl basin there are to be areas of removable flood wall.

Area iii)

North of the Hamilton Dock basin and to the south of Hamilton Road. The proposal is to install solid walls with weld mesh fence to the top, running from the entrance to the SLP yard on the breakwater back inland to the new office building currently finishing construction for SSE.

Area iv)

A works compound on the former "shell" base in the inner harbour at the west end of Commercial Road. This will be a temporary use of land that is cleared and levelled currently following demolition of the Shell buildings.

**4. Consultations/comments**

- 4.1 One third party letter of objection has been submitted on behalf of the Royal Norfolk & Suffolk Yacht Club who raise concerns over noise impacts and that the construction process might cause disturbance to some of their activities. The Yacht Club consider that the noise assessment regarding them as "less sensitive" to disturbance is incorrect.

**Consultees**

**Parish/Town Council**

Consultee	Date consulted	Date reply received
Lowestoft Town Council	19 July 2019	8 August 2019
Summary of comments: This application was considered by Lowestoft Town Council's Planning and Environment Committee at their meeting on 6 August 2019. It was unanimously agreed to recommend approval of the application.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Marine Management Organisation	19 July 2019	22 July 2019
Summary of comments: Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	19 July 2019	4 September 2019

Summary of comments:

We have reviewed the documents and have no objection regarding Groundwater and Contaminated Land providing conditions are appended to any grant of permission.  
We currently object to the submitted computer modelling of flood risk.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	19 July 2019	13 December 2019

Summary of comments:

No objections subject to details of the strategy for the disposal of surface water on the site prior to commencement, or until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been approved and details of all Sustainable Drainage System components and piped networks have been approved and a Construction Surface Water Management Plan approved.

Consultee	Date consulted	Date reply received
Historic England	19 July 2019	1 August 2019

Summary of comments:

No objection. To be determined in accordance with local conservation and archaeological specialist advice. Advice given recommending other publications to peruse.

Consultee	Date consulted	Date reply received
Highways Agency	19 July 2019	5 August 2019

Summary of comments:

No objections providing a construction management plan and its mitigation measures.  
Any work that has direct impact on the A47 will require our specific authorisation, in addition to planning permission.

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	8 August 2019

Summary of comments:

No objection providing a programme of archaeological work is secured, in written form.



## Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - Air Pollution	19 July 2019	7 August 2019
Summary of comments: No objection subject to agreement of on site works as for noise response.		

Consultee	Date consulted	Date reply received
WDC Environmental Health - Noise	19 July 2019	7 August 2019
Summary of comments: No objection providing a Construction Management Plan is submitted and approved by the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties.		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	9 December 2019	9 August 2019
Summary of comments: Support this proposal, which safeguards the visitor economy as an economic driver in East Suffolk as described in the East Suffolk Tourism Strategy. The proposed barriers also support the economic growth both within local and regional strategies, future proofing businesses from flooding and encourage inward investment.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	1 August 2019	16 December 2019
Summary of comments: We are satisfied that the proposal will not lead to additional risk of flooding on the highway network. A condition is recommended that no works within the highway shall be commenced until details of those works have been submitted to and approved in writing by the Local Planning Authority. We also recommend that a Construction Management Plan is required that includes details of parking, delivery vehicle turning area and wheel washing facilities.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Major Application	26 July 2019	16 August 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Major Application	26 July 2019	16 August 2019	Lowestoft Journal

## 6. Site notices

General Site Notice  
Reason for site notice: Major Application; Listed Building  
Date posted: 22 July 2019  
Expiry date: 12 August 2019

## 7. Planning policy

National Planning Policy Framework (2019)

East Inshore and East Offshore Marine Plans

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

WLP2.2 - PowerPark (East Suffolk Council - Waveney Local Plan (March 2019)

WLP2.3 - Peto Square (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)

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

## 8. Planning considerations

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant policies are listed in section 7 of this report.
- 8.2. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 of the Act requires that special attention is paid to preserving the special interest of listed buildings, including any contribution made by their setting.

### Principle of Development and Main issues

- 8.3. Predictions of flood risk in central Lowestoft around the harbour derive mainly from tidal events with some pluvial "in combination" effects. Events of severity are assessed by considering those of a severity that might occur within a 100, 200 or 1000-year timeframe. The impact of climate change on sea level is calculated into this. An event of those predicted severities might occur at any time, however. The predicted level is then considered against the capacity of existing defence top levels to assess the volume of water that might overtop the defences, and this then informs the spread and extent of the

predicted flood zones. In the case of the harbour area of Lowestoft the issue is not the general level of flood defences, but the large gaps between areas which have sufficient defence and areas where defence is poor.

- 8.4. For that reason, the works here proposed cover a number of stretches divided into three parts, namely to the south of the bridge channel to the south pier access; north of the bridge channel to the port entrance serving the Trawl, Waveney and Hamilton basins of the outer harbour on Battery Green Road; and to the north side of the Hamilton dock, running to the south side of Hamilton Road.
- 8.5. This application is for the construction of tidal flood walls around areas of the Outer Harbour in Lowestoft. The walls will provide protection for 1 in 200-year events. The main issues surrounding this application concern: the benefits of improved flood resilience; the effects of the tidal walls on the character and visibility of the waterfront; and the potential effects on the Royal Norfolk and Suffolk Yacht Club, a Grade II\* listed building.
- 8.6. The National Planning Policy Framework (NPPF) outlines the governments vision of sustainable development. Part of sustainable development involves adapting and mitigating the impacts of climate change, including flooding. The NPPF states therefore that opportunities should be taken for new development to reduce the causes and impacts from flooding.
- 8.7. In principle, this application is supported as it works toward meeting the vision for Lowestoft as outlined in the East Suffolk Council (Waveney) Local Plan. This application will work towards providing strategic flood protection for Lowestoft, allowing the town to continue to grow and thrive. The application also supports Strategic Priority 4 which aims to reduce the impact on climate change which includes flooding issues.
- 8.8. This application is incorporated into the Lowestoft Flood Risk Management Project which is supported under policy WLP1.3 Infrastructure, which in itself aims to work towards Strategic Priority 4 and the overall vision for Lowestoft. This application could therefore greatly assist with the development of Lowestoft as envisioned in the Local Plan.
- 8.9. This application also works towards the objectives for Lowestoft outlined in WLP2.1 Central and Coastal Lowestoft Regeneration. Particularly, this application aims to create a better relationship with the waterfront especially on the south side of Lake Lothing, in this case primarily around South Pier. From an economic standpoint changing the flood vulnerability of the land will assist greatly in improving land value around the bridge channel, something that would enable the investment envisaged by the Local Plan in this vicinity to take place, given that private capital is to deliver the redevelopment of land currently at risk.

#### Visual Amenity

- 8.10. The proposal also aims to generally improve the appearance of the public realm. The Environmental Statement for the application states that there will be a negative visual impact on the area during the construction phase which could be partially mitigated through the Construction and Environmental Management Plan, which should be secured through condition.

- 8.11. Part of the application falls within the designated PowerPark in the Local Plan under policy WLP2.2. This policy states that the Council will work with parties to improve the appearance of the public realm in the area and improve the visibility and appearance of the waterfront. To do this it will be ensured that any proposed flood walls are attractive and allow for visibility of the waterfront. Once again, improving flood resilience will make the relocation of business to Powerpark more likely to occur given the private investment required to deliver the Local Plan objectives.
- 8.12. The Design and Access Statement for this application states that a mix of flood gates and demountable flood walls will be used to minimise the impact on the area and its uses. It was also stated that appropriate materials would be used to help match existing development.
- 8.13. Part of the application also falls within Peto Square as defined in the Local Plan under policy WLP2.3. This policy also seeks to improve the visibility of the waterfront, as well as ensuring that the space between the Custom House and the waterfront is developed as a high-quality space and that development should preserve and enhance the character of the conservation area. No works are envisaged west of the bridge approaches as behind the protection provided and to the east the use of glazed screens opens up and improves views of the harbour.

#### Heritage and Conservation

- 8.14. The application also includes the construction of a flood wall along Waveney Road with a weld mesh security fence. This part of the application falls within the North Lowestoft Conservation Area. The total height of the wall and the fence is proposed to be at least 2.4 metres tall. The existing palisade fence is only 2m high. The form of the fence proposed is however less oppressive than the existing fence having a much greater void to fence ratio, being thin wire welded together and coated rather than pressed galvanised metal strakes at centres where the void to mass ratio is around 50%.
- 8.15. The additional height requirement arises from current legislation covering the port where the original fence is deemed to comply by virtue of the principle of "Grandfather rights", that is to say covered by the legislation in a retrospective manner.
- 8.16. Further details on the design and colour of the fencing should be provided to ensure any effects on the Conservation Area are not detrimental but given the "lighter" visual character of thin section wire weld mesh compared to palisade fencing this is considered an enhancement in accordance with policy WLP8.39.
- 8.17. Part of the application will involve the removal of existing railings at the Royal Norfolk and Suffolk Yacht Club, a Grade II\* listed building.
- 8.18. The use of glass panelling will mitigate impacts on the setting of the building. Also, the implementation of an adaptive approach will minimise any immediate impacts on the setting of the building, that is to say the proposal initially is designed to create a level of flood defence appropriate to predicted sea levels up to a given date and then further work to raise levels carried out as that date arrives.

- 8.19. A Heritage Impact Assessment has been submitted as required by policy WLP8.37 Historic Environment and identifies that there will be no likely significant effects or impacts on the building. The proposal also includes alteration to the walls enclosing the yacht club on the landward side. These walls were provided in the late 1990s, and the proposal will replicate the details of that time to create a seamless alteration, that will improve the access of larger vehicles to the yacht club car park benefitting both the construction process and boat deliveries.
- 8.20. Protecting the heritage asset from the impact of flooding is a clear benefit which is considered to substantially outweigh the removal of the existing railings, which are not directly attached to the building and so are more a matter of the setting of the heritage asset.
- 8.21. The proposal accords with the heritage objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Flood risk

- 8.22. Both policies WLP2.2 and WLP2.3 require a site-specific flood risk assessment for these works, which has been provided.
- 8.23. Policy WLP8.24 (Flood Risk) is considered to be significantly addressed by this proposal to lower flood risk; there is a Flood Risk Assessment provided with the application; and the proposal does not require the application of sequential testing in that it is intrinsically "water compatible" development. The County Council as lead flood authority have recommended a conditional approval, which will necessitate further details be provided, to alleviate the risk of pluvial build up when the tidal barrier is in place.
- 8.24. Policy WLP8.25 (Coastal Change Management Plan) - the proposals are within this area where only essential infrastructure that cannot be located elsewhere is permitted. Again, the proposal is supported by the policy and includes the submission of a Coastal Erosion Vulnerability Assessment which demonstrates that the development will not result in an increased risk to life or property, in fact it will represent a decrease in risk.
- 8.25. The Environment Agency have objected that the computer modelling of wave action on structures does not satisfy them but provided recommendations with regard to contaminated land conditions. Further modelling has been conducted and submitted to the Environment Agency and a fresh consultation made with the three-week turnaround allowed by this. It is expected that the Agency will find the revised model acceptable as it has been conducted on the basis of their initial comments. On that basis, if a response is not received by the time the proposal is heard by committee, delegated powers in this matter to alter the drawings schedule to reflect any minor technical alterations, is recommended as requested.

#### Natural Environment

- 8.26. The project level Habitat Regulations Assessment for the application identifies that there will be no likely significant effects on conservation objectives, including to the Outer Harbour Kittiwake Colony, and was agreed with Natural England. The application also

outlines, in its Design and Access Statement, that replacement planting will take place where appropriate.

- 8.27. The submitted ecological assessment information has been assessed and is considered satisfactory for officers to conclude that the construction and operation of the proposed tidal flood walls will not result in any significant adverse ecological impacts, with appropriate mitigation measures including a Construction and Environmental Management Plan (CEMP), secured by condition. This should incorporate the mitigation recommendations made in the ecological survey reports and should also include the requirement for an updated survey for nesting kittiwakes to be undertaken (in the appropriate season) prior to construction commencing.
- 8.28. The Habitats Regulations Assessment (HRA), and Habitats Regulations Assessment Screening Report, (CH2M, June 2016); demonstrate that the construction and operation of the proposed tidal flood walls will not result in any Likely Significant Effects on the habitats sites identified in the HRA report. This is due to the scale, nature and location of the works, the existing uses in the area, and the proximity of the identified habitats sites. The 2018 Jacobs report does identify an impact from piling activities for the tidal barrier to be located in the bridge channel impacting on the Southern North Sea Special Area of Conservation (SAC), this package of works (as a "National Infrastructure" project) is not covered under this planning application.
- 8.29. With appropriate conditions the proposal is considered to meet the requirements of policy WLP8.34 Biodiversity and Geodiversity.

#### Noise During Construction

- 8.30. A construction Management plan is considered vital as the proposed flood walls feature below ground works to considerable depth and the need to penetrate areas of quay hardstanding where typically reinforced concrete construction of considerable depth is employed.
- 8.31. The objection from the Yacht club about the rating of sensitivity of their premises in terms of noise reporting while a reasonable concern that their operation might be harmed is not in itself correct, as the club is not a residence; rather it is a commercial operation where in noise terms it is regarded as less sensitive. It is the case that there are letting rooms for yachtsmen to use, but construction works are generally going to take place during the day, and construction disturbance is considered to be lower in impact in regard to letting rooms.

