



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

# **Planning Committee North**

## **Members:**

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

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

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

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at

<https://youtu.be/EuvMTohy-og>

An Agenda is set out below.

## **Part One – Open to the Public**

**Pages**

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<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4a</b>	<b>Minutes - 14 July 2020</b> To confirm as a correct record the Minutes of the Meeting held on 14 July 2020	<b>1 - 31</b>
<b>4b</b>	<b>Minutes - 11 August 2020</b> To confirm as a correct record the Minutes of the Meeting held on 11 August 2020	<b>32 - 42</b>
<b>5</b>	<b>Enforcement Action - Case Update ES/0476</b> Report of the Head of Planning and Coastal Management	<b>43 - 61</b>
<b>6</b>	<b>DC/19/2195/FUL - Land adjacent to West End Farm, Mill Lane, Shadingfield ES/0477</b> Report of the Head of Planning and Coastal Management	<b>62 - 119</b>
<b>7</b>	<b>DC/20/0951/FUL - JD Power Tools, Alexandra Road, Lowestoft ES/0478</b> Report of the Head of Planning and Coastal Management	<b>120 - 134</b>
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<b>9</b>	<b>DC/20/1127/FUL - North Green Farm, North Green, Kelsale-Cum-Carlton ES/0480</b> Report of the Head of Planning and Coastal Management	<b>153 - 164</b>
<b>10</b>	<b>DC/20/1837/FUL - York's Tenement, Station Road, Yoxford, Saxmundham ES/0481</b> Report of the Head of Planning and Coastal Management	<b>165 - 174</b>
<b>11</b>	<b>DC/20/1838/LBC - York's Tenement, Station Road, Yoxford, Saxmundham ES/0482</b> Report of the Head of Planning and Coastal Management	<b>175 - 180</b>

There are no Exempt or Confidential items for this Agenda.

## Close



Stephen Baker, Chief Executive

### Speaking at Planning Committee Meetings

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

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

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

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

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

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

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<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee North** held Remotely on **Tuesday, 14 July 2020 at 2:00pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Peter Byatt, Councillor Alison Cackett, Councillor Judy Cloke, Councillor Tony Cooper, Councillor Tony Goldson, Councillor Debbie McCallum

**Officers present:**

Liz Beighton (Planning Manager - Development Management), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Matthew Gee (Planner - Development Management), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Phil Perkin (Principal Planner - Major Sites), Iain Robertson (Planner - Development Management).

**1 Apologies for Absence and Substitutions**

An apology for absence was received from Councillor Rivett.

Councillor Cooper attended the meeting as substitute for Councillor Rivett.

**2 Declarations of Interest**

Councillor Ceresa declared a Local Non-Pecuniary Interest in Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere as having awarded funding through her Locality Budget to Involve Active in Lowestoft and as Chairman of the Carlton Colville, Kessingland, Southwold and villages Community Partnership group that had awarded money in the past; and Item 12 – DC/20/1648/FUL – Jubilee Parade Chalets, Lowestoft, as County Councillor for the area.

Councillor Coulam declared a Local Non-Pecuniary Interest in Item 12 – DC/20/1648/FUL – Jubilee Parade Chalets, Lowestoft, as being Ward Member.

Councillor Elliott declared a Local Non-Pecuniary Interest in Item 7 - Land adjacent to West End Farm, Shadingfield, as having paid a social visit to the Shadingfield Fox. No discussions were undertaken with the landlord. This declaration was made during discussions on the item.

Councillor Pitchers declared a Local Non-Pecuniary Interest in Item 12 – DC/20/1648/FUL – Jubilee Parade Chalets, Lowestoft, as being Ward Member.

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

Councillor Ashdown declared that he had been lobbied on Agenda Item 6 – DC/20/1049/VOC – Land South of Chediston Street, Halesworth, Agenda Item 7 – DC/19/2195/FUL – Land adjacent to West End Farm, Shadingfield, and Agenda Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere.

Councillor Bond declared that she had been lobbied on Agenda Item 7 – DC/19/2195/FUL – Land adjacent to West End Farm, Shadingfield, and Agenda Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere. She had made no response.

Councillor Brooks declared that he had been lobbied on Agenda Item 6 – DC/20/1049/VOC – Land South of Chediston Street, Halesworth, Agenda Item 7 – DC/19/2195/FUL – Land adjacent to West End Farm, Shadingfield, and Agenda Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere.

Councillor Ceresa declared that she had been lobbied on Agenda Item 6 – DC/20/1049/VOC – Land South of Chediston Street, Halesworth, Agenda Item 7 – DC/19/2195/FUL – Land adjacent to West End Farm, Shadingfield, and Agenda Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere. She had made no response.

Councillor Coulam declared that she had been lobbied on Agenda Item 7 – DC/19/2195/FUL – Land adjacent to West End Farm, Shadingfield, and Agenda Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere.

Councillor Elliott declared that he had been extensively lobbied on Agenda Item 7 – DC/19/2195/FUL – Land adjacent to West End Farm, Shadingfield, and Agenda Item 8 – DC/19/3746/FUL – Project Gold Crest, Rushmere. He had given factual answers only.

#### **4a Minutes of the meeting held on 19 May 2020**

##### **RESOLVED**

That the Minutes of the Meeting held on 19 May 2020 be agreed as a correct record and signed by the Chairman.

#### **4b Minutes of the meeting held on 9 June 2020**

##### **RESOLVED**

That the Minutes of the Meeting held on 9 June 2020 be agreed as a correct record and signed by the Chairman.

### **5 Enforcement Action - Case Update**

The Committee received report ES/0423 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 30 June 2020. There were currently 18 such cases.

The Assistant Enforcement Officer advised that one case, relating to Harmony Hall, had unfortunately been omitted from the report; that would be rectified for the next Committee meeting. It related to unauthorised use of land and the notice had been served in March with compliance in August.

The Planning Manager advised the Committee that an appeal decision had been received with regard to 98 Tangham Cottages, Tangham, Capel St Andrew. The appeal against the enforcement notice had been dismissed with the compliance period increased from three months to six months.

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 30 June 2020 be received and noted.

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

The Committee considered report ES/0424 which gave details of the application to vary two highway related conditions attached to the outline consent DC/17/3981/OUT at land south of Chediston Street, Halesworth. It was proposed to amend the main vehicular access into the site from a roundabout to a priority junction.

Members were shown an aerial view of the site location and photographs of the site of the approved roundabout, the proposed revised access point on Roman Way and views along Roman Way. Further diagrams showed the location of the approved roundabout and the proposed revised access.

The Principal Planner explained that the revision for the access was due to an underground tank that had been installed to drain residential land opposite Roman Way. The location of that tank had not been known at the outline stage as it had not been necessary to carry out detailed site investigations prior to the outline stage.

The Principal Planner explained the material planning considerations and key issues particularly highlighting:

- The traffic survey figures having been adjusted following robust assessment on the local road network. The model would operate well within capacity.
- It was necessary to remove hedgerow from Roman Way but that was not dissimilar to the loss of hedge if a roundabout had been installed. There would be some extra planting in accordance with the conditions in the outline consent.
- Surface water drainage was not part of this report; conditions were in the outline consent. Details of any scheme would be required at the Reserved Matters stage and that would be referred to Committee at the point the application was submitted.
- The Section 106 Agreement for affordable housing would need to be amended in view of the variation.

The Highway Authority had confirmed it had no objection to revising the access into the site as existing junctions would continue to operate within capacity. The Highway Authority had advised that there had not been any recorded injury accident in the area in the past 10 years and, whilst having regard to the concerns of local residents and the Town Council, there were no grounds on either highway safety or traffic congestion on which the application could be opposed.

The Principal Planner confirmed that approval was being recommended subject to the variation to the Section 106 Agreement and the conditions outlined in the report.

The Chairman invited questions.

Members' raised specific questions relating to the highway layout, the drainage tank and the comparative cost of the necessary works. The Principal Planner advised that, at the outline stage, it was an indicative layout for the highway works. County Highways had no concerns over safety. The drainage tank was likely to have been installed in the 1970s/1980s when the housing opposite Roman Way was developed. The Planning Manager suggested that questions relating to the location of the tank and cost of roundabout/junction works could be addressed to the Applicant.

The Chairman invited public speakers to address the Committee.

Ms V Balboa explained that she was Transport Consultant for the Applicant with over 20 years' experience in transport and highways and amongst other things a member of the Chartered Institute of Logistics and Transport. The site at Chediston Street was allocated for housing and outline planning permission had been granted for the development. The roundabout and second limited access from Chediston Street had been illustrated on the drawings in the officer's presentation. At the outline stage, there had been knowledge of the tank but its location and size was unknown. A survey undertaken in 2019 had identified the location of the 50m tank which had shown it would be difficult to install a roundabout. Following an objection from Halesworth Town Council, the County Highways had reviewed the traffic data and the proposal met their required design standards. A right turn bay would be constructed and an island installed to help pedestrians.

Members raised questions relating to:

- The provision of a junction being cheaper than a roundabout.
- The tank not being identified in the original submission was misleading.
- Pedestrian access being suitable for cyclists.

Ms Balboa advised she had not been involved with the original application. The proposal fitted in with the topography of the site; costs would be comparable, the junction simpler but more earthworks would be required. The pedestrian access on the original scheme was to tie in with existing routes. There was no reason why this could not be for cyclists too as well as the link to the north. Assurance was sought on this point and Ms Balboa confirmed that it could be done.

As Ward Member, Councillor Goldson wished to draw attention to a previous meeting at which he had pointed out that the attenuation tanks were ineffectual and flooding still occurred. Chediston Street was not wide enough for more than one car and the roundabout could not be built as the land was not in the developer's ownership. Flooding in Chediston Street and Long Lane had still not been addressed and the water containment that had been built had never been successful. Members had not undertaken a site visit and that needed to take place. The B1123 was the main route going west for all vehicles, a small already busy road, and that could be used by over 200 cars from this development each day. The London Road junction would be impacted as it was used to travel east. It was just not suitable for the increase in traffic that would result and the land levels were some 30 feet higher. Members needed to undertake a site visit to see what they were voting for; an unacceptable proposal for all the reasons highlighted together with the effects of flooding in the area and if Sizewell C and the use of Flixton quarry went ahead, the additional traffic consisting of some 750 vehicles using the B1123.