#### Noise in operation

- 8.32. In operation the source of noise will be activity to erect the temporary infill panels and to close flood barrier gates, both activities being limited to specific event threats of relatively infrequent character and by virtue of predictability given the characteristics of tidal levels, could be easily carried out during daylight hours. It is considered that conditions to insist on these hours of operation might dangerously constrain the ability to react in exceptional rare circumstance, and furthermore the location of these measures in in places within the whole tripartite site considered less sensitive in terms of residential and other amenity impact.

## **9. Conclusion**

- 9.1. There is considered considerable planning balance in favour of the development. It firstly lowers the tidal flood risk in central Lowestoft to the benefit and safety of both people and existing property. The proposal potentially unlocks new development and raises the value and potential of land in need of regeneration in the central area. Employment is created during the works and thereafter in regeneration projects. There is significant public benefit and limited impact on the setting of the grade II\* listed Yacht Club and Lowestoft Conservation Area. The benefits of the development are substantial and clearly weigh in favour of the proposal for which planning permission should be granted.

## **10. Recommendation**

- 10.1. The recommendation is authority to determine the application, with approval subject to conditions as below (including any additional conditions and alterations to the drawing schedule as may be required by the expected response from the Environment Agency); or if this response has not been received or further work is requested by the Agency, to return delegated powers to officers on this matter.

### **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 constructed in all respects strictly in accordance with drawings with prefix 676284 and the following suffixes:

Location plans: PL300, PL301, PL302, PL303 all revision 0 showing definitive red lined site extents and;

Detailed works plans reference PL111 rev 5, PL112 rev 6, PL113 rev 1, PL114 rev 3, PL115 rev 4, PL116 rev 4, PL117 rev 3, PL118 rev 3, PL119 rev 4 and;

Details and sections: PL200 rev 4 (details), PL201 rev 5 (sections CC, DD, EE), PL202 rev 5 (details), PL203 rev 4 (club walls), PL204 rev 3 (section FF), PL205 rev 3 (Sections GG, HH), PL206 rev 6 (Sections II, JJ, KK, LL), PL208 rev 3 (demountable barriers), PL209 rev 4 (Sections MM, NN, etc), PL210 rev 4 Sections PP thro' SS) and

CH2M 2016 Geotechnical desk study;

WYG (2017) factual report on ground investigations, Geotechnical Interpretative Report (CH2M, 2017), Technical memorandum - Lowestoft FRMP- chemical testing (CH2M, 2018), Jacobs 2019 GW technical note (annex L of Flood Risk Assessment);

Jacobs 2019 Preliminary Water Framework Directive Assessment, Jacobs 2019 Environmental Statement, Jacobs 2019 Piling Risk Assessment all received 10 July 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Prior to each phase of development approved by this planning permission no development/No development approved by this planning permission, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  - An options appraisal and remediation strategy for the two copper hotspots identified in BH04 at 0.4m and in WS03 at 1.0m, giving full details of the remediation measures required and how they are to be undertaken.
  - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (in 2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the permeable superficial deposits, the underlying Crag aquifer, and the coastal sea waters.

4. Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the above-mentioned water bodies.



6. A Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. The works shall be conducted in accordance with the plan.

Reason: To limit impact on sensitive receptors arising from construction work.

7. No development shall commence until details of the strategy for the disposal of surface water on the site (including assessment and management of surface water flood volumes) 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

8. 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.

9. The infrastructure 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-asset-register/>

10. 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

11. Further details on the design and colour of the fencing shall be submitted in written and drawn form and approved by the Local Planning Authority before installation. Works shall then proceed in conformity to the approved plans and specifications.

To ensure the fence is designed in a manner appropriate to the Conservation Area.

12. The reconstructed pier to the yacht club landward walls shall incorporate the slight batter found in the existing piers, and use the same brick and bond pattern as the existing and a mortar mix to match the colour of the original.

(Note that the original panels were lime mortar and this was less successful in the environment where road salt acted to damage this material, a coloured cementitious material might be more practicable).

Reason: To ensure exact reproduction of the wall details where the submitted details are not clear with regard to the wall batter)

13. The recommendations in the Preliminary Ecological Appraisal (PEA), CH2M, July 2017; PEA Addendum, Jacobs, August 2018; Kittiwake Survey, CH2M, August 2017; Bat Risk Assessment, CH2M, August 2017 and Japanese Kelp Survey, Abrehart Ecology, July 2018) for mitigation of impact shall be carried out in full and shall be accompanied by an updated survey for nesting kittiwakes to be undertaken (in the appropriate season) prior to construction commencing and any further mitigation suggested as a result of this survey carried out.

Reason: To protect the ecology of the harbour area and protected sites for wildlife.

14. 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 ensure the historic interest of the area is properly investigated.

15. No works within the highway associated with the permitted development shall be commenced until details of those works have been submitted to and approved in writing by the Local Planning Authority in co-operation with the Highway Authority.

Reason: To ensure that any works within the highway are designed and constructed to an appropriate specification in the interests of highway safety.

#### **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.

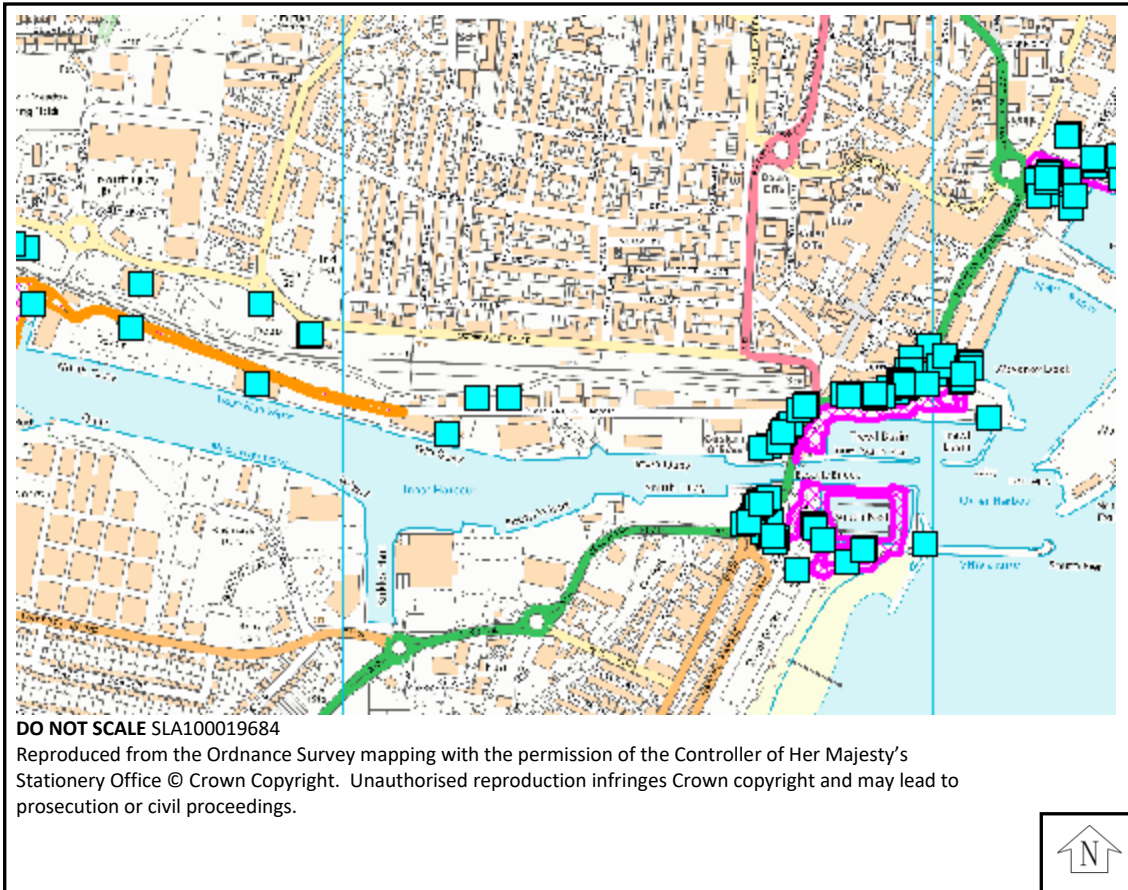
2. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

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.





#### **Background information**

See application reference DC/19/2753/RG3 at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUFLIHQXL7M00>

# Map



## Key

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

## **Committee Report**

**Planning Committee** - 14 January 2019

**Application no** DC/19/2754/LBC

**Location**

Lowestoft Outer Harbour

Lowestoft

**Expiry date** 3 September 2019

**Application type** Listed Building Consent

**Applicant** East Suffolk Council

**Parish** Lowestoft

**Proposal** Listed Building Consent - Construction of tidal flood walls in Lowestoft Outer Harbour, to provide a 1 in 200 (0.5%) AEP standard of protection against direct tidal flooding to residential and commercial areas of Lowestoft.

**Case Officer** Chris Green  
(01502) 523022  
[chris.green@eastsoffolk.gov.uk](mailto:chris.green@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The proposal is for listed building consent for works forming part of the proposed tidal flood walls in Lowestoft Outer Harbour. The application is before committee because the applicant is East Suffolk Council.
- 1.2. The proposal is considered to preserve the special interest of the listed building and form part of a project that delivers significant public benefits.
- 1.3. Officers recommend that listed building consent be granted.

### **2. Site description**

- 2.1. The yacht club is Grade 2 star listed. It stands to the west of the South pier and pier pavilion and to the south of the bridge channel with the A12 (as the road is south of the harbour crossing) to the west. The yacht club building sits on concrete quay headings that

might be considered an intrinsic part of the building. They provide support to it. In some cases, the quay edge projects over the water and is supported on concrete piers set forward of the actual walls that serve to prevent water ingress to the land, creating voids under. This dictates the route of some of the proposed defence structures. (photos and drawings make this clear).

- 2.2. The listing description: Purpose built yacht club. 1902-3 by G & F Skipper of Norwich. Rendered and whitewashed brick under plain tile roofs. Very advanced design for its date. L-shaped, with an engaged tower in the inner angle opposing a square observation room at the top of the outer angle. 2-3 storeys. The south front is composed of a 3-storey, 3-bay square block with the observation room at the top. In the centre is a low entrance porch with a panelled and glazed door flanked by a 3-light semi-circular window with glazing bars either side. The windows above are casements of varying design. At the first floor is a moulded brick panel with a sailing ship moulded in high relief brick. The observation room is glazed all round under a copper dome. To the right is a 2-storey wing under a half-hipped roof with a further semi-circular-headed casement to the ground floor and three windows to the first floor: 2 round-headed casements with balconies and, to the left, a canted bay window. The east elevation is lit through a large segmental sash with 18/18 glazing bars, and the upper storey through 3 circular windows with casements. The hip of the roof is pierced by a triangular sash with glazing bars. The north side has, between the arms of the L, a curved and glazed single-storey bow. Behind it rises the 3-storey engaged round tower illuminated through casements to the first floor and a band of brick-dressed lights at the second floor. The hipped northern arm of the L has casements with glazing bars.
- 2.3. INTERIOR. The entrance leads into a square central hall partly top-lit from an open ceiling well into the first floor. A concave wall separates the hall from the bar to the north-east, which is entered through bowed double doors with glazing. The restaurant in the north-west corner has double muntin doors with leaded and glazed upper panels and a segmental overlight. The closed-string staircase has tall square newels tapering above the handrail and terminating in saucer finials, in a style being developed by Voysey. Reeded balusters. The first floor has an octagonal open well looking into the ground-floor hall and protected by a reeded balustrade. The doors to the 2 principal rooms are of muntin type with stained glass panels. The north room also has a fireplace with a 3-panel overmantel.

### **3. Proposal**

- 3.1. The works within the curtilage of the yacht club comprise alterations to the landward side entrance point into the car park, with the aim of easing manoeuvre of larger vehicles into the club car park to deliver yachts and materials for the other coastal defence works. The proposal uses the same materials and architectural detailing in replacing elements of the boundary.
- 3.2. The other works to provide coastal defence include the removal of cast steel stanchions and mild steel cross pieces comprising the existing anti fall barriers to the yacht basin and replacement by dwarf walls in concrete faced where appropriate by brick and surmounted by clear glass screens.

#### 4. Consultations/comments

- 4.1. None received in the context of this application. (Only the club commented on the planning application)

#### Consultees

##### 4.2. Lowestoft Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	19 July 2019	8 August 2019
Summary of comments: This application was considered by Lowestoft Town Council's Planning and Environment Committee at their meeting on 6 August 2019. It was unanimously agreed to recommend approval of the application.		

##### 4.3. Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	N/A	8 August 2019
Summary of comments: No objection providing a Written Scheme of Investigation is agreed and work on site to implement this conducted. (Note this is attached to the planning decision associated with this application)		

Consultee	Date consulted	Date reply received
Historic England	N/A	1 August 2019
Summary of comments: No objection; refer to published advice for assistance and to the views of your specialist conservation and archaeological advisers, as relevant.		

##### 4.4. Non statutory consultees

None

#### 5. Publicity

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

Category	Published	Expiry	Publication
Listed Building	26 July 2019	16 August 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Listed Building	26 July 2019	16 August 2019	Lowestoft Journal

## 6. Site notices

General Site Notice Reason for site notice: Listed Building; Major Application  
Date posted: 22 July 2019  
Expiry date: 12 August 2019

## 7. Planning policy

National Planning Policy Framework (2019)

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

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

## 8. Planning considerations

### Planning considerations

8.1. Section 7 (1) of Chapter II of the Planning (Listed Buildings and Conservation Areas) Act 1990 controls and authorises works affecting listed buildings where no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

### Character of the work

8.2. The proposed introduction of a new landward physical barrier adds to the existing physical infrastructure which characterises the coastal location of Lowestoft, its sea-facing buildings and spaces and that this need not be either harmful, unexpected or unusual. Features such as pre-existing sea defences, the promenade, existing pedestrian and vehicle barriers, groynes, harbour walls, sheet piling are the context for this proposal. The new work will simply add to the typology rather than appear as something distinct and unusual.

8.3. Whilst there will be a visual change to the setting of designated heritage assets such as the Yacht Club, this will be within the nature of such a setting where coastal defence and protection measures have evolved and been developed over time. The development of the harbour and south Lowestoft could not have taken place without coastal defences and this proposal represents the latest phase of the history of defence against the tides.

8.4. There is no objection in principle to the proposed work in general. This particular application is for listed building consent in relation to the Yacht Club building and within the curtilage of that building. The work generally will protect the designated heritage assets comprising the listed yacht club and port house and the conservation area surrounding in south and north Lowestoft.



- 8.5. The setting to the Yacht Club specifically will suffer some slight additional clutter, from the raised walls, though one can argue that existing yacht storage and yachting ephemera creates an untidy but vibrant context in any case and any small level of harm is outweighed by the significant public benefits of this proposal, and the benefit to the building itself that arises from protecting the listed building from flooding harms.
- 8.6. The detailed design quality overall is neutral being neither a positive feature nor one that detracts from its surroundings.
- 8.7. The work directly in proximity (and within the curtilage of) the yacht club comprises the sea defence walls and the landward side entrance alteration. The landward side entry is to be altered using the forms and methods already established and will be seamless once complete representing a neutral change to fabric that is not historic but is compatible and appropriate to the specific setting. The design includes for the use of roundels to match those existing with the club's logo which is considered attractive.
- 8.8. The use of glazed panels to the seaward side are considered to help alleviate some of the utilitarian character of heavy engineered elements of the defence and again can be characterised as neutral in impact.
- 8.9. The Heritage Statement for the Royal Norfolk and Suffolk Yacht Club (June 2019), is considered by officers to be well researched and well considered and should be deposited with the Suffolk County Council Historic Environment Record prior to completion of the project; this to be attained by condition.
- 8.10. The Heritage Statement and the Historic Environment DBA are considered to meet the requirements of paragraph 189 of the NPPF where local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

## **9. Conclusion**

- 9.1. This proposal as it relates to this Listed Building application is a small part of an important project with very significant public benefits. The proposal will preserve the special interest of the listed building.

## **10. Recommendation**

- 10.1. Approve with conditions.

### **Conditions:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).
2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings with prefix 676284 and the following suffixes:

Location plans: PL300, PL301, PL302, PL303 all revision 0 showing definitive red lined site extents and;

Detailed works plans reference PL111 rev 5, PL112 rev 6, and;

Details and sections: PL203 rev 4 (club walls), PL204 rev 3 (section FF), PL205 rev 3 (Sections GG, HH), and the Historic Environment Desk-Based Assessment by ASE (Report No: 2019119v2 of April 2019),

all received 10 July 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Before the works are complete, the Heritage Statement for the Royal Norfolk and Suffolk Yacht Club (June 2019), shall be deposited with the Suffolk County Council Historic Environment Record.

Reason: To ensure recording of historic assets.

4. The reconstructed pier to the yacht club landward walls shall incorporate the slight batter found in the existing piers and use the same brick and bond pattern as the existing and a mortar mix to match the colour of the original.

Reason: To ensure exact reproduction of the wall details where the submitted details are not clear with regard to the wall batter)

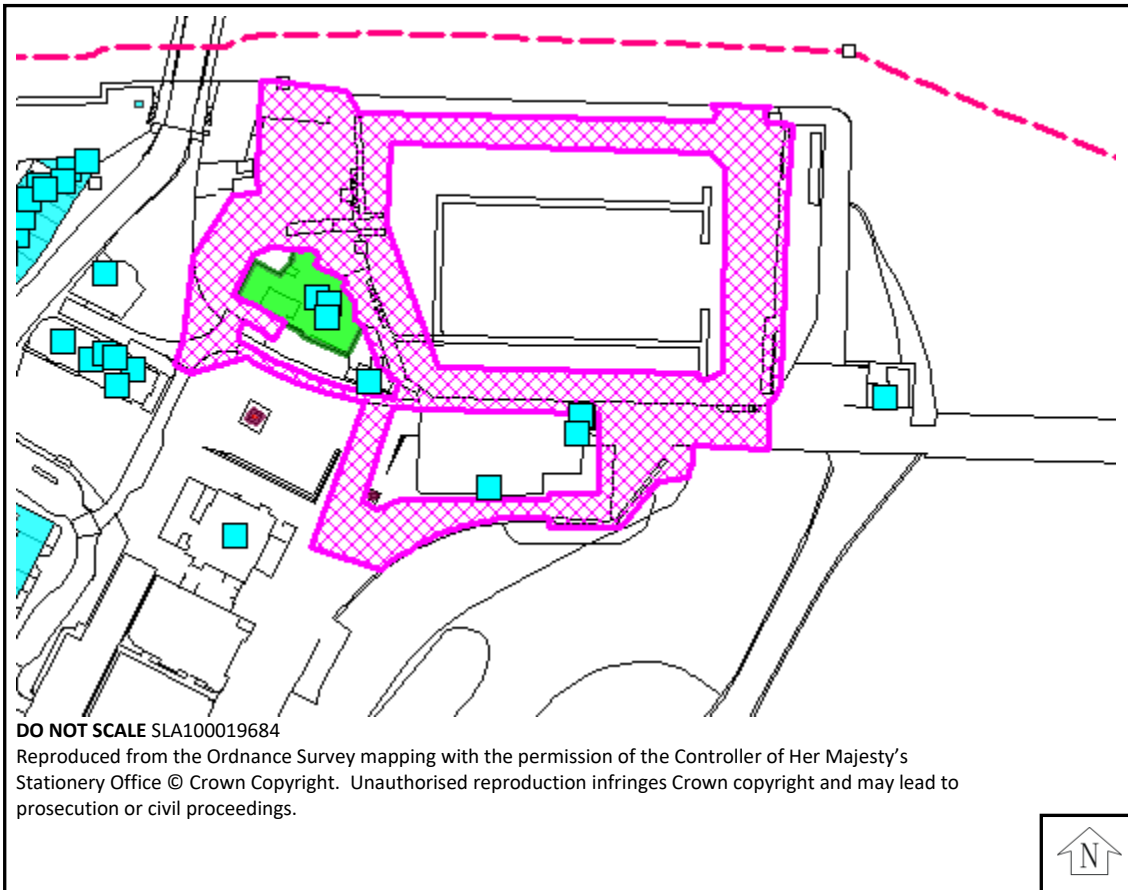
#### **Informatives:**

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





#### **Background information**

See application reference DC/19/2754/LBC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUFLJIQXL7N00>

## Map



## Key

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



## Committee Report

Planning Committee - 14 January 2020

Application no DC/19/3887/FUL

### Location

Land at Ash Spring Game Farm  
Westleton Road  
Darsham  
Suffolk

**Expiry date** 27 November 2019

**Application type** Full Application

**Applicant** Mr Richard Scarlett

**Parish** Darsham

**Proposal** Change of use of the land for the siting of temporary accommodation to supervise the expansion of game rearing unit

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

### 1. Summary

- 1.1. Ash Spring Game Farm has been operating for 18 years and is now rearing a combined total of approximately 20,000 pheasant and partridge poults annually. To date, the game farm has been run as a non-profit making operation. The applicant wishes to expand the game rearing enterprise at Ash Spring Game Farm so that it becomes a viable full-time business. The intention is to significantly increase the number of pheasants and partridges reared to approximately 60,000 per annum.
- 1.2. The site is in an isolated location where special justification is required for residential dwellings as highlighted in paragraph 79 of the National Planning Policy Framework (NPPF) and the Council's adopted spatial strategy policies. The applicant has sought to demonstrate that there is an essential need for a full-time employee to live on site for the management, welfare, health and security of the birds at the game farm.

- 1.3. The business plan provided has been independently assessed; this report concluded that an essential need can be demonstrated for a temporary dwelling to allow this expansion and meet the operational need as the numbers of poults reared increases. Due to the extended period of time (six months) in which a worker will need to be on site, it was not considered that a seasonal worker's dwelling would be appropriate. It was also concluded that the business has been planned on a sound financial basis.
- 1.4. The application is before members as the referral panel considered that it was necessary for the essential need for this dwelling to be further scrutinised.

## **2. Site description**

- 2.1. This application relates to Ash Spring Game Farm, Westleton Road, Darsham. The site is located in the countryside. It is currently in use for the rearing of game birds. The site is situated in close proximity to Old Hall Farm, which borders the site occupied by Ash Spring Game Farm.
- 2.2. In 2001, the applicant Mr Scarlett purchased 20 acres of agricultural land (now known as Ash Spring Game Farm) on the North side of Hall Farm, Darsham, onto which he moved his game rearing business from the Henham Estate. A further adjacent 10 acres of land were purchased in 2011, giving a total holding of approximately 30 acres.
- 2.3. In 2005 a Certificate of Lawfulness Ref: C/04/2220 was granted across part of the site for the "Use of agricultural land for rearing game birds (pheasants and partridges)", covering 7 acres of land. A subsequent application in 2018 Ref: DC/18/3117/FUL extended the lawful area by a further 2.4 acres to allow some of the current game rearing land a chance to rest.

## **3. Proposal**

- 3.1. The application seeks full planning permission for the erection of a temporary structure for a three-year period for residential accommodation to supervise a game rearing unit. This is proposed in the form of a timber cabin structure measuring 20m x 6.8m, a size that complies with the definition of a twin unit caravan as set out in the Caravan Sites Act 1968.
- 3.2. The site is accessed via a track from Main Road to the northwest. Adjacent the proposed structure would be a turning/parking area along with space for bin storage.

## **4. Consultations/comments**

- 4.1. Two representations of Objection have been received raising the following material planning considerations:
  - No right of access over driveway;
  - Other properties available;
  - Access not suitable;
  - Only a portion of the site can lawfully be used for game rearing;

- Game farming activities have taken place at the site for 20 years. At no time during this period has there been an essential need for a dwelling and nothing has changed;
- Proposed expansion of the operation (used as a reason for needing a dwelling) is of significant concern;
- Will the expansion take place on the existing land which has permission for game rearing or is planning permission required to change the use of other land for this purpose? and
- The existing operation takes place on land adjacent to our property and already causes nuisance and disturbance, a 300% increase in production will have a significant impact.

## 5. Consultees

### 5.1. Parish/Town Council

Consultee	Date consulted	Date reply received
Darsham Parish Council	4 October 2019	10 October 2019
Summary of comments: <i>“DC/19/3887/FUL - Ash Spring game farm: councillors objected to this application - The Parish council met on Oct 8th and discussed this application and unanimously objected to it. There have been 5 previous applications - all refused, both by district and parish councils. It has not been demonstrated that there is an essential need. It is not clear there is a functional need to live on site. There are two new developments in the village, providing houses, and there are a number of houses for sale in village as well. The game farm is outside the locality boundary”.</i>		

### 5.2. Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	4 October 2019	7 October 2019
Summary of comments: No objection.		

### 5.3. Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	4 October 2019	11 October 2019
Summary of comments: Insufficient information provided in terms of contamination – Standard contamination conditions required.		

#### 5.4. **Publicity**

None

#### 5.5. **Site notices**

5.6. The following site notices have been displayed:

5.7. General Site Notice                      Reason for site notice: General Site Notice  
Date posted: 11 October 2019  
Expiry date: 1 November 2019

### **6. Planning policy**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's Development Plan, unless material considerations indicate otherwise.

6.2. National Planning Policy Framework (NPPF 2019)

6.3. National Planning Policy Guidance (NPPG)

6.4. The East Suffolk Council – Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document was adopted in July 2013 and the following policies are considered relevant:

- SP15 – “Landscape and Townscape”
- SP19 – “Settlement Hierarchy”
- SP29 – “The Countryside”
- DM3 – “Housing in the Countryside”
- DM21 – “Design: Aesthetics”
- DM23 – “Residential Amenities”

6.5. The East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific was adopted in January 2017 and the following policies are considered relevant:

- SSP2 – “Physical Limits Boundaries”

6.6. The emerging Suffolk Coastal Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Although currently of limited material weight, the following policies are considered relevant:

- SCLP5.3 “Housing Development in the Countryside”
- SCLP5.6 “Rural Workers Dwellings”

## 7. Planning considerations

### Site and history of use:

- 7.1. This application relates to Ash Spring Game Farm, Westleton Road, Darsham. The site is located in the countryside. It is currently in use for the rearing of game birds. The site is situated in close proximity to Old Hall Farm, which borders the site occupied by Ash Spring Game Farm.
- 7.2. In 2001, the applicant Mr Scarlett purchased 20 acres of agricultural land (now known as Ash Spring Game Farm) on the North side of Hall Farm, Darsham, onto which he moved his game rearing business from the Henham Estate. A further adjacent 10 acres of land were purchased in 2011, giving a total holding of approximately 30 acres.
- 7.3. In 2005 a Certificate of Lawfulness Ref: C/04/2220 was granted across part of the site for the "Use of agricultural land for rearing game birds (pheasants and partridges)", covering 7 acres of land. A subsequent application in 2018 Ref: DC/18/3117/FUL extended the lawful area by a further 2.4 acres to allow some of the current game rearing land a chance to rest.