The Chairman reiterated that the application was for a variation to the access point and asked that considerations be kept to that subject.

Comment was made that some Members were not happy with the application but the site had been allocated for housing. It appeared that the lack of information relating to the tank and flooding issues had not been given to Members at the time of the outline application which might have had an effect on their decision at that time. They understood the purpose of the roundabout was to assist traffic flows and reduce traffic speed. There appeared to be serious traffic issues and even a mini roundabout could avoid accidents.

The Planning Manager reminded Members that the variation application was for the acceptability of the revised access and cycle way. Any flooding issues would be addressed at the reserved matters stage and she gave an undertaking that reserved matters would come back to Committee. The proposal before the Committee was for an alternative access to a roundabout and the County Highways was satisfied with the proposal. Any changes would be for the Applicant to discuss with the Highway Authority.

The Chairman sought the views of the Agent and Ms Balboa advised she would need to consult with the Applicant.

It was proposed and duly seconded that a decision be deferred until after the developer had consulted the Highway Authority to see if an alternative proposal was acceptable.

The Planning Manager advised that the Applicant could appeal on non-determination of this application; the solution was acceptable to Highways and no issues regarding highway safety had been identified. County Highways should have undertaken a site visit when they were consulted on the application.

The Chairman suggested that an alternative proposal might be more acceptable than the junction in the application now being considered and that a deferral for one month would allow discussions to take place. The Planning Manager confirmed further

conversations could be undertaken with the Applicant and Highway Authority and be reported back to the Chairman and Vice-Chairman.

The Chairman requested the further particulars come back to Committee and having a proposal on the table, it was unanimously

#### **RESOLVED**

1. That, to allow officers to undertake discussions with the Highway Authority and Applicant on an alternative access, a decision be deferred.
2. That the outcome of those discussions be reported back to Committee.

*Note: The meeting was adjourned at 3.05pm for a comfort break and reconvened at 3.15pm.*

#### **7 DC/19/2195/FUL - Land adjacent to West End Farm, Mill Lane, Shadingfield, NR34 8DL**

The Planning Manager updated the Committee by advising that at 12.06pm an email had been received from Shadingfield, Stradbroke and Thorndon Parish Councils asking the Secretary of State to call-in the application. That would not preclude Members considering the application and making a resolution on the report before them. If Members wished to support the application, the officers would wait to see if the call-in was accepted before the decision was issued. There was no legal obligation for a call-in to be accepted, each one was based on certain criteria and it would be the decision of the Secretary of State to endorse the call-in for a public Inquiry. The Council would notify the PCCU before any decision was issued.

In response to a question on timescale for a called-in application, the Planning Manager advised she could give no indication as it was in the hands of the National Planning Casework Unit (NPCU).

The Committee considered report ES/0425 which gave details of the application seeking planning permission for a poultry production unit, comprising three poultry houses with a capacity to house some 141,000 broiler chickens, and associated admin block, feed bins and vehicle access. The facility would serve the recently completed Crown Chicken processing plant at Eye.

Members were shown an aerial view, the site location plan, layout of the proposed site, footpaths and bridle ways and the location of the scheduled monument sites. Moat Farm was Grade II\* listed and currently uninhabited. Photographs across the fields gave an indication of the site and the access point along Mill Road and its junction with the main A145 road which would have a tapered area for HGVs. Due to the narrowness of Mill Lane, a passing bay at site 1 was being proposed. Further slides gave an indication of the floor plans, elevations, height of the silos and details of the office building.

The Planner outlined the material planning considerations and key issues and particularly highlighted:

- The principle of the development which was acceptable.
- Economic benefits and financial viability of the farm.
- Employment with numerous jobs in the supply chain.
- Moderate landscape impact which would be mitigated by landscaping.
- The less than substantial harm to the heritage assets.
- Traffic generation.
- Access and HGVs and traffic crossing London Road to which County Highways had no objection.
- Neighbour amenity.
- Regulation by the Environment Agency.

The Planner explained that it was considered any harm was outweighed by the benefits of the proposal in accordance with paragraph 196 in the National Planning Policy Framework and the application was therefore recommended for approval.

The Chairman invited questions.

Members raised question with regard to:

- The junction with the highway.
- Public rights of way particularly access along Mill Lane.
- Land to north of the site and future uses referred to in paragraph 7.65 of the report.
- Number of vehicles referred to in paragraph 7.112 of the report.

The Planner advised that County Highways considered there was no increased risks at the junction of Mill Lane and the A145 as it had previously been used by HGVs. Mill Lane itself was a public highway that was used by pedestrians. The area in the north of the site was being looked at by the Ecologist with a view to securing biodiversity benefits by way of planting. The details in paragraph 7.112 relating to traffic generation was information provided by the Transport Assessment.

The Chairman invited public speakers to address the Committee.

As an objector, Mr L Osmon advised that Suffolk Preservation Society and the media supported 90% of residents who were objecting to the planning application. The recommendation for approval was down to bias in the report as officers had not addressed the significant impact and harm identified. Suitable mitigation measures were not in place for those residents whose houses were only 400m from the site. Cooling fans would spew ammonia into the environment, HGVs arriving and departing at all hours, constant blazing lights, and 141,000 chickens being captured for slaughter would all play a part in damaging the lives of the villagers. Mill Lane was unsuitable for HGVs and Highways had no concerns over unreliable simulated data on traffic movements.

On behalf of the Joint Parish Councils, Ms C Ellis drew attention to the areas of concern and the overwhelming opposition of residents with 97 letters and the 28 material planning considerations. Whilst supporting localism and enabling communities and green issues, none of these were being protected and should be addressed. There were errors and omissions in the report; it was not objective and was not balanced. The increase in traffic and encroachment into the highway had not been recognised. The views of Historic England supported by Suffolk Preservation Society had been dismissed and demeaned by the planners. The landscape assessment was in favour of the applicant and the noise, odour and traffic had not been addressed. The proposed employment opportunities were not in Shadingfield. The view was that the Council had failed to take into account the views of residents and valid objections; how would that stand up to a judicial review? This was the time to listen to the residents and for the Council to show it did care.

As Applicant, Mr D Merrells thanked Members for their consideration. Having read the officer's report, it was considered that all matters had been dealt with satisfactorily. The environmental assessment showed that the proposal was satisfactory. If the sheds were approved, the facility would be properly managed and maintained and best practice undertaken. There were no subsidies on poultry farming and the proposal was to sustain the farm and his family. The modern design of the sheds would ensure the welfare of the birds and be managed to high standards. Any issues with noise, odour and ammonia had been fully addressed. The UK was only 60% self-sufficient in chicken and the proposal would help to increase sufficiency with the UK leaving the EU. He and his agent, Mr J Rankin, were happy to answer any questions.

The Chairman invited questions.

Members raised the following issues:

- Could 21 birds per sqm be considered to be high welfare standards?
- Ammonia blowing over the village and the necessity of the village pub being able to use its beer garden.
- The use of the fans.
- Bird flu.

The Planning Manager advised that the ethics of bird rearing was not a material planning consideration; Members were considering the planning matters associated with the sheds only.

Mr Rankin advised that the design of the sheds would avoid emissions of dust or otherwise. The ridge and gable end fans were back-up and for the benefit and welfare of the birds in high temperatures. The fans would not deal with emissions into the atmosphere. With the ammonia receptor, all Environment Agency standards would be met.

The Planning Manager advised that, if approval was granted, there were conditions that dealt with noise and ammonia and the Council's Environmental Health Team had no objections. The proposed conditions were robust and would be monitored.

Ward Member Councillor J Cloke addressed the Committee and advised that having visited the site, there were serious concerns. The junction to the site was on the A145 and she could foresee issues with motorists and HGVs and it would only take one accident for a fatality to occur. County Highways was not concerned about the junction but it was not infallible. With heavy traffic already, there would be a cumulative effect as a result of the use of the sheds and consideration should be given to the restrictive roads between Shadingfield and the chicken processing plant in Eye. Councillor Cloke drew attention to the statement issued in June by a cross party group of 11 County Councillors. A holistic approach was needed to address cheap meat, stress on the birds, new viruses being bred, a bird flu pandemic, transporting livestock and diseases spreading from 141,000 birds. The B1062 through Flixton was already blighted. The erection of the sheds would not only blight the lives of residents but also affect the local pub with the smell of the sheds drifting across the beer garden. The processing plant was in Eye, therefore no local employment would be created. The vents might help the chickens and their minders but it would be a really unpleasant experience for everyone else with noise, dust, flies and smells similar to that generated by the bio plant at Ellough. The sheds should not be constructed too close to the village. Councillor Cloke urged the Committee to refuse the application.

Some Members expressed concerns over the impact of the application, similar to an industrial development in a rural location. There would be a significant impact on the landscape and heritage assets and the NPPF was careful to ensure the protection of sites of scheduled monuments in the vicinity. Suffolk Preservation Society and Historic England both objected. The highway junction could not be built to an acceptable standard for HGVs and there were concerns about the public rights of way for walkers. It was vital to ensure the future of the public house as its closure would be a great loss to the community. Neighbourhood amenity would be affected by noise, odours and ammonia and to say it would have an insignificant impact on residents was incorrect; it would have a significant impact on residents. Further comment was made that it was contrary to the Neighbourhood Plan of the local Parish Council, in that all new development should take account of identified heritage assets and the Council's own Local Plan stated the importance of conserving and enhancing character and tranquillity. A view was that this application did not fall within that criteria and could not be supported. It appeared that entire hedgerows were to be cut down leaving the whole site on view. The serenity of the village would be damaged. The development belonged on an industrial estate. It was also considered that the junction with the A145 was also an issue which should be opposed. The proposed employment benefitted those in Eye and such a development should not ruin this part of the Suffolk countryside.