### Planning history for a dwelling:

- 7.4. This is the sixth application for a dwelling on this game farm submitted since December 2015.
- 7.5. The first two applications (DC/15/5163/FUL and DC/16/3284/FUL) were withdrawn, after concerns were raised by the case officers as the information submitted within the application did not demonstrate an 'essential need' for a rural worker to justify a dwelling under paragraph 55 of the NPPF at the time.
- 7.6. Application Ref: DC/17/1148/FUL was refused following an assessment by Kernon Countryside Consultants (KCC), commissioned by officers, as in their professional opinion an essential need had not been demonstrated as, based on the business plan submitted with that application, there was only a requirement for a worker to be readily available for a period of approximately 7 weeks. A subsequent application was then submitted and withdrawn Ref: DC/18/1413/FUL.
- 7.7. The most recent application considered was application Ref: DC/19/1326/FUL. This was refused following a further assessment by KCC. Although, within this application it was considered that if eggs were set throughout the laying period then, given this extended period of some 5 months, during which both eggs and chicks are being kept in controlled conditions, then it was considered that there will be an "essential need" for a rural worker to live permanently at or near their place of work.
- 7.8. However, this application was refused due to concerns with the financial sustainability of the business:

*"Due to uncertainty / conflicting information in the Acorus report and the applicant's business plan it is not clear if eggs are to be set throughout the entire*



*laying period. Accordingly, it is not clear if there will be a functional need to live on site.*

*Furthermore, given the discrepancy over whether all eggs are going to be collected from breeding birds kept on site or the majority brought in, as well as based on the applicants own calculations a potentially significant shortfall in the number of eggs hatched compared to the number of birds sold, it is not considered that the business has been planned on a sound financial basis.*

*There is no clear evidence of a firm intention and ability to develop the enterprise concerned providing no certainty that the business will expand as set down in the business plan; due to contradictions regarding the operation of the business and potential miscalculations about the level of egg purchases it cannot be concluded that the business is likely to be financially sustainable".*

- 7.9. The supporting information provided with this current application by Acorus has also been assessed by Kernon Countryside Consultants Limited.

Principle:

- 7.10. The proposal lies outside of Darsham physical limits boundary and thus is in the countryside. The key policies relevant to the consideration of this proposal are therefore those which relate to the development of housing in the countryside. Table 4.2 which sits alongside Policy SP19 (Settlement Hierarchy) of the Suffolk Coastal Core Strategy and Development Management Policies (2013) details that residential accommodation in the countryside will only be permitted in special circumstances, or where the proposal relates to housing in a cluster.
- 7.11. Policy SP29 (The Countryside) states that within the countryside the strategy in respect of new development is that 'it will be limited to that which of necessity requires to be located there and accords with other relevant policies of the Core Strategy (e.g. SP7 or DM17) or would otherwise accord with special circumstances outlined in paragraph 55 of the National Planning Policy Framework.'
- 7.12. The proposal does not fall under sections (a) to (e) of Policy DM3, stated below.
- 7.13. Policy DM3 defines when dwellings may be permitted in the countryside. It defines these exceptions as:
- (a) replacement dwellings on a one to one basis where they are no more visually intrusive in the countryside than the building to be replaced;
  - (b) the sub-division of an existing larger dwelling where this would meet a local need;
  - (c) affordable housing on 'exception' sites in accordance with policy DM1;
  - (d) conversions of existing buildings subject to certain controls (Policy DM13)
  - (e) Minor Infilling within clusters of dwellings well related to existing sustainable settlements (Policy DM4); or
  - (f) Development which would otherwise accord with the special circumstances outlined in paragraph 55 of the National Planning Policy Framework.

- 7.14. This proposal is to be assessed under part (f) of the above policy and the relevant section of the NPPF (now paragraph 79).
- 7.15. Policy SCLP5.6 of the Final Draft Local Plan sets out when a rural workers dwelling would be permitted and takes forward the criteria that were contained in Annex A to archived Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7). Policy SCLP5.3 (Housing Development in the Countryside) makes explicit reference to rural workers dwellings in the countryside (in criterion (f)), which will be acceptable where there is an essential need for permanent living at or near the place of work in accordance with Policy SCLP5.6.
- 7.16. Policy SCLP5.6 (Rural Workers Dwellings) sets out criteria based on the now superseded Annex A to PPS7, which is a well-established area of planning policy as detailed in the supporting text to Policy SCLP5.6.
- 7.17. The Government introduced additional Planning Practice Guidance (PPG) in July 2019 under the heading 'Housing needs of different groups'. With regards to assessing applications for rural worker's dwellings, Paragraph 010 (reference ID: 67-010-20190722) sets out that relevant considerations could include:
- evidence of the necessity for a rural worker to live at or near their place of work;
  - the degree to which there is confidence that the enterprise will remain viable in the foreseeable future;
  - whether the dwelling is required for farm succession;
  - whether the need could be met by existing accommodation;
  - whether it is appropriate to consider temporary accommodation

Essential need:

- 7.18. To date the enterprise has been run as a non-profit making activity with approximately 20,000 poults being reared each year and utilised within a shooting syndicate that the applicant is a member of.
- 7.19. The intention is to increase the number of poults reared to 60,000 comprising of 45,000 pheasants and 15,000 partridges. Of these approximately 20,000 poults will go into the syndicate with a further 25,000 going to two clients and the remaining 15,000 being sold on in smaller batches. This represents a significant expansion on the current number of birds reared.
- 7.20. Historically the Game Farm has purchased day old partridge chicks and pheasant poults to rear. The business plan states that "in order to reduce costs and maintain absolute control over production it is proposed to keep breeding flocks of partridge and pheasants at Ash Spring Game Farm to collect eggs from, hatch and rear the birds for their own shoot, and to sell surplus eggs/chicks/poults to other sporting estates and shooting syndicates. By maintaining their own breeding flock, the business is completely self-sufficient, and has guaranteed access to adequate numbers of eggs/chicks".
- 7.21. The site benefits from on-site water and electricity and there are a number of agricultural buildings which house the incubators. There are a number of portable bird houses with propane heaters; however, more will need to be bought to allow for the

expansion of the business. There will be up to 40 mobile sheds, each with its own pen. After hatching, the birds are placed into the individual rearing sheds, each with its own heated brooder run on propane gas.

7.22. The business will be operated by the applicant's son and partner on a full-time basis. They will also occupy the proposed temporary dwelling.

7.23. Within the assessment it is stated that young birds under heat are highly susceptible to problems. During cold weather, even a discrepancy of a few degrees, can result in the loss of chicks.

7.24. The partridge and pheasant chicks are fragile and need constant care and attention to ensure heating, feeding, health and welfare. There is the need to be readily available on site to deal with and pre-empt any husbandry/welfare issue.

7.25. The essential need to live onsite will relate to the following factors:

- eggs set in incubators are sensitive to temperature and humidity and any breakdown of the equipment can lead to losses;
- chicks kept under heat are also susceptible to temperature changes which can occur rapidly if a gas heater fails;
- the risk of a fire occurring is higher in an enterprise rearing poults under gas heaters and supervision is essential;
- poults are also more susceptible to illness and disease and a stockman needs to be able to monitor for signs that any of the birds are unwell; and
- on-site security of both birds and machinery.

7.26. In the 2017 applications, the plan was only to set eggs once so the need to live on site was only for a relatively short period of time. However, the Business Plan accompanying the applications in 2019 states that:

*"the business will involve the breeding of pheasants and partridges to produce eggs, which are then collected and set within the incubators/hatcher for a 21-day period. Once hatched the young chicks spend approximately 4 weeks in the brooders before being transferred to the rearing pens".*

*"The birds are then reared to point of sale at six- or seven-week stage for the pheasant poults and 11/12 week stage for partridges. The first batches of eggs are collected in March each year, and the rearing cycle extends through to the end of September when the final birds are sold.*

*"For this business there is the need for essential supervision and management of the rearing unit from inception of egg laying, through to the final rearing stages, and the breeding flock throughout the autumn and winter months".*

7.27. When the business plan was assessed under the previous application it showed that a large proportion of the eggs were bought in and concerns were raised over the financial implications of this on the projected income. The current application and business plan will rely solely on the Applicant's own breeding flock which they will build up over the next several years.

7.28. It is now concluded that there will be an essential need for a worker to be onsite once the business expands to the anticipated stocking levels. A temporary dwelling would be appropriate to allow this expansion and meet the need as the numbers of poults reared increases. Due to the extended period of six months in which a worker will need to be onsite it is not considered that a seasonal worker's dwelling would be appropriate.

Use of an existing dwelling:

7.29. Due to the sensitivity of the poults to temperature changes and the potential risk of fire it is considered that the functional need identified above can only be adequately met by living within sight and sound of the bird pens.

7.30. Although there may be properties for sale in the area none would be within sight and sound of the pens. It is therefore considered that there are no existing dwellings that could meet the need.

Financial Sustainability:

7.31. Although there is no longer a specific test in the Framework regarding profitability in relation to the provision of rural workers' dwellings, the Framework only promotes "sustainable development in rural areas" (paragraph 78, in relation to housing).

7.32. Guidance within the PPG and Criteria D of Policy SCLP5.6: Rural Workers Dwellings requires that the business is financially sound and has a clear prospect of remaining so.

7.33. Economic sustainability and the ability to carry out the proposals as described are therefore important considerations. Therefore, an applicant still needs to demonstrate economic sustainability.

7.34. Previously, KCC raised concerns over the viability of the business due to discrepancies between the business plan and budgets. More specifically, KCC were of the opinion that the cost of purchasing in eggs had been under- valued and that the profits would not be as high as a result.

7.35. The Applicant's business plan has now been amended and it is clear that the business will rely solely on a breeding flock and, as such, no eggs will need to be purchased. The main income streams will be from the sale of poults, shoot days and sale of breeding stock. The income from shoot days can vary significantly depending on the number of birds however income derived from the sale of poults and breeding stock appear to be sound having regard to the budget assumptions.

7.36. The budgets show a projected net profit of £36,252 by year three of the business plan. This is expected to rise to £88,084 by year 5. The net profit takes into account wages, being the single highest overhead cost, as well as depreciation of current and new equipment. It is therefore considered that the enterprise is planned on a sound financial basis.

#### Increase in scale of the business:

- 7.37. It is noted that in 2005 a Certificate of Lawfulness was granted across part of the Site for the "Use of agricultural land for rearing game birds (pheasants and partridges)", covering seven acres of land. A subsequent application in 2018 extended the lawful area by a further 2.4 acres to allow some of the current game rearing land a chance to rest. However, this only relates to part of the overall site area of 30 acres.
- 7.38. Within the report it states that "The pens and sheds are then taken down for maintenance, if required, and reassembled the following spring on a 'fresh site' enabling the land to be rotated on a three-year cycle". This aspect has been discussed with both KCC and the applicant and it is considered that the land available is enough to accommodate this expansion and further land for this purpose would not be required to carry out the expansion as highlighted in the business plan.

#### A temporary consent:

- 7.39. The applicant is proposing a temporary dwelling in the form of a wooden cabin for a period of three years. This is in line with guidance previously provided within Annexe A of PPS7; this period would allow the applicant to demonstrate whether the business will be viable in the longer term based on the expansion proposed within the business plan. The building could be easily dismantled and removed from the site at the end of this period if the functional need is not created/ceases to exist.

#### Impact from intensification of the use:

- 7.40. It has been suggested that the current level of the business affects the residential amenity of nearby occupiers and that the intensification of the business in order to justify the need for this dwelling would have an even greater impact.
- 7.41. The use of the seven-acre area of land was established through the granting of a lawful development certificate and therefore has no restriction on it. The additional 2.4 acres has no restrictions in term of numbers of birds, but the area of land has to be operated in accordance with a noise management plan that was submitted with the application. This will need to be adhered to in the future.
- 7.42. There would be nothing to prevent the land being used more intensively for the purpose of game rearing, the proposed expansion could take place on the existing 9.4-acre area without the requirement for further planning permission. Had this application not been submitted for a rural worker dwelling the expansion could still take place, therefore the potential impact from this should be given very limited weight.

#### Other Planning Considerations

##### Ecology - RAMS:

- 7.43. This proposal is within scope of the Suffolk Coast RAMS as it falls within the 13 km 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the designated European site(s) through increased

recreational pressure, when considered either alone or in combination. Therefore, an up-front payment or unilateral undertaking for a sum of £321.22 is required. This payment has been received. With this mitigation, the proposal accords with policies SP14 and DM27 (Biodiversity and Geodiversity).

Highway Safety and Parking Provision:

- 7.44. The proposal is acceptable in terms of highway safety and parking provision. The Local Highway Authority has raised no objection, recommending a condition relation to bins.

Visual impact/design:

- 7.45. The proposed structure does not represent high quality design. It is an off-the-shelf solution. However, it would be well screened and therefore an objection cannot be justified on the basis of the visual appearance of the proposal, particularly given its temporary nature.

Contaminated land:

- 7.46. Phase I assessment required as this is a sensitive use to potential contamination. Conditions recommended accordingly.

Community Infrastructure Levy (CIL):

- 7.47. The proposal is for a mobile home which complies with the requirements of the caravan act and would therefore not be liable for CIL.

## **8. Conclusion**

- 8.1. Consent is sought for a temporary rural worker's dwelling to facilitate the expansion of a game bird rearing enterprise at Ash Spring Game Farm. The assessment of the business plan has considered whether a dwelling is justified having regard to the functional need, financial viability and other relevant considerations.
- 8.2. KCC previously commented on a similar application in July 2019 and were unable to conclude favourably on the financial viability of the business and some concerns were raised over functional need due to a lack of explanation in the previous business plan. It is now considered that the revised business plan has suitably addressed these concerns and it can be concluded that the business has been planned on a sound financial basis. The functional need to live onsite is likely to last about 6 months and it is not considered that a seasonal workers dwelling would be a suitable alternative to meet the need.
- 8.3. Consideration has also been had to whether there are any existing dwellings that could meet the need. Whilst there are some properties for sale in the locality, they are not within sight or sound of the birds pens and could not therefore meet the essential need.
- 8.4. The proposal would therefore meet the policy tests set out in paragraphs 78 and 79 of The Framework and supporting PPG and SCLP5.6 of the Draft Local plan.

## 9. Recommendation

9.1. That planning permission be APPROVED subject to the following conditions:

1. The mobile home hereby permitted shall be for a maximum period of three years from the date of this permission, after which time the structure shall be removed to the satisfaction of the Local Planning Authority and the land reinstated to its former condition.

Reason: A temporary permission has been granted to allow the opportunity to develop the business.

2. The occupation of the mobile home shall be limited to a person solely or mainly employed in the Game Rearing business on the site, or a widow or widower of such a person, or any resident dependants.

Reason: The site is in a location where new dwellings would not normally be permitted. The mobile home has been approved because of the need for on-site supervision of the game rearing business and this condition is imposed to ensure that it remains available for that use.

3. The development hereby permitted shall be completed in all respects strictly in accordance with the proposed floor plan and elevations received 03 October 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

- a) A desk study and site reconnaissance, including:
  - a detailed appraisal of the history of the site;
  - an inspection and assessment of current site conditions;
  - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
  - a conceptual site model indicating sources, pathways and receptors; and

- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

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

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

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

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

6. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a 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.

7. Prior to any occupation or use of the approved development the RMS approved under condition 6 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.

8. 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.

9. 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 BS10175:2011+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. 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 information**

See application reference DC/19/3887/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYSZVZQXMWX00>





# Map

**DO NOT SCALE** SLA100019684

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## Key

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

## **Committee Report**

**Planning Committee** - 14 January 2019

**Application no** DC/19/3966/FUL

**Location**

Field End  
Rattla Corner  
Theberton  
Suffolk  
IP16 4SD

**Expiry date** 3 December 2019

**Application type** Full Application

**Applicant** Mr & Mrs N Bacon

**Parish** Theberton

**Proposal** Erection of accommodation unit for temporary agricultural works

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

### **1. Summary**

- 1.1. The application is referred to planning committee as it is a departure from the East Suffolk (Suffolk Coastal) Development Plan.
- 1.2. Planning permission is sought for the construction of a detached single storey accommodation unit for use by seasonal agricultural workers. The applicant has provided details regarding the need for seasonal workers and the lack of nearby suitable accommodation. It is therefore considered that, whilst the proposal is a departure from policy, there is sufficient justification to allow for the permanent placement of a six-bedroom accommodation unit in the countryside to support the operational needs of the business.

### **2. Site description**

- 2.1. The site is located outside of a defined settlement boundary, and as such constitutes development in the countryside. The site is located approx. 250m (as the crow flies)

outside of the defined settlement boundary for Theberton, along a single-track country lane with no footpath. The site is located within a lax grouping of 10 dwellings fronting either Rattla Corner or Chuch Lane.

- 2.2. The site is accessed off Rattla Corner which is an unmade road that leads to Theberton Hall Farm. The majority of the western and northern boundaries are made of high level hedging and planting, with the eastern boundary largely open with views across the adjoining fields, and the southern boundary with 'Field End' having no treatment.
- 2.3. The site is bounded by a wooded area to the north, agricultural land to the east, and residential property of 'Field End' to the south. To the west of the application site is Rattla Corner, with a verge and agricultural land on the opposing side of the road.
- 2.4. The application site comprises mainly of grassed area with a few trees situated around the site, and was previously garden land for 'Field End' located to the south

### **3. Proposal**

- 3.1. Planning permission is sought for the erection of an accommodation unit for temporary agricultural workers. The unit is of a simple rectangular design, measuring 16.4m wide, 6.95m deep, 2.4m to the eaves, and 5.1m in height. The property would include six bedrooms, three shower rooms, dining room/kitchen/living area, and laundry/drying room.
- 3.2. The proposal involves the creation of a new access off Rattla Corner, with a parking area to be provided in front of the proposed building. Four trees are to be removed as part of the proposed development.

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

- 4.1. Four representations of Objection raising the following material planning considerations (inter alia):
  - Impact from construction works;
  - No details for water and/or waste connections;
  - Impact on amenity of area and neighbouring residents;
  - Lack of parking details;
  - Impact of increased traffic on existing unmade lane and surrounding junctions;
  - Fear of antisocial behaviour; and
  - Workers could be located elsewhere on the farm.
- 4.2. One representation of Support has been raised by a Local Ward Councillor.

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

Consultee	Date consulted	Date reply received
Parish Council	11 October 2019	4 November 2019
Summary of comments: Theberton and Eastbridge Parish Council support planning application DC/19/3966/FUL as it is a much needed resource as it supports rural employment.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 October 2019	21 October 2019
Summary of comments: No objections subject to standard conditions.		

**Non statutory consultees**

Consultee	Date consulted	Date reply received
Ecology (Internal)	11 October 2019	31 October 2019
Summary of comments: No objection, comments incorporated into officer considerations.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	11 October 2019	6 November 2019
Summary of comments: No objection, comments incorporated into officer considerations.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	28 October 2019
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 October 2019	11 October 2019
Summary of comments: No objection subject to a discovery of unexpected contamination condition.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Departure	19 December 2019	14 January 2020	East Anglian Daily Times

## 6. Site notices

General Site Notice  
Reason for site notice: Contrary to Development Plan  
Date posted: 9 December 2019  
Expiry date: 2 January 2020

General Site Notice  
Reason for site notice: General Site Notice  
Date posted: 17 October 2019  
Expiry date: 7 November 2019

## 7. Planning policy

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's Development Plan, unless material considerations indicate otherwise.

7.2 The National Planning Policy Framework (NPPF 2019) is a material consideration, as is the National Planning Policy Guidance (NPPG)

7.3 The East Suffolk Council – Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document was adopted in July 2013 and the following policies are considered relevant:

- SP15 – “Landscape and Townscape”
- SP19 – “Settlement Hierarchy”
- SP29 – “The Countryside”
- DM3 – “Housing in the Countryside”

- DM4 – “Housing in Clusters in the Countryside”
- DM21 – “Design: Aesthetics”
- DM23 – “Residential Amenity”
- DM28 – “Flood Risk”

7.4 The East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific was adopted in January 2017 and the following policies are considered relevant:

- SSP2 – “Physical Limits Boundaries”

7.5 The emerging Suffolk Coastal Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Although currently of limited material weight, the following policies are considered relevant and will be referenced where appropriate:

- SCLP5.3 “Housing Development in the Countryside”
- SCLP5.6 “Rural Workers Dwellings”

## 8. Planning considerations

### Principle of development

8.1. Policy DM3 - Housing in the Countryside of the Core Strategy sets out the limited instances when development in the countryside is considered acceptable. These are: replacement dwellings; subdivision of existing larger dwellings; affordable housing exception sites; conversion of redundant/under-used buildings; minor infilling within defined clusters; or development that otherwise accords with the special circumstances if NPPF paragraph 59 (now 79).

8.2. Policy DM4 - Housing in Clusters in the Countryside, states that proposals for new dwellings within 'clusters' will be acceptable. The policy states that a cluster should

- Consist of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway;
- Contains 5 or more dwellings; and
- Is located no more than 150 metres from the edge of an existing settlement identified as a Major Centre, Town, Key Service Centre or Local Service Centre.

8.3. The accommodation unit would be situated further than 150 metres from the edge of the existing settlement of Theberton and is connected via a single lane country road with no public footpath. As such, the site is not considered to fall within a defined cluster under policy DM4.

8.4. It should be noted, however, that the site is located adjacent to existing residential development and therefore not an ‘isolated’ location for the purposes of exceptional circumstances set out in paragraph 79 of the NPPF – which direct Local Planning Authorities to resist the development of new homes in isolated locations.



- 8.5. As the proposal is for a new building in the countryside outside of a defined cluster, it is not supported by the countryside exception policies of the Development Plan. As the site is not truly isolated (there are some other existing houses nearby), nor do the special circumstances of NPPF paragraph 79 (formerly 55 of the 2012 Framework) apply. As such, the proposal is considered to be contrary to the spatial strategy of the Development Plan.
- 8.6. The Council does not have any direct policies within the Development Plan relating to the provision of accommodation for temporary agricultural workers and, although there is a policy relating to agricultural workers dwellings in the emerging East Suffolk Council – (Suffolk Coastal) Local Plan, this relates more to the requirement for full time workers that need to be located on/close to an agricultural site, as opposed to the need to accommodate temporary workers on a seasonal basis.
- 8.7. The application sets out that the farm employees 10 full-time permanent staff; up to 15 temporary (seasonal) workers; and up to a further 5 self-employed people on a temporary basis. The design and access statement (DAS) states that the farm has invested heavily in both buildings and machinery, with a number of recent planning applications for new buildings being submitted. These include DC/19/1803/FUL (Potato Storage Building); DC/18/1046/FUL (Agricultural Storage Building); DC/17/1631/FUL (Grain Store); and DC/16/0512/FUL (re-organisation of farmyard).
- 8.8. The DAS goes on to state that, whilst the farm tries to recruit locally, this is becoming difficult necessitating a search further afield for staff, approaching places such as college and universities for student labour. Therefore, given that temporary workers are likely to be from outside the immediate local area, there is a requirement for temporary workers to live in the local area during their period of seasonal employment. Oftentimes that accommodation needs to be close to the place of work as many seasonal workers do not bring a private vehicle.
- 8.9. In addition, the applicant has provided letters from two local letting agent setting out the difficulties of finding suitable accommodation for temporary workers in the area. The main issue is that properties that are usually available for short term lettings are geared toward holiday lettings which are furnished to a higher standard, garnering a more substantial rent compared to 'normal' residential properties. The rental values are likely to be out of the price range for seasonal workers. The properties that are not geared towards the holiday let market tend to require deposit to be paid and are likely to be for a minimum 12-month tenancy which is not applicable for the seasonal nature of the workers in this instance.
- 8.10. Officers therefore consider that there is likely to be limited suitable accommodation in the general area that would be affordable for temporary workers.
- 8.11. For the reasons given, it is considered that, in this instance, sufficient information has been provided to evidence that there is a lack of suitable accommodation in the local area to accommodate the seasonal workers associated with the business. In addition, the submitted application identifies that workers generally only travel to-and-from their place of work, which could be walked given the close proximity to the farm to the new building. The applicant explains that workers generally get groceries delivered, which means that travel to urban areas is required only infrequently. It is therefore considered

that, whilst the proposal would result in new housing in the countryside, it would meet an operational need of the business and offer some sustainability benefit by locating staff very close to their place of work where non-vehicle modes of transport could be utilised.

8.12. The need for the development is to accommodate seasonal agricultural workers in an area where permanent new buildings would not usually be permitted. Therefore, in order to ensure that the accommodation is retained for seasonal agricultural workers, it is considered necessary to require a S106 legal agreement as opposed to standard planning conditions. This should give greater control to ensure that the unit is retained for agricultural workers over the long term. The S106 agreement will include that the accommodation is to be used solely for agricultural workers, and that it shall not be used for a period of 2 months in any year in order to ensure that it is used only seasonally (and not year-round). This approach has been agreed with the agent, and any recommendation would be subject to the S106 being completed.

8.13. As such it is deemed that the principle of development in this instance is acceptable.

#### Design

8.14. Policy DM21 sets out the design aspirations for new development, requiring that it respect the character and appearance of the surrounding area and respond to local character. The proposed accommodation unit is of a simple box design and modest scale, clad in black weatherboard under a corrugated metal roof finished in goosewing grey. This is considered to give the building a more agricultural appearance and will potentially help it blend with the wider landscape. In addition, the proposed site is largely screened from the wider surrounding area. As such it is not considered that the proposal would have any adverse impact on the character and appearance of the wider landscape or the street scene and complies with policy DM21.

#### Amenity

8.15. Policy DM23 sets out that proposals should have consideration to the amenity impact that may arise as a result of development. The proposed accommodation unit would be of a suitable scale, and sufficient distance from neighbouring properties that it would not result in any significant loss of light or overshadowing to neighbour dwellings and would not be overbearing to neighbouring residents. In addition, the proposed building will be single storey with windows located in the front and rear of the property. Given the single storey nature, distance to neighbouring properties, and existing boundary treatments it is unlikely that the proposal would have any adverse impact in terms of loss of privacy or overlooking.

8.16. Whilst development of the site would bring some activity, a six-bedroom property is not likely to result in excessive noise or disturbance. As set out above, there are not likely to be lots of vehicle movements given that the workers will be employed at the farm a very short distance away.

8.17. It is therefore deemed that the proposal would have no adverse amenity impact and would comply with policy DM23.

### Highways

- 8.18. The site will be accessed off Rattla Corner which is an unmade road off Church Road. Given the use by temporary workers, it is unlikely that the proposal would generate a significant increase in vehicular movements to-and-from the site, due to the close proximity of their workplace. As such it is not considered that the proposal would have any significant highways implications. Suffolk County Council Highways have also raised no objections to the application, subject to a condition that parking and manoeuvring details be provided for vehicles and cycles, and that the bin storage area be provided.