The Principal Planner referred to highway safety matters in the NPPF and that an application could only be refused if there was an impact on highway safety. The access here could not be changed and there were insufficient grounds on highway safety to refuse the application. If approved, the relevant conditions would address highway matters.

The Planning Manager explained that the existing junction was already used by agricultural machinery and the proposed management of vehicles would help with HGVs using the junction. The Council's Conservation and Design Manager had reviewed the application and in his opinion the heritage asset would not be adversely affected by the proposed agricultural buildings.

A Member asked if the major issues could be addressed by the Committee undertaking a site visit, if that option was available at the present time.

The Planning Manager advised that any site visit might be difficult under the Covid 19 situation. She explained that Members were considering a full report and there had been clear guidance from the Conservation and Environmental Health Teams. The use of the buildings were better managed nowadays and in accordance with the relevant environmental permit. The advice from County Highways was that matters could be dealt with by way of condition. Employment was significant and the number of jobs being provided could be at another processing facility, not just Eye. Whilst accepting the local citizens' views, any alternative recommendation could go to appeal which might be lost.

Members raised further queries regarding the views of Historic England and the issues with HGVs and odours. The Planning Manager reiterated the fact that the Council's Conservation Officer had no concerns and therefore held a different view to Historic England. The Environmental Health Team were confident that there was no significant harm to the amenity; any smells would be controlled by appropriate conditions and enforced if necessary. By comparison, a Member advised that they had been told the bio digester at Ellough would not smell but it did and Environmental Health were not able to do much to solve the problem. The Principal Planner advised condition 19 in the report dealt with an Odour Management Plan to ensure compliance through the planning process and the control of emissions with the relevant permit from the Environment Agency. Any action that might become necessary could be taken via the enforcement process.

The Planning Manager informed the Members that they could make a decision on the report before them but the decision would not be issued until the Secretary of State had made his decision on whether or not to allow the call-in.

Following a proposal, which was duly seconded to approve the application, a vote was taken which was **LOST**.

A proposal was then made to refuse the application on the following grounds:

1. Impact on heritage assets (referring to Historic England, Suffolk Preservation Society, and the NPPF).
2. Significant impact and effect on neighbourhood amenity.
3. Serious concerns over highway safety and impact on rights of way.

The Planning Manager advised that the evidence and grounds for refusal needed to be sound and she believed the strongest case would be impact on the heritage assets.

The proposal to refuse the application was duly seconded and a vote was taken which was **LOST**.

In response to a Member's question regarding jobs, in that one was being created at the proposed facility whereas more jobs would be lost if the public house had to close, the Planning Manager explained that, in the wider area, employment would be increased throughout the district and county as a whole.

On a proposal for a site visit to be undertaken, which was duly seconded, it was unanimously

### **RESOLVED**

That a decision be deferred and a site visit be undertaken, to be organised in a safe manner.

*Note: The meeting was adjourned at 4.45pm for a comfort break and reconvened at 4.53pm.*

### **8 DC/19/3746/FUL - Project Gold Crest, Rushmere Road and Chapel Road, Rushmere, NR34 8ED**

The Committee considered report ES/0426 which gave details of the application for the change of use of land to give young people and adults with learning disabilities and/or needs/facing barriers to access services and opportunities to learn new skills and be involved in countryside activities on land at Rushmere Road and Chapel Road, Rushmere. The proposal included additional hedging, grass reinforced parking, mobility issues caravan, outdoor camping of four to six pitches, log cabins for toilets, showers, community activities, educational events including woodland and wildlife walks, wildlife, picnic benches, allotments, the replacement of existing sheds and match a new 3.6m by 6m shed.

The Planner advised that the permission sought was for the site itself. Any retail and a café was not included in the current application and would require separate consent on its own.

Members were shown the site location plan and an aerial photo of the site together with views along Blower's Lane and Chapel Road, and views into the site from Chapel Road and Rushmere Road, and from the churchyard which showed the site was well screened. The existing block plan was compared to the proposed block plan and a further slide displayed the elevations of the proposed buildings.

The Planner outlined the material planning considerations and key issues explaining that the principle of the development was considered acceptable and compliant with the Local Plan. The site was well screened and the Council's Conservation Officer and Historic England had no objection with regard to impact on the Grade I listed church. It was considered there would be no adverse effects on the local amenity and the social and economic benefits would be beneficial for job creation and employment potential for those with difficulty in getting jobs. There were no ecology issues and the site was in flood zone 1 which would not cause any great risk. The Planner made reference to

the update sheet which had been published with additional comments and two additional conditions.

The Planner confirmed that the application was being recommended for approval subject to no new material planning considerations being raised within the further consultation period and subject to the conditions as set out in the report and update sheet.

The Chairman invited questions.

Members questioned the number of parking spaces for those attending the care farm and allotment holders, the conditions restricting to holiday use, and the impact on the Grade I listed building.

The Planner advised that the parking spaces would be sufficient for those working on the site; the users were likely to be transported by minibus. The holiday restriction in the proposed conditions was to stop people living on site. The Conservation Officer had initial concerns with regard to the listed church but they were now happy with the proposal.

The Chairman sought clarification as to possible future use for 20 tents if the land was sold. The Planning Manager advised that the permission, if granted, related to the land and the use was acceptable subject to the proposed conditions. Any changes would need to be considered separately in their own right and at a time any changes were proposed.

The Chairman invited public speakers to address the Committee.

Ms J Collen spoke on behalf of objectors in Rushmere and expressed concern that the proposal was a precursor to a much larger undertaking which would affect the Grade I Saxon church, contrary to the Conservation Officer's views. Any acceptance of the proposal would be a violation to the church and the peace and tranquillity of the area. The access was bad, leading onto country lanes and using land for this purpose in the countryside would set a precedent. Consideration had been given to the use and for whom and the applicant would make money out of the site. There was no evidence of support from the community and an increase in noise levels would only get worse. Trust in the applicant and planners had been broken; sadly this proposal was in the wrong place and wholly unacceptable for this site. Ms Collen urged the Committee to refuse the application.

In response to a question raised by a Member who knew the area well and had never seen another vehicle when in the vicinity, Ms Collen stated that the country roads were used by horse riders and as a short cut from Carlton Colville to Kessingland and the A12, very often causing much congestion. The roads were a single lane carriageway with a 60mph limit and being of a very hazardous nature. The high increase in traffic and users compared to what was previously on the site would be unacceptable.

On behalf of the Parish Council, Ms D Sherman was of the opinion that the long standing scheme had been rushed to Committee before the heritage impacts had been considered. The proposal was legally unsound assessed on community

credentials. Involve Active could wind up any time and Rushmere would be left with a campsite causing high level impact on the church. The site had no commercial status; various activities from 30 people plus staff 24 hours a day nine months of the year would cause unacceptable noise and disturbance in a tranquil unspoilt area. A noise impact assessment was too late once permission had been granted. Parking was inadequate and it appeared there would be no adequate controls in place. There was no support from the community and she urged Members to refuse the application.

Ms B Patnell explained that she was CEO from Involve Active, a not for profit small organisation supporting people with learning difficulties. Their intention was not to build on site but replace buildings, plant trees not cut them down, provide bird and bat boxes. By listing to their young people, this would give them the opportunity to achieve aspirations for future opportunities and provide respite by working in the garden nursery. It would also provide respite for families with a child with learning disabilities. Meeting others would stop isolation and the site would provide opportunities to increase life skills and horticultural experiences for those who needed them. There was support from lottery funding, County Council respite opportunities, social care and families wanting to stay. Any café on site would be for those working on the site and for the families with special needs, not for public use.

Members raised questions regarding:

- Funding.
- Scale of camping.
- Consultation with the Parish Council and local residents.
- Visitors from elsewhere in the county.
- Noise and overall control of the site.

Ms Patnell explained that a lottery grant had been received and they had been on site for two years cleaning the site. An application for further funding from “Mind the Gap” project had been submitted. There was a high need for respite. She explained that it was not going to be a big commercial campsite; a tepee tent had been donated for a activities and the pitches would be from one to a maximum of four people. There had been limited contact with local residents whilst she was off work and further consultation with parents and carers. Leaflets had been produced for circulation but that had not occurred due to the Covid shut down. The campsite would be open to all, say from Norfolk, and possibly families from elsewhere in the country. The purpose of the site was to offer a holiday for people with special needs in a place where they would feel comfortable. A noise management policy would be out in place and manned by her team supporting the respite holidays. Cut off time would be 9.30pm.

The Chairman invited questions to the officers.

Members’ specific questions related to:

- If the site could be taken over as a campsite and increase the number of units.
- An increase in the number of tents for holiday purposes.
- Permitted development rights on the site.
- Bus and cycle routes to get to local services, for example shops.

- Tourism or educational use.

The Planning Manager confirmed that the application was for the use of the land. Consultation had all been undertaken within the planning requirements including the press advert and site notice. Any subsequent application for additional units would be considered on its own merits and in accordance with planning policies and the setting of the listed building. Members were considering the application before them which was for four to six pitches.

The Committee was assured that if it was minded to approve the application, any further applications would come back to Committee for consideration and take into account the nearby listed church. It was confirmed there were no permitted development rights for the proposal; some tourism was encapsulated in the educational proposal. The roads in the vicinity were light on traffic so there should not be an issue with cycling.

**Note:** *At this point in the meeting, there was an adjournment from 5.45pm to 5.50pm.*

Members discussed the proposal giving differing views on rejecting the application on heritage grounds although it was noted that English Heritage had no objection and the church was completely screened by trees. The view was that it should not turn into a big campsite in the countryside and concern was expressed that there appeared to have been little consultation within the local community. Consideration could be given to deferral to allow that consultation to take place. The Planning Manger explained that the NPPF encouraged pre-application consultation but it was not a requirement; however, it should be noted that consultation responses were contained in the officer's report. Members were assured that any additional applications for the site would come direct to Committee for consideration.