### Ecology

- 8.19. The Council's Ecologist has reviewed the submitted information and considers it unlikely that the proposal would result in a significant adverse impact on protected species or UK Priority species or habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).
- 8.20. The site is also located within 13km of a European Protected Site (such as Minsmere-Walberswick SPA, SAC and Ramsar site) and therefore consideration needs to be given to the potential in-combination effect that increased residential development would have on these sites due to increased visitor numbers. In this instance, given the limited form of development, it is considered that no onsite mitigation is required and that the potential impact can be mitigated by a contribution to the Suffolk Recreational Avoidance Mitigation Strategy (RAMS). This contribution has been paid, and therefore it is considered that the impact of the proposal has been appropriately mitigated so that the Local Planning Authority can conclude no likely significant effects on proximate European sites.

### Flooding

- 8.21. The front of the site (along Rattla Corner) is located within Flood Zone 3. Policy DM28 states that "Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Technical Guidance to the National Planning Policy Framework (and any successor)". The applicant has provided a Flood Risk Assessment (FRA), that sets out that the proposed development would be located outside of the flood zones 2 and 3 and situated on the higher parts of the site. The FRA has also set out several mitigation measures that should be incorporated in the design of the building in order to reduce the potential impact of flooding, and that egress would be available across neighbouring fields. It is therefore considered that the proposal would not pose a significant increased risk during a flood event. The proposal accords with policy DM28.

## **9. Conclusion**

- 9.1. In conclusion, whilst the proposal is a departure from the Development Plan, it is considered that the need for the proposed accommodation, and the unsuitability of existing accommodation in the surrounding area, has been evidenced. It is therefore considered that, on balance - and given the limited impact arising on the character and appearance of this rural area - that planning permission should be granted.

## 10. Recommendation

10.1. Authority to Approve, subject to completion of a S106 planning agreement to control occupancy of the new accommodation unit, and with conditions listed in section 11.

## 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 completed in all respects strictly in accordance with:
  - Site Location Plan, GA 03, received 09/10/2019,
  - Tree Survey Plan, GA 04, received 09/10/2019,
  - Section Plan, GA 05, received 09/10/2019,
  - Proposed Plan, GA 02, received 09/10/2019,
  - Flood risk assessment, received 09/10/2019,for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. 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 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 (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

NOTE: Suffolk Guidance for Parking 2019 outlines a minimum of 3 vehicle parking spaces and 2 secure cycle spaces for a Class C3 dwelling with 4+ bedrooms.

4. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. GA02 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

5. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further

development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

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

**Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

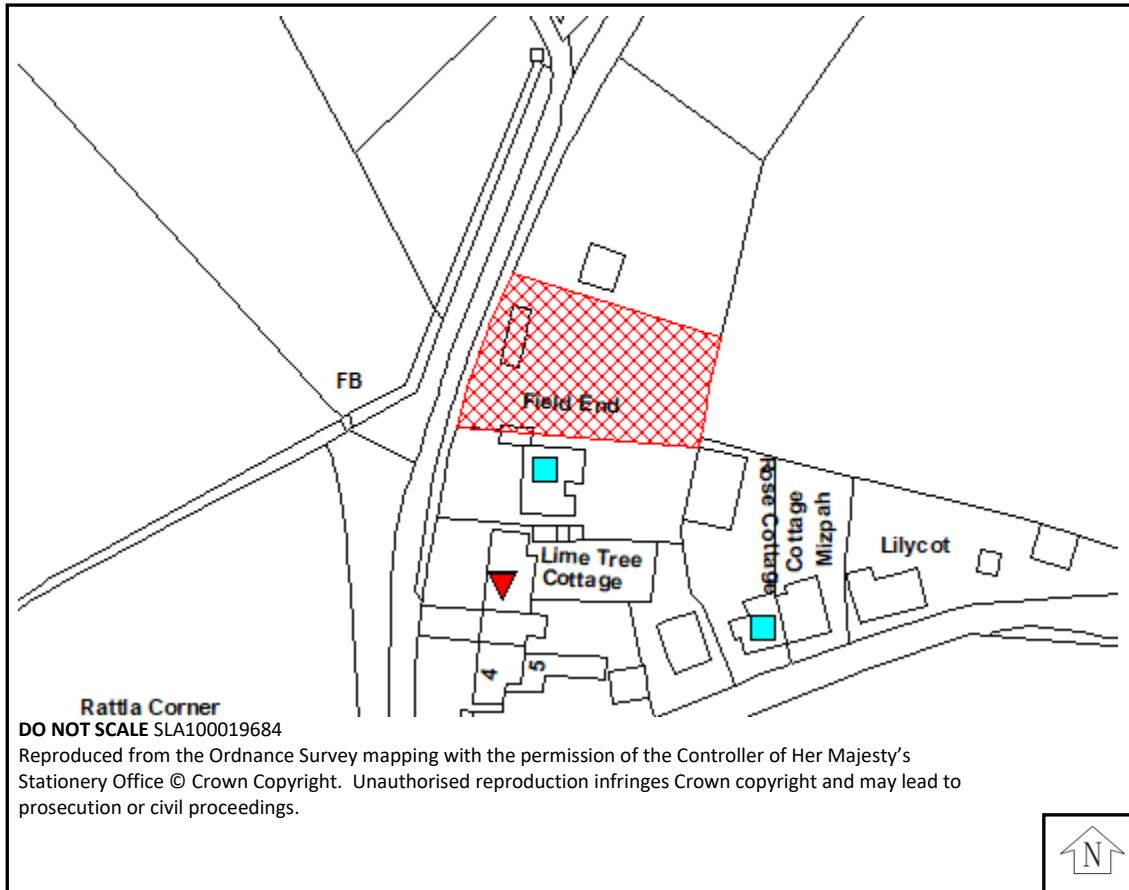
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

3. This permission is subject to the completion of a Section 106 legal agreement for the retention of the unit for agricultural workers only.





### **Background information**

See application reference DC/19/3966/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZ46Y9QXN1K00>

# Map



## Key

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

## **Committee Report**

**Planning Committee** - 14 January 2020

**Application no** DC/19/3313/FUL

**Location**

Wren Business Centre  
Priory Road  
Wrentham  
Suffolk  
NR34 7LR

**Expiry date** 16 October 2019

**Application type** Full Application

**Applicant** Benacre Properties Company

**Parish** Wrentham

**Proposal** Full Planning Application (part retrospective) for the permanent retention of 10 no. caravans for seasonal agricultural workers in their existing location and siting of an additional 4 no. caravans for seasonal agricultural workers at Wren Business Centre

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

### **1. Summary**

- 1.1. The application is before planning committee as it is a departure from the East Suffolk Council (Waveney) Local Plan.
- 1.2. The application seeks planning permission for the permanent retention of 10 no. caravans for seasonal agricultural workers in their existing location, and retrospective permission for the siting of an additional 4no. caravans for seasonal agricultural workers at Wren Business Centre, Wrentham. Temporary planning permission (time limited) has previously been granted for caravans on the site since 2006. However, this application seeks planning permission for the permanent retention of caravans to accommodate seasonal workers.



- 1.3. There is considered to be a need to provide accommodation for seasonal workers on site, and the impact on the wider landscape is considered minimal. As such it is recommended on balance that planning permission should be granted.

## 2. Site description

2.1. The site is located through the Wren Business Centre, on an area of land to the north of Priory Road. The application site currently comprises of 14 caravans used in connection with temporary workers on the site. The application site is located approximately 65m north of Priory Road, 145m west of the A12. The site is bounded by agricultural land to the north and west, and farmyard to the east and south.

2.2. The relevant planning history for the site is as follows:

DC/06/0017/FUL (temporary planning permission): Provision of 8 static caravans and portaloos to provide workers' accommodation between April – October.

DC/06/1315/FUL (temporary planning permission): Provision of 8 static caravans and portaloos to provide workers' accommodation between April - October

DC/15/0553/FUL (temporary planning permission): Retain 10 No. Caravans for seasonal agricultural workers in their existing location.

## 3. Proposal

3.1. Planning permission is sought for:

- the permanent retention of 10 no. caravans for seasonal agricultural workers (which have previous temporary consent)
- the siting of 4 additional caravans for seasonal agricultural workers next to the existing caravans (retrospective).

## 4. Consultations/comments

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

### Consultees

#### Parish Council

Consultee	Date consulted	Date reply received
Wrentham Parish Council	29 August 2019	No response
Summary of comments: No comments received.		

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 August 2019	20 September 2019
Summary of comments: No objection to the application if temporary time limited permission is granted, however, would object to the granting of any permanent permission unless conditions were included to provide car parking and sustainable transport facilities be improved.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 August 2019	14 October 2019
Summary of comments: No objection subject to the implementation of standard contamination conditions.		

## 5. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Departure	29 November 2019	20 December 2019	Lowestoft Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Departure	29 November 2019	20 December 2019	Beccles and Bungay Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	6 September 2019	27 September 2019	Lowestoft Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Conservation Area	6 September 2019	27 September 2019	Beccles and Bungay Journal

## Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: 21 November 2019 Expiry date: 12 December 2019
General Site Notice	Reason for site notice: Conservation Area Date posted: 5 September 2019 Expiry date: 26 September 2019

## **6. Planning policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination is made in accordance with the Development Plan unless material considerations indicate otherwise. The relevant policies of the Development Plan are:

WLP8.7 - Small Scale Residential Development in the Countryside (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.8 - Rural Workers Dwellings in the Countryside (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

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

National Planning Policy Framework

## **7. Planning considerations**

### Principle of development

- 7.1. The site is located outside of the defined settlement boundary for Wrentham, and as such the proposal is considered as development in the countryside. The siting of caravans is not considered to meet the allowances of policy WLP8.7 (Small Scale Residential Development in the Countryside), given that the proposal is for caravans (not permanent dwellings) and is over the 5 units/dwellings permissible by this policy.
- 7.2. Policy WLP8.8 (Rural Workers Dwellings in the Countryside) allows for permanent dwellings in the Countryside for rural workers where they are to support an existing and viable rural business and:
  - There is a clearly established functional need and this could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so;
  - The need relates to a full-time worker, or one who is primarily employed in the rural sector, and does not relate to a part time requirement;
  - The unit and the rural activity concerned has been established for at least three years, has been profitable for at least one of them and is financially sound and has a clear prospect of remaining so; and
  - The proposed dwelling is sensitively designed, landscaped and located to fit in with its surroundings.
- 7.3. However, it is considered that whilst the proposal adheres to parts of this policy, the policy is not entirely geared towards the provision of caravans for seasonal rural workers and there is no specific policy in the Local Plan for seasonal workers. Therefore, consideration

needs to be given to the essential need for the accommodation and the potential harm (if any) that would arise if permanent permission were granted.

7.4. The agent has provided some evidence in regard to the established functional need for the accommodation on site, stating the following:

- The availability of an on-site, centrally located, available and reliable workforce during the season is of paramount importance to the productivity, efficiency and sustainability of the farming operation.
- The Farm grows asparagus which is an extremely sensitive crop and requires harvesting every day during the main growing season. This does however depend upon weather conditions, should the temperatures be higher than average. The asparagus needs to be harvested twice per day to avoid the crop going over and becoming unviable. Given the volatility of the crop and the potential for sudden changes in weather conditions, it is critical that the operation is served by a responsive and available workforce.
- Workers are available to be deployed at short notice in a range of situations, for instance during adverse weather conditions if there is an immediate need for the crops to be tended and to fulfil orders received at short notice from suppliers, including supermarkets, which ordinarily will arrive 24 hours before the produce is required in store. Orders from suppliers such as supermarkets are entirely dictated by consumer demands and, as such, once an order is received, crops must be picked and packed, ready for distribution in less than 24 hours. It is therefore fundamental to fulfilling these orders that a flexible workforce is available on site.
- should workers not be available on site, the Farm would be dependent upon the availability of workers via an agency which is not reliable. Furthermore, the business prides itself on ensuring that workers are paid above the minimum wage and are able to ensure this by employing workers directly and not agency which is not reliable. This approach is supported by the supermarkets and thereby by the consumer generally.
- Location of the accommodation on site ensures that workers are geographically central to the farming operations in the surrounding fields and can therefore be transported efficiently, thereby improving the sustainability of the operation.

7.5. In addition, the farm is considered to be a viable business and, given the relative ease at which caravans can be removed, it is considered that the risk associated with granting consent is low compared to a more permanent dwelling. Consideration should also be given to the planning history, where officers have granted temporary consent for caravans on the site since 2006, under three separate applications.

7.6. Paragraph 14 of the Planning Practice Guidance 'Use of Planning Conditions' sets out that *"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so."* Therefore, given the previous history of temporary permissions; the non-permanent nature of caravans; and the need to accommodate seasonal workers for the business, it is considered that the principle of development is acceptable as a departure from policy.

7.7. Consideration should also be given to what is permitted development without the need for planning permission. In this instance, paragraph 7 of the Caravan Sites and Control of Development Act 1960, sets out that a site license is not required *"for the use as a caravan*

*site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.”* Part 5 of the General Permitted Development Order 2015 (as amended) sets out that planning permission is not required for this, as long as the caravans are removed when no longer required. This is commonly considered to mean that at the end of every season when the seasonal workers are no longer required to work the site. Therefore, in this instance, the permitted development fallback position would mean that the caravans could be placed on the site as long as they are removed at the end of every season. Therefore, consideration needs to be given to whether the placement of the caravans on the application site year-round would have additional adverse impact on the landscape character or amenity of the area so as to justify a refusal of permanent planning permission.