Subject to the addition of an informative to ensure that consultation with local residents was undertaken, on a proposal to approve the application, which was duly seconded, it was

## **RESOLVED**

That permission be granted, subject to no new material planning considerations being raised within the further consultation period and the following conditions:

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

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

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

- Site Location Plan, Existing Site Plan, and Proposed Site Plan, 2513.19.2A, received 03/12/2019
- Site Details, INVOLVE - Project Gold Crest - Rev. A, received 03/12/2019;

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. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Greenlight Environmental, November 2019).

*Reason: In the interests of nature conservation.*

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

*Reason: In the interests of nature conservation.*

5. Prior to the installation of any lighting on site, a "lighting design strategy for biodiversity" and lighting details to protect the setting of nearby heritage assets, shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

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

*Reason: To protect protected species and the setting of nearby heritage assets.*

6. The use shall not commence until the area within the site shown on 2513.19.1A for the purposes of manoeuvring and parking of vehicles have been provided and thereafter it shall be retained and used for no other purposes.

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

7. The caravans and tents within the application site area shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. No unit shall be occupied in the months of December, January and February. The owners/occupiers shall maintain an up-to-date register of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

*Reason: To reduce the impact on the character of the wider area, and the proposed unit(s) are suitable for holiday accommodation but not suitable for residential use.*

8. The holiday accommodation on the site shall be restricted to; one caravan, and up to six tent pitches, at any one time. The caravan hereby approved, shall only be positioned on the area as set out within drawing 2513.19.1A, and shall fit within the definition of a caravan as set out in Caravan Sites Act 1968 (as amended).

*Reason: To protect the amenity of area, the setting of the Grade I Listed Church, and the important biodiversity of the area.*

9. Prior to the first use of the site development, a scheme of hard and soft landscaping works for the site, which shall include a proposed planting plan, shall be submitted and approved, in writing, by the Local Planning Authority. The details thereby approved, shall be implemented in full within 6 months of first use.

*Reason: In the interests of visual amenity and the character and appearance of the area.*

10. Prior to first use of the site as hereby approved, details on the bridleway access, including engineering work, surface detailing, and boundary treatments, shall be submitted and approved in writing by the Local Planning Authority. The bridleway access, as detailed on drawing 2513.19.1A, shall then be installed in accordance within the approved detail, within 6 months of first use of the site as approved.

*Reason: To ensure that the proposed bridleway does not have an adverse impact on the character and appearance of the surrounding area, and is installed to improve connectivity to the site.*

11. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.*

12. No activities except for those in relation to the camping and/or overnight stays on the site shall take place outside of the hours of 8:30am and 6:30pm Mondays to Sundays (including bank holidays). All activities except for camping and/or overnight stays shall cease between the hours 9:30pm and 7:00am.

*Reason: To protect the amenity of the area.*

13. Prior to commencement of the permitted use a Noise Management Plan shall be submitted to the local planning Authority for their written approval.

The noise management plan, to prevent disturbance to local residents resulting from the hereby permitted use of the land, shall include undertakings and procedures for:

1. The name(s) of the onsite supervisor responsible for the behaviour of guests and liaison with local residents;
2. The control of outside areas;
3. The control of noise out break from within buildings, caravans and tents;
4. Access and egress from the site;
5. Recording of complaints and response to those complaints;
6. Deliveries and collections to and from the site;
7. The annual review of the approved Noise management Plan and, if necessary, the submission and approval of a revised noise management plan;
8. Any other matters that are reasonably required by the local planning authority.

The approved Noise Management Plan shall be followed and/or implemented at all times.

*Reason: To protect the amenity of the surrounding area from excessive noise.*

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

## **9 DC/20/1449/FUL - Spexhall Hall, Hall Road, Spexhall, IP19 ORR**

The Committee considered report ES/0427 which set out details of the application seeking planning permission for the demolition of existing agricultural buildings, the construction of three dwellings and the creation of a new vehicular access on land within the curtilage of Spexhall Hall, a Grade II listed building. The application had been referred to Committee on the grounds that it had been advertised as a Departure from Policy.

The Planning Manager referred to paragraphs 6.1 to 6.5 in the report which outlined the planning history under Part Q. The submission before Members followed significant engagement with officers of the planning service to look at positive and proactive solutions for the site which would seek to deliver an acceptable scheme. The proposal sought to deliver enhanced benefits in terms of ecological enhancements to the moat and access and improve the visual appearance in the setting of the heritage asset.

Members were shown the site location plan and aerial view together with photographs of the view from Hall Road, a view of Spexhall Hall from the existing driveway, the barn to be demolished and the proposed access. The block plan and elevations of the proposed properties showed spacious one five-bedroomed and two four-bedroomed dwellings with more garden space and an agricultural feel. One plan showed the proposed fencing and planting and also the ecological enhancements including the clearing of the moat.

The Planning Manager explained the heritage considerations, design and layout, and that an enabling development could be acceptable if funds were secured for improvements to other facilities. Whilst contrary to the Local Plan with regard to new residential development in the countryside, there had been no objections and it was considered to be an acceptable proposal subject to appropriate conditions.

The Chairman invited questions.

Members questioned:

- The sustainability.
- Bins and storage.
- Other consented development on the site.

The Planning Manager explained that the site was well divorced from nearby settlements. The ecological and landscape improvements would be beneficial to Spexhall Hall including the removal of an ugly building. Bin storage was being provided on site and bins would have to be taken to the road side for emptying. With regard to the planning history, in 2016 Part Q consent had been granted, that had lapsed in

2019. An application in 2019 had been refused by this Committee and the current application was now for only three dwellings.

The Chairman invited the public speaker to address the Committee.

Mr I Miller advised that the previous proposal was for six dwellings; this application was for only three. He referred to the Leader's maiden speech that it was necessary to increase residential premises in the county and this was a well thought out scheme. The Government's Planning for the Future 2020 proposed that the developments should support the local community and commercial buildings could be demolished to allow houses to be built. In this case, the Parish Council was in support and there had been no objection from the statutory bodies. The NPPF was encouraging housing in rural areas and Policy WLP7.5 supported the proposal. The site was well screened by mature trees which would enhance the area. In addition, the agricultural buildings to be demolished would also improve the site.

The Chairman invited questions to the Agent.

Whilst noting that the Part Q permission had expired, Members sought clarification as to when works might commence. Mr Miller advised that further tests were required with regard to contamination but it was hoped to start works within 12 months of approval.

The Chairman reported that Councillor Goldson had intended to speak as Ward Member but he had had to leave the meeting before this item was discussed. Councillor Goldson wished to advise the Committee that he fully supported the application. Ward Member Councillor Cackett advised Members that she concurred and supported the application.

On a proposal to approve the application, which was duly seconded, it was

#### **RESOLVED**

That planning permission be granted, subject to receipt of RAMS payments and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with plan numbers AB1, AB2, AB2a, AB3, AB4, AB5, AB6, AB7 and AB8 received on the 9 May 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (Abrehart Ecology, February 2018); Bat Survey report (Abrehart Ecology, July 2018); Great Crested Newt Survey report (Abrehart Ecology, June 2018) and Reptile Survey report (Abrehart Ecology, June 2018).

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

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

*Reason: To ensure that nesting birds are protected.*

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

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

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

7. Prior to occupation an Ecological Enhancement Strategy, based on the information submitted as part of the application addressing how and when ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered in accordance with the approved Strategy.

*Reason: To ensure that the development delivers ecological enhancements.*

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the

Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

*Reason: To secure a properly planned development.*

9. Prior to commencement of development, a plan showing the visibility splays for the access needs to be submitted. Due to the derestricted speed limit on Hall Road visibility splays of 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access for a distance of 215 metres in each direction is required. The plan should show that these visibility splays are achievable, within land that is controlled by the applicants or the highway authority. Reductions to these standard requirements may be possible subject to evidence of vehicle speeds. The visibility splays shall be retained in the approved form in perpetuity.

*Reason: To ensure suitable and safe access to the site.*

10. Prior to the occupation of the buildings hereby approved, a plan showing the bin presentation shall be submitted to and approved in writing and retained in situ in the approved location.

*Reason: To provide appropriate bin presentation area.*

11. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

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

12. The landscaping scheme shall be completed within six months from the completion of the last building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

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

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

*Reason: to ensure that the appearance of the development is satisfactory.*

14. The ecological enhancements as identified in on the Ecological Enhancement Drawing shall be implemented in full before any of the three dwellings hereby approved are occupied and retained in such form in perpetuity.

*Reason: To ensure that the ecological and landscape benefits as proposed are completed as envisaged.*

**10 DC/20/1570/FUL - Dairy Farm, Southwold Road, Holton, IP19 9JR**

The Committee considered report ES/0428 which set out details of the application seeking planning permission for the construction of a single storey building to be used as a small farm diversification scheme offering holistic well-being day retreats, workshops, tai cafi, meditation, relaxation sessions, reiki sessions and provide a contemplation walk with designated seating.

Members were shown a site location plan, aerial view, block plan, photographs of the proposed footpath and healing room linked to the location of the farmhouse, and the floor plans and elevations. Although not an allocated employment site, the site was in a sustainable location with footpaths and a nearby bus stop.

The Planner explained that Dairy Farm currently produced farm assured quality beef and the diversification scheme was to supplement income from the primary business on the site. Such diversification was supported by the National Planning Policy Framework. The site was accessible and the design was considered acceptable. The Planner further advised that the Applicant currently delivered similar treatments in the area but was wishing for some stability due to the likely loss of their current premises in Halesworth. The site was considered to be reasonably well located in terms of accessibility and, in this instance, it was considered that the departure from the Local Plan was justified as it would bring some minor economic benefit and also provide a service in support of health and wellbeing which were both strategic objectives of the Local Plan. It was therefore recommended for approval subject to no new material planning objections being received within the prescribed consultation period.

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

Ms S Garland thanked Members for their time and the opportunity to bring the plans to Committee. She explained her qualifications and that the proposal was to support health and well-being, providing benefits to those with busy lives and, as had been seen through Covid 19, people had found the stillness and extra personal time beneficial. The premises she had been using in Halesworth was being returned to residential use and it had not been possible to find alternative premises to support a secure future for the business. The proposed site on their farm was truly relaxing supported by nature and local wildlife. The proposed small building would provide a secure space for the business in an ideal setting for such diversification.

The Chairman asked how many clients would be seen in a day, to which Ms Garland confirmed up to six, in hourly sessions.

Members recognised the benefits of the service being provided and supported the proposed diversification. There being no further discussion, it was unanimously

## RESOLVED

That planning permission be granted, subject to no new material planning objections being received within the prescribed consultation period and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the Site Plan doc 08, Block Plan doc 09 and drawing no AS1, AS2, AS3, AS4 received on 24 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The premises shall be used only as a holistic well-being day retreat and for no other purpose whatsoever, (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

*Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area.*

5. The use shall not commence until the area(s) within the site shown on Document 9 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

6. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the

site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation scheme must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**11 DC/20/1541/FUL - Agricultural Barn at Ringsfield Hall Farm (Barn 1), School Road, Ringsfield, NR34 8JR**

The Committee considered report ES/0429, the purpose of which was to give details of the full planning application for the conversion of an agricultural building to a residential dwelling and provide a garden and associated access. The application followed Class Qa and Qb approval under DC/19/4531/PN3.

Members were shown the site location plan, block plan, and photographs of the building both externally and internally. The access to the site was a bridle way and served several residential properties. The existing and proposed plans showed both floor plans and elevations.

The Planner advised that the Parish Council had objected as the building was of no significance. The building was not a heritage asset, nor was it locally distinctive or of architectural merit as required by policy WLP8.11. However, whilst the proposal would be contrary to the Local Plan, the extant prior approval was considered to be a realistic fallback position which had to be given substantial weight. The application was, therefore, recommended for approval subject to no new material planning objections being received within the consultation period which had not yet expired.

Whilst comment was made that the design was not sympathetic with the environment, it was proposed and seconded that the recommendation be approved. There being no further debate, it was

**RESOLVED**

That planning permission be granted, subject to no new material planning objections being received within the prescribed consultation period and the following conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. 30-001, 003 and 004 received 22 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Details of the materials for the roof and rainwater goods shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey report (JP Ecology, June 2019).

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

5. The use shall not commence until the area(s) within the site on Drawing No. 30-003 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

6. Details of the areas to be provided for 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 of cycles. Comments: Suffolk County Council's parking guidance 'Suffolk Guidance for Parking' (SGP) which require minimum cycle provision of 2 secure covered spaces per dwelling.*

7. Prior to the new dwellings hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

*Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.*

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

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants

considered to potentially exist on site;

- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors,

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

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

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and

- a revised assessment of the risks posed from contamination at the site to relevant receptors, including:

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

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

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

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

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

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

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

10. Prior to any occupation or use of the approved development the RMS approved under condition 9 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

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

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

12. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including 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.*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration, building or structure permitted by Schedule 2 Part 1 of the Order shall be carried out without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

*Reason: To secure a properly planned development.*

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

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

15. The landscaping scheme shall be completed prior to occupation of the dwelling, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

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

**12 DC/20/1648/FUL - Jubilee Parade Chalets, South Lowestoft Seafront, The Esplanade, Lowestoft**

The Committee considered report ES/0430 which gave details of the planning application to demolish the concrete beach chalets 1-13 and 22-58 on South Lowestoft Seafront, necessary works to reinforce the existing retaining wall and cliff face to prevent land slip and risk to the public, and the closure of the ramped access. Permission had previously been granted under DC/17/0355/RG3; however, further evidence had shown that more substantial works were required.

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

Members were shown a site location plan and photographs of the site and condition of the chalets, As seen, demolition works had commenced and, as a result, it had been established that the previously approved scheme would not fully stabilise the cliffs, hence the need for the additional works. The proposed site plans, elevations and cross-sections fully illustrated the appearance and reinforcement works.

The Planner advised that the proposed works would result in a degree of harm to the overall character and appearance of the Conservation Area but the works were necessary to stabilise and support the cliffs. Given the current condition of the chalets and the wider public benefit, it was considered that the proposal would outweigh the harm. Approval was therefore recommended.

Comment was made that if the works were not undertaken the cliff would fall into the now derelict chalets which were no longer fit for purpose. The proposal would result in a massive improvement to Lowestoft seafront. As Ward Member, Councillor Byatt advised that he supported the works which would result in another improvement in his Ward and he thanked the Chairman for allowing him to speak in favour of the application.

There being no further discussion, it was unanimously

## **RESOLVED**

That planning permission be granted, subject to the following conditions:

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

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

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

- Site Location Plan, 01B, received 01/05/2020
  - Planning statement, received 01/05/2020
  - Proposed plan and elevations, 11, received 01/05/2020
  - PROPOSED STABILITY WORKS PROPOSED SEQUENCING, 0504 P02, received 01/05/2020
  - PROPOSED STABILITY WORKS ENLARGED PLAN AREAS, 0503 P02, received 01/05/2020
  - PROPOSED STABILITY WORKS SECTIONS SHEET 2, 0502 P03, received 01/05/2020
  - PROPOSED STABILITY WORKS SECTIONS SHEET 1, 0501 P04, received 01/05/2020
  - PROPOSED STABILITY WORKS EXTENT OF WORKS, 0500 P04, received 01/05/2020
  - Coastal Erosion Vulnerability Assessment, received 11/06/2020,
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

**13 DC/20/1704/FUL - 55 Gainsborough Drive, Lowestoft, NR32 4NJ**

The Committee considered report ES/0431 which sought planning permission for the conversion of the original garage to a kitchen extension with alterations to the roof over the existing garage and front porch. The proposed works were considered to be respectful of the existing character and appearance of the dwelling and street scene and would have no material amenity impact on neighbouring properties.

The application was before the Committee as the Applicant was an employee of the Council.

Members were shown a site location plan and photographs of the property and the street scene, and the existing and proposed elevations.

The Planner advised that there was no impact on the character and appearance or amenity. It was considered that the site would retain sufficient on-site parking space for the size of the dwelling and the loss of the garage would not result in any highway safety implications. Approval was being recommended subject to appropriate conditions.

Having sought clarification on the style of the catslide roof, Members unanimously

**RESOLVED**

That planning permission be granted, subject to the following conditions:

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

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

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

- Existing and proposed elevations, received 03/06/2020
- Site location plan, received 18/05/2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

The meeting concluded at 6.55pm.

.....  
Chairman

<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee North** held Remotely on **Tuesday 11 August 2020 at 2.04pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Peter Byatt, Councillor Tony Cooper, Councillor John Fisher, Councillor David Ritchie, Councillor Keith Robinson

**Officers present:**

Katherine Abbott (Democratic Services Officer), Joe Blackmore (Principal Planner - Development Management), Sarah Carter (Democratic Services Officer), Sarah Davis (Democratic Services Officer), Mia Glass (Assistant Enforcement Officer), Philip Perkin (Principal Planner - Major Sites), Philip Ridley (Head of Planning and Coastal Management), Nicola Wotton (Deputy Democratic Services Manager)

**1 Apologies for Absence and Substitutions**

An apology for absence was received from Councillor Bond.

Councillor Cooper attended the meeting as substitute for Councillor Bond.

**2 Declarations of Interest**

There were no declarations of interest.

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

With regard to Agenda Item 4 – Enforcement Action, Councillor Elliott declared that he had been in discussions with the relevant parties relating to Boasts Industrial Park, Worlingham and Harmony Hall, Weston.

**4 Enforcement Action - Case Update**

The Committee received report ES/0445 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 28 July 2020. There were currently 19 such cases.

The Assistant Enforcement Officer provided Members with updates on Land adjacent to Oak Spring, Darsham, Harmony Hall, Weston and Land at Dam Lane, Kessingland.

Due to some technical issues with sound, it was not possible for all those present to hear the transmission and the Assistant Enforcement Officer undertook to email the Committee with the information and responses to the issues raised. That information is reproduced below:

1. ENF/2017/0170 - Land Adj to Oak Spring, The Street, Darsham: Appeal had been determined, the enforcement notice had been upheld except in relation to the container and the matter relating to the pond had been reworded.
2. ENF/2015/0279/DEV - Land at Dam Lane Kessingland: Site visited this morning, 11/08/2020. No action had been taken to comply with the notice and therefore discussions would be taking place on further action required.
3. ENF/2017/0336/SEC215 - Harmony Hall London Road Weston: Site visited this morning, 11/08/2020. Buildings and caravan removed and therefore the notice had been complied with.

Queries raised by Members at the meeting were responded to as follows:

1. ENF/2019/0320/USE - Boasts Industrial Park, Worlingham: Notice had been withdrawn recently following legal advice. The notice was looking to be reserved. The Team do need to inform those in question first when taking action. The matter progressed quickly, however The Team would endeavour to keep the Committee up to date.
2. ENF/2019/0391/SEC215 - 46 Wissett Way, Lowestoft: Discussions and research was ongoing with a view to taking direct action.

## **RESOLVED**

That the report concerning Outstanding Enforcement matters up to 28 July 2020 be received and noted.

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

The Committee considered report ES/0446 which gave details of the planning application for the demolition of existing commercial buildings and the construction of 31 affordable homes on a brownfield site in Lowestoft. The proposed development utilised a sustainably located site for affordable housing in a location where there was high need for affordable homes and the external appearance of the new building was appropriate for its context in such a prominent location.