#### Design and Landscape Impact

- 7.8. Policy WLP8.29 sets out that proposed development should not result in any adverse impact on the character and appearance of the surrounding area. The application site is largely bounded by an existing fence around the site, which mostly screens the caravans from wider views within the public realm. In addition, given the low scale of caravans; existing surrounding development; and the more secluded site area, it is considered that the proposed number of caravans on the site does not result in an adverse impact within the wider landscape. However, in order to avoid any potential long-term impacts on the landscape from the caravans, the applicant has agreed to a condition that they be removed when no longer required for use by seasonal workers of the farm. The proposal accords with WLP8.29.

#### Amenity

- 7.9. Policy WLP8.29 sets out that development should not result in adverse impact to the amenity of neighbouring residents. It is considered that the caravans are located a sufficient distance from neighbouring residential properties that they would not result in any adverse impact in terms of loss of light or privacy. In addition, given the nature of the use and the distance to neighbouring residential properties, it is considered unlikely that it would result in any adverse noise impacts. It also does not appear from the history of the site that there have been any concerns raised in the previous 13 years of use as seasonal workers accommodation. The proposal accords with WLP8.29.

#### Highways

- 7.10. SCC Highways Authority have raised an objection to the permanent retention of caravans on the site due to the lack of vehicle parking and cycle storage. The agent has confirmed that if the workers are required to work further afield then transport is laid on for them, and that seasonal workers would not generally bring their personal vehicles when they come to work in the area. Additionally, if workers own a bike then they would generally lock it to their respective caravans. The site is also located within walking distance of the centre of Wrentham which has services, and transport links to the wider District. Therefore, in this instance, it is not considered parking to the standard requirements of the County Council is required, and it is unlikely that the use would generate any significant impact on highways safety. The proposal accords with the sustainable transport objectives of policy WLP8.21.

### Ecology

- 7.11. The site is located within 13km of the nearest European Protected Habitat Site, and therefore consideration needs to be given to the potential in-combination impact of increased visitor numbers to these protected sites. Given the form and level of development it is not considered that any on-site mitigation measures are required, but a per-unit contribution to the Recreational Avoidance Mitigation Strategy is required. The applicant has agreed to pay this, and therefore the recommendation is subject to the payment of the contribution as mitigation. With mitigation, the proposal accords with WLP8.34 (Biodiversity and Geodiversity).

### Other Matters

- 7.12. The access for the site is partially located flood zone 2, however, the majority of the site including the accommodation area is situated within flood zone 1, and as such the proposal is not considered to be at risk from flooding.
- 7.13. The Environmental Protection Team has raised concerns in regard to the potential impact from contamination on the occupants of the caravans. The applicant has agreed to the contamination conditions to provide a phase 1 survey prior to the occupation of the caravans.

## **8. Conclusion**

- 8.1. In conclusion, whilst the proposal is a departure from the local plan, it is considered that sound reasoning has been provided setting out the need for the accommodation. Additionally, consideration is given to the temporary nature of caravans, the planning history of temporary consents, and potential permitted development fallback. It is therefore considered that, on balance, and given the limited impact arising on the landscape and amenity of surrounding area, that planning permission should be granted.

## **9. Recommendation**

- 9.1. Authority to Approve subject to the RAMS contribution being received, and the following conditions:

### **Conditions:**

1. The development hereby permitted shall be completed in all respects strictly in accordance with the following plans and documents:
  - Location plan, received 22/08/2019
  - Block Plan, received 22/08/2019for 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.

2. Within 6 months of the caravans hereby permitted no longer being required in connection with the operation of the farm on which they are sited, the use of the land for caravans shall cease, and the caravans shall be removed and the land shall be returned to its original state.

Reason: Having regard to the non-permanent nature of the caravans and the special circumstances put forward by the applicant.

3. The occupation of the caravans hereby approved shall be limited to a person solely or mainly employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: the site is in an area where dwellings would not normally be permitted unless special circumstances have been demonstrated which would justify an exception to policy.

4. The caravans hereby permitted shall only be occupied between the months of March and October inclusive, and not at any other time during the year.

Reason: the caravans do not have the thermal efficiency levels required for a dwelling and therefore they are suitable for temporary accommodation only and not for year round occupation.

5. Prior to the next occupation of the caravans or any further ground works, hereby approved, a site investigation consisting of the following components should be submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

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

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

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

All site investigations must be undertaken by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and 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.

6. No occupation of the caravans, approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
  - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - proposed remediation objectives and remediation criteria; and
  - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and CLR11.

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

7. Prior to any occupation or use of the approved development the RMS approved under condition 6 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.

8. 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 6 has been carried out competently, effectively and in its entirety; and
  - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and 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. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and 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.

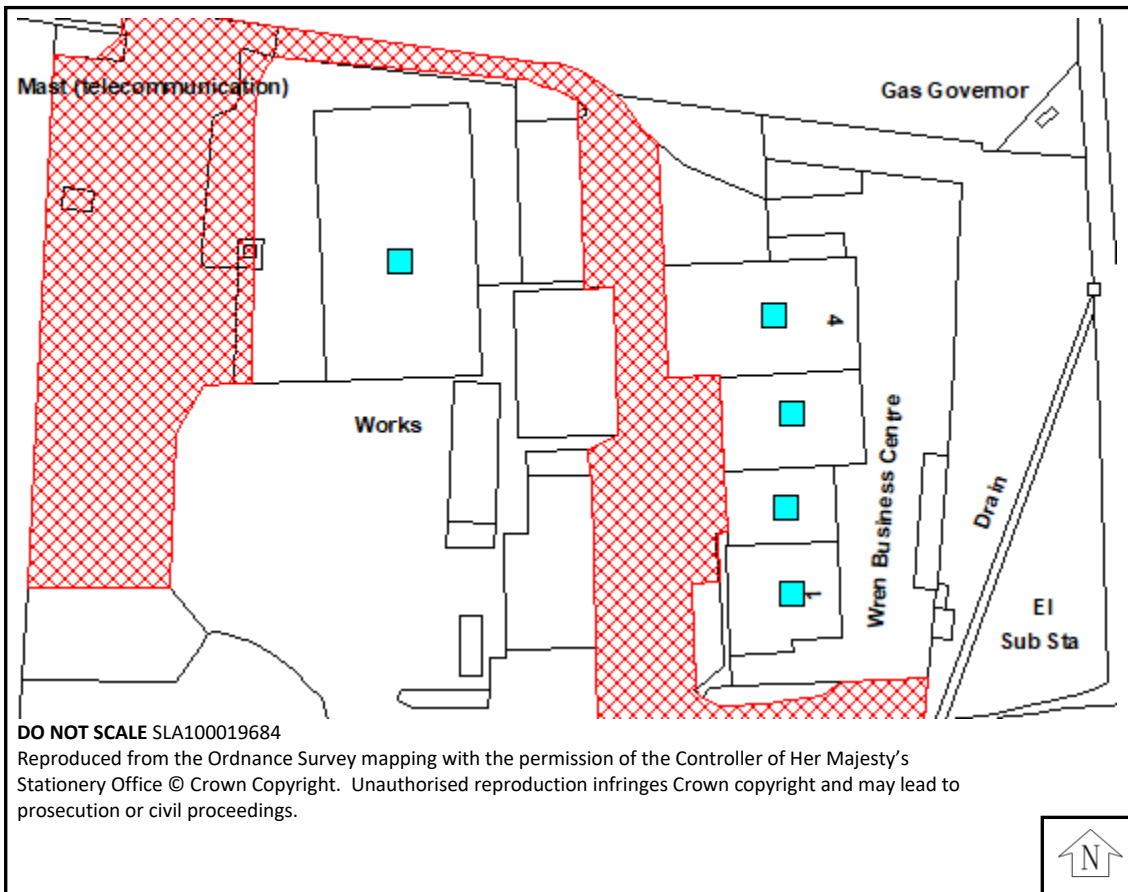
Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives 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.





### **Background information**

See application reference DC/19/3313/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWMLVUQXM1V00>

## Map



## Key

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

## **Committee Report**

**Planning Committee** - 19 December 2019

**Application no** DC/19/3406/FUL

**Location**

303 London Road South

Lowestoft

Suffolk

NR33 ODX

**Expiry date** 24 October 2019

**Application type** Full Application

**Applicant** Mr & Mrs Alex & Claudia Costello

**Parish** Lowestoft

**Proposal** Change of use from cafe to gallery and treatment room. To remove dangerous and unsightly concrete façade and install railings to front at first floor, reinstate former front door, demolish modern C20 single storey rear element, reconfigure layout and increase courtyard.

**Case Officer** Melanie Pieterman

01502 523023

[Melanie.VandePieterman@eastsoffolk.gov.uk](mailto:Melanie.VandePieterman@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. The submitted application seeks a change of use from a cafe to an art gallery/studio and a holistic treatment room to the rear, with additional works to remove the dangerous and unsightly concrete façade and for the installation of railings to the front at first floor level; reinstatement of the former front door; demolition of a modern C20 single storey rear element; and reconfiguration of the layout and increase the courtyard area.
- 1.2. The application is considered to be a departure from policy, and it is therefore brought direct to committee members for determination.
- 1.3. There have been no objections received in relation to the proposed change of use and associated alterations. It represents an acceptable use within a commercial area and is recommended for approval.

## 2. Site description

- 2.1. The property subject to this application is located on the western side of London Road South, close to the junction with Carlton Road to the south. London Road South is a historic shopping area and the building is located within a Local Shopping Centre and the South Lowestoft Conservation Area as designated in the East Suffolk (Waveney) Local Plan, which was adopted in March 2019. Furthermore, the property is within the newly granted High Streets (London Road) Heritage Action Zone (HAZ), which seeks to improve the area via conservation led economic regeneration. However, this particular scheme is still in its infancy with the 'HAZ' only being granted consent in September 2019, with grant funding unlikely to be available until late 2020/early 2021.
- 2.2. The property forms part of a terrace curving around the corner to include part of Carlton Road on the western side of the road and dates from the late Victorian period which has been historically used for retail/commercial purposes. The ground floor shop/commercial area was formerly used as a cafe however this has been vacant for some time with the cafe having been closed since 2012.

## 3. Proposal

- 3.1. The application seeks planning permission for the change of use from a cafe to an art gallery/showroom and treatment room. Other works include the removal of the dangerous and unsightly concrete façade and install railings to front at first floor; reinstatement of the former front door; demolition of the modern C20 single storey rear element; to reconfigure the layout; and increase the courtyard to rear.

## 4. Consultations/comments

- 4.1. No third-party comments or representations received.

### Consultees

#### Lowestoft Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	2 September 2019	10 September 2019

#### Summary of comments:

The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 10 September 2019. It was agreed to recommend approval of the application.

## 5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area; Departure	6 September 2019	08 January 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area; Departure	6 September 2019	08 January 2020	Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 3 September 2019 Expiry date: 24 September 2019
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## 6. Planning policy

WLP8.20 - Local Shopping Centres (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))

## 7. Planning considerations

### Planning Considerations - Principle of Development

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where, in making any determination under the planning Acts, if regard is to be had to the development plan, then determination shall be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2. Policy WLP8.29 states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness.
- 7.3. In the view of officers, the proposed development would not have a significant impact on the area, and it is suggested that the removal of the concrete at first floor level and its replacement with railings is more appropriate to the age and setting of the property. It will offer a visual benefit and conservation gain by improving the external appearance of the building.
- 7.4. The removal of the modern single storey rear element will have a very limited impact on any public views from the access road to the rear of the property, which is not heavily used and there will be little impact on the amenities of nearby residents generated by the removal of this structure.
- 7.5. Therefore, officers are satisfied that the development is compliant with policy WLP8.29.

- 7.6. Policy WLP8.20 relates to Local Shopping Centres and states that, within Local Shopping Centres, limited retail, leisure, community service and facilities and office development will be permitted where it is of a proportionate scale to provide essential services to the surrounding area. The proposed change of use from a café to an artist's gallery/sales, with a secondary therapy room to the rear is not strictly in accordance with WLP8.20. However, it is considered compliant with regards to the sales element of the gallery being considered an A1 (shops) use, with the workshop and therapy room being more like a D1 (non-residential institution) use. The predominant proposed use remains the sales and gallery/display area.
- 7.7. Nevertheless, the proposed use would bring a previously empty shop unit back into use in an area that has suffered from commercial and social deprivation, and the alternative use of buildings for such purposes is becoming more prevalent with the arts becoming increasingly important in social and economic regeneration. Whilst the policy states that within Local Shopping Centres proposals for change of use of ground floor premises from use classes A1 (retail), A2 (financial and professional), A3 (restaurants and cafés), A4 (drinking establishments) and A5 (hot food takeaways) to uses other than retail, community, leisure and offices will not be permitted, the use as an artist's studio with a large proportion as retail element is sufficient to contribute to the vitality and viability of the town centre and should be supported, in principle.

#### Planning Considerations - Visual Amenity, street scene and landscape

- 7.8. Policy WLP8.37 relates to the Historic Environment and proposals for development should seek to conserve or enhance Heritage Assets and their settings. As already stated above in consideration of WLP8.29, the property is located within a designated Conservation Area, however the works proposed, such as re-opening the original doorway and removal of the concrete and replacement with railings will have a positive impact on the area and will bring an empty property back into use. Overall the proposal would improve the visual appearance of the building and its immediate setting, therefore enhancing the appearance of the conservation area, in accordance with the heritage objectives of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990, Part II (Conservation Areas).
- 7.9. The proposed alterations to the rear will have a limited view from the public domain as they are only viewable from an access road and as such the impact would be limited. The works to the front are considered an improvement and of positive benefit to the visual amenities, street scene and landscape by virtue of re-opening the original doorway and removing the unsafe and unsightly concrete element and replacing this with more decorative iron railings.
- 7.10. The proposal is therefore considered compliant in this regard with policy WLP8.29 Design of the Local Plan.