The Principal Planner explained that the application was before Committee due to a referral made by the Referral Panel because of its concerns with the layout and design of the development in respect of bin storage and presentation areas. The Applicant had amended the proposals to address the issues raised and considerable improvement had been made with additional waste storage provision and a built enclosure. Some areas would be outside the main building adjacent to the Alexandra

Road frontage; however, whilst acknowledging that was not ideal, the provision of 31 affordable homes was a very significant public benefit arising from the proposal.

Members were shown a site location plan and aerial view, photographs of the site and existing buildings and boundaries, and proposed elevations from Alexandra Road. The proposed bin storage was now located in an internal storage area with hipped roof and a second waste storage area would be located inside a wooden screened area. The presentation included elevations and cross sections incorporating parking with flats above, all of which were wheelchair accessible. The northern section would increase to four storeys. With the provision of an internal courtyard, all of the one-bedroomed flats at around 50sqm would have a dual outlook.

The Principal Planner explained the main issues relating to:

- The principle of development on a brownfield site.
- The benefits of affordable housing.
- The design being a considerable improvement to the site.
- The improved waste storage.

Whilst some concerns had been expressed by the County Highways relating to the level of parking provision and storage for cycles, the site was considered to be in a sustainable location and on a bus route, and therefore recommended for approval.

Members raised questions regarding:

- Interest in the site for commercial use.
- Internal size of the flats.
- Concerns raised by the Town Council over density and lack of green space.
- Whether one-bedroomed flats were in line with the housing mix policies.
- Colour of brickwork.
- Access to car parking and only 14 spaces being provided.
- One-bedroomed flats for two people resulting in a possible 62 residents with only 43 spaces for cars or cycles.
- Electric plug in sockets for mobility scooters or mopeds.
- Demolition of the attractive old buildings on site.
- Lack of green space.

The Principal Planner advised that the site had been marketed as a going concern but there had been only limited interest. The proposed layout showed the majority of the flats were between 46.4sqm to 49.7sqm with one on the ground floor at 55sqm. The internal space of 50sqm was not law, it was Government guidance only. Whilst appreciating concerns had been expressed over density, the proposed development was providing much needed affordable housing in a town centre location, where all services were available for residents' needs. The lack of housing mix on the site was in order to provide small units of affordable housing to meet the local need that had been identified. The choice of brick would be carefully controlled by condition.

The Principal Planner further explained that the existing buildings were not a significant heritage asset and the quality of the proposed design met the needs for modern accommodation. It would be for Members to use their judgement regarding green space. The Government encouraged the redevelopment of former commercial areas and the proposal would make an efficient use of the land in the town centre. The Highway Authority might request extra cycle storage for the size of the development but, due to its location, residents could walk to most facilities. One of the nine flats in the north west corner of the development would likely be allocated to any future residents with mobility needs. Access to the internal courtyard and car parking spaces would be via some form of secure gate.

The Chairman invited the Applicant to address the Committee.

On behalf of Orwell Housing Association, Mr G Dodds explained that they were a well established Association both in the town and the county both as a housing provider and a housing developer. There were no issues with the loss of commercial use on the site and the proposal was in keeping with the masterplan for the town. The 31 affordable flats in a flexible layout would bring down the numbers on the waiting list for accommodation and the proposed lift would assist with wheelchair use. Whilst recognising there had been issues with cycle storage and parking provision, the proposal met the overriding need for housing in the town. The flats would be let as affordable homes and the development was not dissimilar to other schemes in the town like the one in Clapham Road. The build was to be led by Wellington Construction Limited and provide jobs locally which should be welcomed in the current difficult economic climate. They were on course to receive a capital grant of over £1.3m and it was hoped to start work before the end of the year.

The Chairman invited questions to the Applicant.

Members asked questions relating to:

- Bin storage being accessible by the road.
- Size of the flats being under 50sqm.
- Lack of parking spaces for each household.
- Increase in cycle storage.
- One-bedroomed flats for single people or couples.
- Provision of wet room facilities instead of baths.
- Green energy and electric vehicle charging points.

Mr Dodds explained that the proposed additional bin storage was located by the public highway. Guidance issued by Homes England suggested that floor areas should be 46sqm and they were working to that criteria. There was a fine balance to ensure the use of the site was acceptable; not all future residents would require spaces for parking and that could be managed through the Council's Housing Officers and tenants. It was likely that the majority of future tenants would be single and those who could not afford house prices. The flexible design would allow for single residents or couples, no families. They did not want to sacrifice ground floor units for parking and he understood that this could be discussed further with the officers. The bathroom design

was to allow flexibility and there was, in fact, a gully in place to allow for different designs including a flush floor shower. Mr Dodds commented on the high standards that were in Building Regulations with regard to thermal insulation and affordable warmth. They would look at the possibility of solar panels.

The Head of Planning and Coastal Management suggested that the ground floor layout could be amended to allow for the re-purposing of car parking spaces 7 and 8 on the western boundary to provide space for approximately an extra 20 cycles. It was important to get the right balance of provision for the units.

A Member sought clarification as to the site being walking distance to the nearest shops since Tesco had shut in the town centre. It was reported that Marks and Spencer was in the high street and there was a Premier in close proximity that sold most things. Both bus services and trains could be used for access to more significant facilities.

During debate, Members recognised the need for the site to be redeveloped resulting in the provision of much needed affordable housing for those on the waiting list. However, concern was expressed over the number of flats being provided that were under 50sqm in area; that might be considered as over-development particularly as there was no green outside space and inadequate parking provision. The issues with bin storage and parking might need to be revisited.

In response to a question for clarification on the two methods for sizing of flats and relevant legal requirements, the Head of Planning and Coastal Management advised that the Council's Local Plan had not set any minimum standards. Homes England, the Government Agency to deliver homes for the Government, put the threshold at 46sqm. He referred to the launch of the White Paper and offices spaces which were being converted into units of 30sqm, some of which had no windows. The proposal before the Committee did meet Government standards and that would not therefore be sufficient grounds to warrant refusal.

Members noted that, as there were insufficient parking spaces for residents, no visitor parking would be available. The location of the wheelie bins by the road was not satisfactory, particularly taking into account the seagull population in the town and fly-tipping becoming a nuisance. The lack of amenity space, particularly under the current Covid 19 restrictions, could be considered to be overdevelopment of the site. More parking for cycles would be helpful and there was no storage for mobility scooters.

The Head of Planning and Coastal Management stated that the Council was not providing slums of the future; going forward, the designed before Members was a good design for a deliverable scheme. There was a shortage of housing for single persons in the town and the site was in close proximity to open space from The Scores to the seafront and not far from the leisure centre. It would be difficult to reduce the footplate and provide green space that might not then be used. The proposal complemented the area and the courtyard in the centre provided more light into rooms. The town centre location provided easy access to buses and there were several public car parks in the vicinity. The officers considered the application to have the right balance to grant planning permission.

Some Members again referred to the objections submitted by the County Council and Lowestoft Town Council. Whilst the site was acceptable, the lack of space for cycle parking in the location was questioned and it was noted there were no charging points for vehicles or appropriate installations for the provision of renewable energy.

The Head of Planning and Coastal Management reminded the Committee that the funding from Homes England might be lost if there was undue delay as it was time limited and he suggested delegated authority might be a way forward.

Further clarification on a couple of issues was sought from the Applicant. Mr Dodds advised that the one-bedroomed flats could be for a single person or a couple with no children via the social housing allocations. Time was an important factor not just with regard to the grant from Homes England but also the deal with the landowner might fall if planning permission was delayed. They were hoping to start on site by the end of the year but obviously a Section 106 Agreement would need to be drawn up and agreed by relevant parties. Mr Dodds confirmed that they could look at revisions to the scheme.

Members were of the opinion that it was important to get an acceptable application and it was suggested that some of the issues raised could be further investigated.

The Head of Planning and Coastal Management summarised by advising the Committee that it could approve the application, grant delegated authority or refuse on the grounds of overdevelopment as not in keeping with the Local Plan on good design.

On a proposal, which was duly seconded, to delegate authority to the Head of Planning and Coastal Management in consultation with the Chairman and Vice-Chairman of the Committee to approve the application subject to amended plans being drawn up to increase cycle provision in lieu of car parking, addressing opportunities for solar power/renewable energy, the provision of electric charging points for vehicles, the investigation into ground floor storage for mobility scooters and reviewing the outside storage for wheelie bins, a vote was taken which was **LOST**.

Following a proposal, which was duly seconded, that a decision be deferred to allow the proposed revisions to come back to Committee in a month's time thus allowing any suggested changes to be aired in public, it was unanimously

## **RESOLVED**

That, in order to allow revisions to the proposal to be made addressing the Committee's concerns, a decision be deferred and those revisions be reported back to Committee at its next meeting.

## **6 DC/20/1964/FUL - Pastures Farm, Beccles Road, Sotherton**

The Committee considered report ES/0447 which set out details of the planning application for the conversion of an agricultural building to a dwelling following class Q approval reference DC/19/3792/PN3 and which included alterations to the plan and elevation.

The Principal Planner explained that the proposed conversion was contrary to the Local Plan as the building was not a heritage asset or locally distinctive or of architectural merit. Officers would ordinarily recommend refusal; however, the building benefitted from a permitted development conversion and that extant prior approval could be implemented at any time provided the development was completed by November 2022.

The Principal Planner advised that the proposed scheme would see the physical building converted into a two-bedroom dwelling with a formal area of curtilage/garden larger than that allowed under the permitted development scheme, and which would provide a better standard of living for future occupiers of the dwelling. The creation of that curtilage would not cause any harm to the nearby Grade II listed farmhouse.

Members were shown a site location plan and photographs including the building for conversion and its association with the farmhouse, the adjoining storage area, access to the site, plans and elevations of the permitted development approval and proposed development. Cycle and ancillary storage for bins was also being provided.

Whilst the proposed building was not ordinarily suitable for residential conversion under Local Plan policies, the extant permitted development fallback option would allow the conversion of the building. The previous application had been supported by structural surveys. On that basis, and with the now proposed formal larger garden area, it was considered there were no grounds to withhold planning permission and approval was therefore being recommended.

The Chairman invited questions.

Comment was made that a large number of applications were coming forward for the conversion of agricultural buildings that had prior approval under Part Q and, as a result, Members were experiencing difficulty in refusing such applications. The Principal Planner explained that there were strict guidelines for Part Q conversions and any building had to comply with the relevant Regulations. Whilst the Government wished to put disused buildings into use, officers rightly paid close attention to prior approval submissions to ensure they met the prior approval criteria and a number of applications were refused based on that process. Future planning applications on buildings that were not classed as a heritage asset would automatically come to Committee as a departure from policy.

The Chairman sought clarification as to any future extensions to the front of the building because of the larger curtilage. The Principal Planner advised there were no permitted development rights for new development to the front of the building, but that permitted development rights could be removed in respect of alterations to the building generally, and he recommended this be applied should Members be minded to approve.

There being no further discussion it was unanimously

**RESOLVED**

That planning permission be granted, subject to the removal of permitted development rights with regard to alterations to the building and the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing Nos. 19-148-211 and 19-148-001-A, received 29 May 2020; and Drawing No. 19-148-210-A, received 29 July 2020.

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

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

*Reason: In the interest of design and external appearance of the building in the setting of the grade II listed farmhouse.*

4. Prior to first occupation of the approved development, satisfactory precise details of a hedge planting scheme to the site frontage shall be submitted to and approved in writing by the local planning authority.

The approved hedge planting scheme shall be implemented not later than the first planting season following first occupation of the development and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

5. The use shall not commence until the area within the site for the purposes of manoeuvring and parking of vehicles (as shown on Drawing No. 19-148-210-A) has been provided and thereafter that area shall be retained and used for no other purposes.

*Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in the interest of highways safety.*

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

- a) A desk study and site reconnaissance, including:
- a detailed appraisal of the history of the site;
  - an inspection and assessment of current site conditions;
  - an assessment of the potential types, quantities and locations of hazardous materials

and contaminants considered to potentially exist on site;

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

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

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

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

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.*

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

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

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.*

8. Prior to any occupation or use of the approved development the RMS approved under condition 7 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.*

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

- results of sampling and monitoring carried out to demonstrate that the site

remediation criteria have been met;

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

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.*

10. 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.*

## **7 Woods Meadow Country Park Update**

The Committee received report ES/0448 which provided Members with an update following several queries that had previously been raised with regard to the Woods Meadow development and the developer's responsibilities in respect of the country park.

The Principal Planner advised that the country park had been transferred to the Council in February 2019 and was now under the management of Norse with a dedicated Countryside Officer overseeing the development of a management plan. Full details were set out in paragraph 3.14 of the report. Comment had previously made that the 48.8 acre size of the park was less than 50 acres that had been expected. The Principal Planner advised that the size of the country park had not been stated in the planning permission or stipulated in the Section 106 Agreement, but there might have been a mention of 50 acres in the 1993 brief. Due to the likelihood of some additional land

being obtained, 0.75 acres in the vicinity of the community resource car park, and 0.1 acres adjacent to the primary school, that would bring the country park land nearly up to the expected size. It should be noted that the country park was progressing satisfactorily.

Further information relating to the footpaths, cycleways, fencing and the site of the former Fat and Bone Factory was contained in the report and appendices.

Having been aware of the difficulties the local community had had with the developer and fencing, Members welcomed the updated information and sought clarification as to who would be paying the legal fees with regard to the extra land referred to in paragraph 3.8 of the report. The Principal Planner advised he would have to check.

*(Note: Subsequent to the meeting, the Principal Planner has confirmed that Suffolk County Council has advised that it would pay the legal fees.)*

Further questions related to the provision of the medical and community centres and the surfacing of the cycle paths. The Principal Planner advised that the Section 106 provided path access up to the boundary of the site. Land had been conveyed to the Council for the community centre and a contribution per dwelling was providing £280,000 for the centre, such funding would be available to the Parish Council or a local organisation. An application for the medical centre had not yet been received but an indicative location was roughly opposite the school. Its provision would be triggered by the occupation of the 350<sup>th</sup> dwelling; currently occupation was around 240 dwellings. In the Section 106 Agreement, the site for the medical centre was to be marketed for five years on the completion of 800 dwellings. Phase I had provided hard surface pathways and those in Phase II on the northern boundary were to be 3m wide with a hard surface.

Members thanked the officer for a very informative update.

**RESOLVED**

That the update report relating to Woods Meadow Country Park be received and noted.

The meeting concluded at 3.36pm.

.....  
Chairman



## PLANNING COMMITTEE

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

8 September 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 21<sup>st</sup> August 2020. 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 21<sup>st</sup> August 2020 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> <li>• 01/03/2016 – Planning Appeal</li> </ul>	30/09/2020

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

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

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

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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>action.</p> <ul style="list-style-type: none"> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 - PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> </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>	30/09/2020

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 owner is required to comply with</li> </ul>	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> <li>• 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• <b>Appeal dismissed with some amendments. Compliance by 11/12/2020</b></li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed.</li> </ul>	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Compliance with both Notices by 05/08/2020</p> <ul style="list-style-type: none"> <li>• <b>Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</b></li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> <li>• <b>Site visit conducted. Some works</b></li> </ul>	02/10/2020

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				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>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> </ul>	
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served 01/08/2019.</li> <li>• DC/19/4557/VOC Planning application submitted 21/11/2019</li> <li>• Application refused 15/01/2020</li> <li>• Currently within appeal period.</li> <li>• Application received DC/20/1387/AME to amend roof material.</li> <li>• DC/20/1387/AME approved 28/04/2020.</li> <li>• Team monitoring progress</li> </ul>	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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> <li>Appeal started, statement due by 22<sup>nd</sup> June 2020</li> <li>Awaiting Planning Inspectorate Decision</li> <li><b>Appeal allowed. Enforcement Notice quashed.</b></li> </ul>	30/10/2020
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> <li>Compliance visit to be conducted when possible.</li> <li>Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>Enquires being made to take direct action.</li> </ul>	27/09/2020
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>Enforcement Notice served 10/12/2019</li> <li>Awaiting site visit to check on compliance</li> <li>Site visit undertaken, summer house still in situ. Further</li> </ul>	31/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>action to be considered.</p> <ul style="list-style-type: none"> <li>• <b>Property has now changed hands. Contact with new owner to be established.</b></li> </ul>	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• <b>Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted.</b></li> </ul>	26/12/2020
ENF/2017/0336 /SEC215	04/03/2020	North	Harmony Hall London Road Weston	Unauthorised dwelling and use of land for the stationing of a mobile home and outbuilding	<ul style="list-style-type: none"> <li>• Notice served 04/03/2020</li> <li>• Compliance by 06/08/2020</li> <li>• <b>Notice complied with case closed.</b></li> </ul>	06/08/2020
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>• 30/06/2020 – Enforcement Notice served.</li> <li>• Appeal submitted awaiting start date.</li> </ul>	03/12/2020

## Committee Report

**Planning Committee** - 8 September 2020

**Application no** DC/19/2195/FUL

**Location**

Land Adjacent To West End Farm  
Mill Lane  
Shadingfield  
Beccles  
Suffolk  
NR34 8DL

**Expiry date** 7 May 2020 (Extension of time agreed until 31 August 2020)

**Application type** Full Application

**Applicant** Merrells Growers Ltd

**Parish** Shadingfield

**Proposal** To build 3no. poultry house with associated admin block and feed bins

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

### 1. Summary

- 1.1. The application seeks planning permission for a poultry production unit with capacity to house some 141,000 broiler chickens, which are produced for their meat; this facility would comprise 3no. poultry houses with associated admin block, feed bins and accompanying vehicle access. The facility would serve the recently completed Crown Chicken processing plant at Eye.
- 1.2. The farm has traditionally been a livestock farm, currently farming cattle. The proposal would allow diversification to enable this agricultural operation to move forward with a sustainable business model.
- 1.3. As highlighted within Schedule 1 (17) (a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, installations for the intensive

rearing of poultry with more than 85,000 places for broiler chickens requires an Environmental Statement (ES) to accompany the planning application.

- 1.4. This planning application was initially submitted on 30th May 2019 without an ES. In accordance with Regulation 11 of the Environmental Impact Assessment (EIA) regulations the application was suspended, and the applicant was notified that an ES was required. Pursuant to Regulations 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant asked for a 'scoping opinion' from the planning authority to state in writing the scope and level of detail of the information to be provided in the environmental statement. Although a scoping opinion could not be formally requested, as the application had already been submitted without an ES, the scope of the ES was provided on an informal basis, the details of which have been submitted with this application.
- 1.5. Following the submission of the ES the planning application was validated on 17 January 2020 and the consultation process was commenced.
- 1.6. A suitable ES has been submitted, the content of which meets the requirements of Regulation 18 and has enabled the Local Planning Authority to reach a reasoned conclusion on the likely significant effects of the development on the environment as required by Regulation 18 4 (b) and Regulation 26 1 (b).
- 1.7. The application has received a significant level of objection from the residents of the nearby settlement of Shadingfield who consider the proposed location for the development to be inappropriate for intensive rearing of poultry due to proximity to the village and the perceived harm primarily to residential amenity and that of the surrounding environment.
- 1.8. Officers consider that the ES demonstrates that the proposed development would not have a significant impact on the amenity of the wider environment or that of neighbouring uses and that where harm is identified suitable mitigation measures can be provided or would be outweighed by Economic Benefits.
- 1.9. The proposed facility would be part of a regionally important supply chain meeting a national demand, contributing to the local rural economy in terms of associated job creation, which would go well beyond that proposed for West End Farm itself.
- 1.10. The application is therefore recommended for approval.
- 1.11. This application is before the Planning Committee at the discretion of the Head of Planning and Coastal Management due to the scale of the development and the public interest in this application. Following a site visit and additional information received, the recommendation by officers remains one of approval.
- 1.12. The Planning Casework Unit at MHCLG has received a request to intervene in this planning application from a group of parish councils within both East Suffolk and Mid Suffolk administrative areas. This intervention does not preclude the Local Authority from making a determination on the application, however no formal decision can be issued until formal confirmation has been received from the Planning Casework Unit as to

whether they wish to pick up the application for determination via a Public Inquiry or not. The outcome of the Planning Committee North will be communicated to the unit after the determination has been had and Members updated accordingly.