#### Planning Considerations - Residential Amenity

- 7.11. The area is of a mixed commercial use with residential above in the traditional form; however, given the type and scale of work subject to this application it will have a low

impact on the amenities of nearby residents by virtue of location, orientation, boundaries and other buildings. There is a residential flat on the upper floors already and the gallery and holistic treatment room are not considered uses that would generate such harms to the general amenities of existing and future residents. The proposal accords with the amenity objectives of WLP8.29 of the Local Plan.

#### Planning Considerations - Highway Safety and Parking Provision

- 7.12. No change is caused to parking arrangements and no extra demand likely created. There is a space to the rear of the building, and this will be retained and there is on-street parking available for visitors. The site is sustainably located where customers can walk to the site. The proposal is therefore considered compliant in this regard with policy WLP8.29 (Design) of the Local Plan.

#### Other Matters

- 7.13. The proposed change of use will have no impact on current surface or foul water drainage, and it will not increase flood risk elsewhere as the application predominantly relates to internal alterations with the exception of the railings and associated works.
- 7.14. There are no biodiversity or geodiversity issues that require consideration due to the nature of the proposal. No RAMS payments are required in relation to this application as the triggers are not met.
- 7.15. There are no trees or hedgerows that would be affected by the proposed development.

### **8. Conclusion**

- 8.1. For the reasons given above, officers are satisfied that the proposed development is acceptable and will bring a town centre unit into use, enhancing the vitality and viability of that area. The proposal represents a planning gain in terms of appearance of the building within the conservation area. Whilst there is some minor conflict with policy WLP8.20, it is considered that the benefits outweigh that conflict. Planning permission should be granted.

### **9. Recommendation**

- 9.1. Approve with 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 plans numbered AB1 -06.08.2019, AB2 - 06.08.2019, AB3 -06.08.2019 and AB4 - 06.08.2019 received 30 august 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials to be used in the development hereby permitted shall match those used in the existing building or as otherwise unless annotated on the application form and/or drawing hereby approved.

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

**Informatives:**

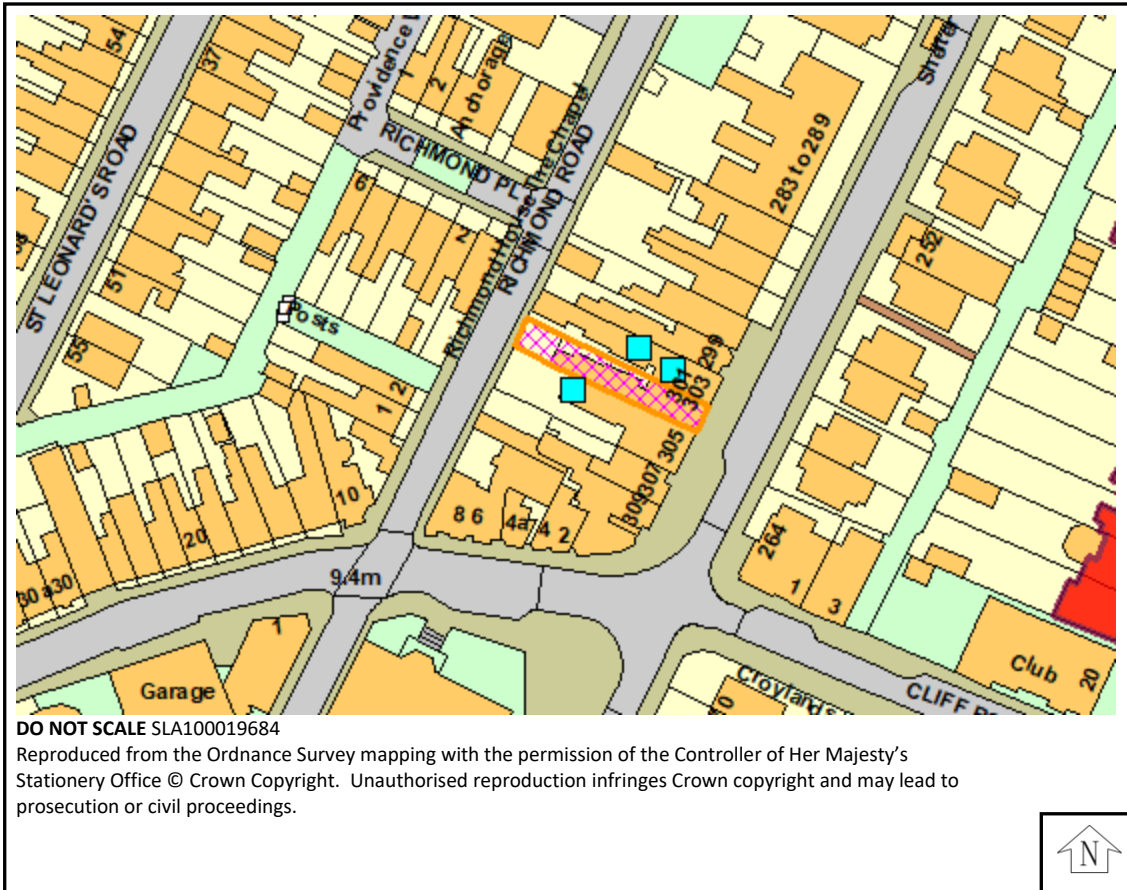
1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan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

**Background information**





See application reference DC/19/3406/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PX100YQX06O00>



# Map



## Key

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

## **Committee Report**

**Planning Committee - 14 January 2020**

**Application no DC/19/4124/FUL**

**Location**

Co-op Funeral Care  
The Cemetery  
Holton Road  
Halesworth  
Suffolk  
IP19 8HD

**Expiry date** 16 December 2019  
**Application type** Full Application  
**Applicant** The Co-operative Group

**Parish** Halesworth

**Proposal** Installation of new mechanical plant for the internal coldroom behind a hit and miss timber fence with new gate, all on a concrete base. Existing rear door increased in width and area around raised to form a level threshold.

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

### **1. Summary**

- 1.1. The application is referred direct to planning committee as East Suffolk Council is the landowner.
- 1.2. Planning permission is sought for the installation of new mechanical plant, hit and miss fence and external alterations to a building at The Cemetery, Holton Road, Halesworth. The proposal is considered to have limited impact on the character and appearance of the surrounding area and on the amenity of neighbouring residents. The proposal accords with the adopted Local Plan and, as such, it is recommended that planning permission be granted.

## 2. Site description

- 2.1. The site is located within the Cemetery on Holton Road, Halesworth, and comprises of a small single detached building used as a chapel of rest, which is accessed off a driveway up from Holton Road located to the south-west. The site is bounded by residential development to the south; a further chapel to the north-west; and the cemetery to the north.

## 3. Proposal

- 3.1. Planning permission is sought for the installation of a new mechanical plant for the internal cold-room behind a hit and miss timber fence with gate, all on a concrete base. The existing rear door will be increased in width and the area around raised to form a level threshold.

## 4. Consultations/comments

- 4.1. One neighbour representation has been received raising concerns that section 10 of the application form (nearby trees) has not been accurately filled in.

- 4.2. Halesworth Town Council

Consultee	Date consulted	Date reply received
Halesworth Town Council	25 October 2019	No response.

Summary of comments:  
No comments received.

- 4.3. Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	25 October 2019	15 November 2019

Summary of comments:  
No objection.

## 5. Site notices

General Site Notice  
Reason for site notice: General Site Notice  
Date posted: 1 November 2019  
Expiry date: 22 November 2019

## 6. Planning policy

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

WLP8.34 – Biodiversity & Geodiversity (East Suffolk Council) – Waveney Local Plan (March 2019)

## **7. Planning considerations**

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan, then decision-taking shall be in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are set out in section 6 of this report and the NPPF is a material consideration.
- 7.2. Local Plan Policy WLP8.29 sets out (inter alia) that proposed development should be respectful of the existing character, design and scale of the host building, and the character and appearance of the surrounding area. The proposal includes the placement of ground level mechanical plant measuring 1.35m high which will be located behind a 2m high 'hit-and-miss' fence; and the enlargement of the rear door by 0.926m. The proposed development is considered to have minimal impact on the appearance of the chapel and is of an appropriate scale and design. In addition, the introduction of the hit and miss fencing would screen the mechanical plant and would have minimal impact on the wider views around the cemetery and would not be visible from the public highway. It is therefore considered that the proposal adheres to policy WLP8.29 in respect of design.
- 7.3. Policy WLP8.29 also sets out that proposed development should not result in an adverse impact on the amenity of neighbouring residents or users. The proposed development is considered minor in scale and have no impact in terms of loss of light or excessive shading. In addition, the submitted Noise Assessment sets out that the mechanical plant would not result in excessive noise levels, and it complies with national and local requirements in terms of noise impact. The Environmental Protection Team have been consulted on the application and raise no objections. It is therefore considered, for the above reasons, that the proposal would have no adverse impact on the amenity of neighbouring residents.
- 7.4. A comment has been received from a neighbouring resident regarding the potential inaccuracy to the answer of question 10 on the submitted application form. Whilst officers note that there are trees in proximity of the proposed plant, it is considered unlikely that the proposal would have any material impact on trees in the area, and thus no survey information is considered necessary.
- 7.5. Halesworth Cemetery is a locally designated County Wildlife Site (CWS). However, the application site is very small and located close to existing residential development. It is an existing chapel building adjacent a hard surfaced track. Thus, there is no habitat value on the application site that would be disturbed by the development. Accordingly, there is no conflict with the biodiversity and geodiversity objectives of Local Plan Policy WLP8.34.

## **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 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:
  - Location, floorplan, and elevations, 3549.01, received 22/10/2019,
  - Noise Assessment, 88874 REV 00, received 30/10/2019;for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

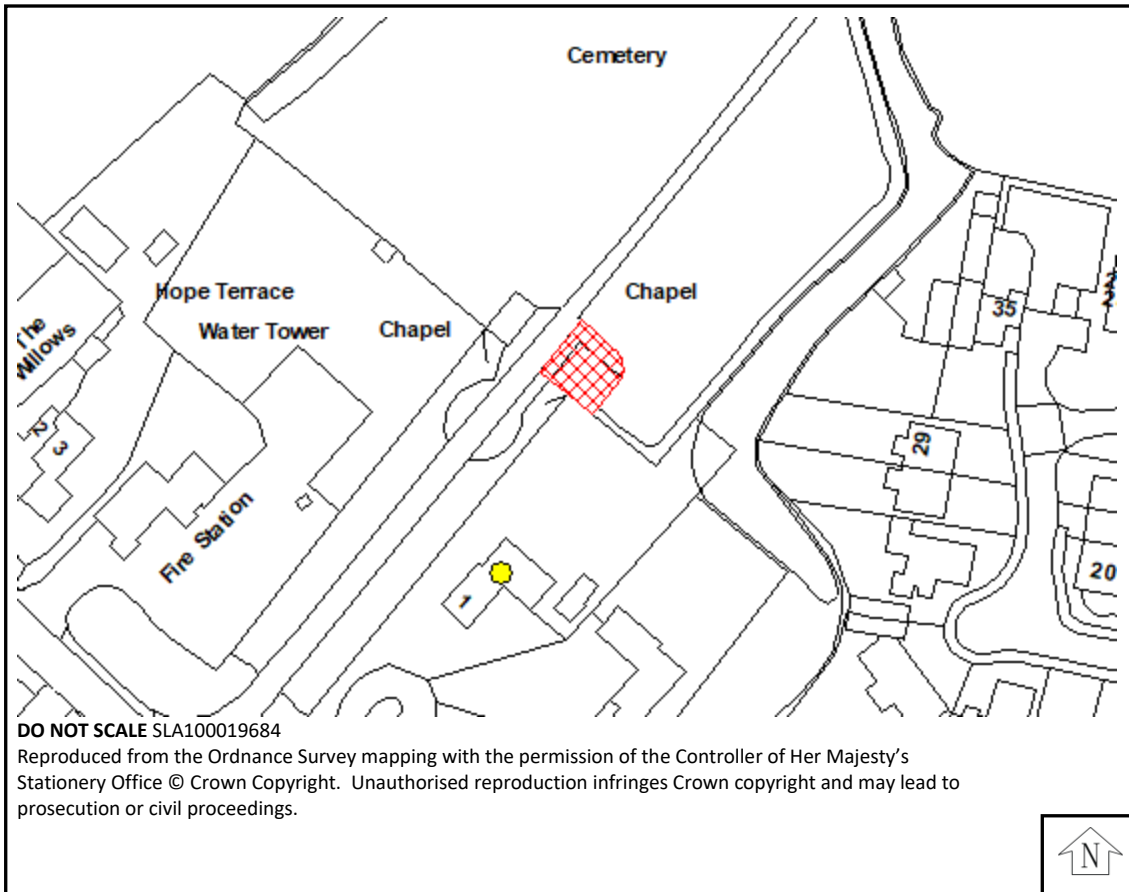
## **Informatives:**

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





## **Background information**

See application reference DC/19/4124/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZS410QXFKG00>

## Map



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