## **2. Addendum**

### Site visit:

- 2.1. At the North Planning Committee meeting of 14 July 2020, it was resolved to defer a decision on this application until such time that a site visit could be carried out by members to view the application site in context.
- 2.2. Due to Covid 19 restrictions attendance was limited to the members of the Planning Committee with 'bubbles' of no more than six people at a time including officers; this took place throughout the day on Wednesday 19 August 2020.
- 2.3. Due to the difference in site visit protocol to that specified in the Constitution of East Suffolk Council, which allows for representation from the Parish Council and the applicant an amendment under the Monitoring Officer's delegated powers was made. Section 7 (site visits) of the Code of Good Practice and Guidance to Members – Planning and Rights of Way, within Part 4 of the Constitution was replaced with arrangements for such visits during the Covid 19 pandemic.
- 2.4. Details of attendees and the minutes of the site visit can be found at Appendix A. The route which was taken during the site visit can be seen at Appendix B.

### Additional details:

- 2.5. Since the previous committee meeting some additional details have been provided by the applicant's agent dated 13 August 2020 to provide clarification on the following matters raised by members at the previous committee meeting:

Landscape plan and Visualisations:

- 2.6. An indicative landscaping plan shows a potential landscaping strategy for the site, details of which are required by condition 20 within section 10 of the report. This is submitted together with additional montages of the proposed building within the landscape.

Vehicular movements:

- 2.7. Reassurance that the numbers of vehicular movements associated with the proposal as highlighted within the Transport Assessment are accurate and informed by existing poultry operations and that waste would be removed by HGV rather than smaller multiple loads by tractor and trailer as suggested by objectors.

Alternative agricultural uses:

- 2.8. It has been highlighted that other types of agricultural activities could operate on the site, such as the former dairy herd which operated from West End Farm, with varying

numbers of large vehicles using the access onto the A145, many of which would create vehicular movements in excess of that shown within the current application.

Odour and prevailing wind conditions:

- 2.9. Diagram showing the prevailing wind conditions, originating from the South West.

Additional Representations - Objectors:

- 2.10. Photos have been received within an email dated 20 August 2020 sent to all members of the committee showing HGV tracks from Mill Lane turning left onto the A145, which shows a vehicle crossing the carriageway. This occurrence has been acknowledged in paragraph 8.117 of this report and due to the limited number of vehicle movements associated with this proposal it has been concluded that this would not have an unacceptable impact on highway safety. Furthermore, as highlighted in Paragraph 2.01 of the Transport assessment the government's 20 years Crashmap data (KAB 10) confirms that, even during periods with higher annual vehicle flows along Mill Lane, there were no collisions recorded.
- 2.11. It should be noted that there are two operation farms that use Mill lane for access, West End Farm (applicant) and Park Farm, there are also five residential properties.

Additional Representations - Parish Council:

- 2.12. Caroline Ellis – Chair Shadingfield, Sotterley, Willingham & Ellough jt. Parish Council made on 05 August 2020.

*"I believe that conducting this site visit without Parish Council representation is the democratic equivalent of 'backfitting data', for reasons I outlined in my e-mail of 29th July. This was particularly raised concerns when you confirmed to me in our telephone conversation that you had already discussed the visit with the applicant with regard to him offering parking facilities.*

*I understand that the meeting will be 'minuted', but in view of the sensitive nature of these visits, and the fact that you have discussed the visit with the applicant, perhaps you would consider providing a video or audio recording of the visits to allay my concerns regarding transparency and equality of representation.*

*My comments and requests for members of the Planning Committee, numbered for ease of reference, are as follows:*

- 1. I would ask that Members of the Planning Committee access the site on foot from the A145 (since that is how most residents and visitors currently approach and experience the site); there is safe and sufficient off-road parking at the Village hall. I respectfully request members of the Planning Committee particularly consider the following during the site visit(s):*
- 2. Consider the current tranquil and unspoilt nature of the landscape and the site, as described by Historic England and Suffolk Preservation Society, and reluctantly acknowledged by Mr Scrimgeour SCC.*

3. *Consider the proximity of the site to Moat Farm; would you be more likely to take this fragile and historic building on for restoration if this facility were built, or less likely? Would you consider a large industrial site such as this to contribute in a positive way to the the setting?*
4. *As the NPPF establishes, setting is the area in which a heritage asset is 'experienced'. How do you consider this 'experience' will be affected by a large, noisy, smelly agri-industrial complex of such overwhelming proportions? What effect do you think the HGV traffic and corresponding pollution it will generate will have?*
5. *Imagine three 5m high, 100m long steel clad sheds, 8m high feed bins, the noise from the unfiltered extraction fans running 24/7, noise and pollution from diesel forklifts, including aural reversing warnings, HGVs all year round, and ask yourself if that strikes you as appropriate development for this quiet, rural setting?*
6. *In the event of an Avian Flu outbreak at the proposed 'facility', consider the number of properties / businesses that will be affected. I attach a map showing a 1km radius (taken from the planning application), which was the area of the lockdown zone implemented when there was an outbreak of Avian Flu in Athelington in December 2019.*
7. *Note the location of the proposed passing bays on Mill Lane. The majority of the traffic on Mill Lane not generated by the applicant is from the residences at the east end of Mill Lane i.e. at the junction with the A145, and Park Farm. The proposed passing bays are located west of the Water Tower and this will not address conflicting traffic flows between the applicant's business and the majority of current users.*
8. *Please note the width and surface quality of Mill Lane; consider being a pedestrian, with or without children or dogs, or being on horseback, mobility scooter, wheelchair or bicycle, accessing the local footpaths; if you are on Mill Lane and are met by or pursued an HGV, where will you go to allow safe passing? Please note that while there have been assertions that the level of traffic is considered to be 'low' (a point we dispute and will challenge in due course), no survey or data on pedestrian traffic has, to my knowledge, been carried out, so can you be sure there is no issue here if you are basing your assessment on flawed and absent data?*
9. *Consider the speed and volume of traffic on the A145, and ask if you think it is safe for HGVs to be turning out onto this road from Mill Lane, using both carriageways to do so; we will demonstrate in a report to follow that the estimated vehicle movements are grossly underreported.*
10. *Look again at the footpath / rights of way map (see below). Mill Lane is the principle access for most of these, since it is the only place on the A145 that is accessed from a pavement; all other places where the footpaths emerge onto the A145 are directly onto soft/uneven grass verge and unsafe to walk any distance. I would assert that not to mark Mill Lane up as a footpath was disingenuous and misleading. Cllr. Elliott also referred to this issue at the committee meeting of 14th July.*
11. *SSWE jt. Parish Council have already put in place a biodiversity and heritage enhancement initiative to plant out verges with native and local wildflowers and had identified Mill Lane verges for this enhancement. Consider what, as a user of Mill Lane, would most encourage you to walk and exercise along here, wildflower verges or muddy, rutted tyre tracks?*
12. *Consider, in the disastrous event that this application is approved (and it will be a disaster for the village if you approve this), what screening and planting would make it acceptable to you if you were a resident?"*

### **3. Site description**

- 3.1. The proposed development area is a parcel of arable land approximately 2 hectares in size situated within a larger field. This field is situated close to the Grade II\* listed Moat Farmhouse which stands on a Scheduled moated site and is part of an important medieval complex.
- 3.2. The Grade II\* listed Moat Farmhouse is a timber-framed cross passage plan house and dates from the mid-16th century. Its jettied front and decorated timbers identify it as a building of some status. It is accompanied by an 18th century barn and other 19th century farm buildings and stands on a moated site where it will have replaced a medieval house. The moat is larger and complicated in form, including a small extension where a dovecot probably stood surrounded by its own moat.
- 3.3. Westend Farm is to the west of this site and also has a major medieval moat including internal ponds on the moat platform which could have been fishponds managed by the inhabitants. Between West End and Moat farms there is extensive evidence of an abandoned medieval settlement, with clear earthworks of roadways and house/garden boundaries. There is also evidence that the settlement was linked with the site at moat farm. Both the moats and the settlement earthworks are designated as Scheduled Monuments.
- 3.4. The moated sites are surrounded by fields and it is known that those to the east of Moat Farm were previously part of Shadingfield common, giving a clue as to how the medieval farming landscape might have operated around the scheduled site. Though this landscape has changed in the centuries since the medieval period it remains as farmland.
- 3.5. A ditch and native species hedgerow with trees extend along the North, West and South sides of the application site and in part the Northern extent of Eastern boundary. The ancient boundaries of commons, where they survive, are precious and usually marked by a ditch and hedge that are noticeably larger than others in the locality. Part of the ancient common boundary forms the northern edge of the application site and is of high historical importance.
- 3.6. The application site is located approximately 600m west of Willingham, approximately 3.7km south of the town of Beccles. Current access to the site is gained from Northern corner of the site on Mill Lane which runs along the Southern and Western edges of the application site and joins the A145 (London Road) to the East. Mill Lane is a single-track lane which currently serves the existing farming activities at West End Farm and Park Farm.
- 3.7. The proposed access would be constructed to the South of the existing access approximately 750m from the junction with the A145 made through the existing hedge line on the Western boundary of the site.

### **4. Proposal**

- 4.1. The application seeks planning permission for a poultry production unit with capacity to house some 141,000 birds comprised of 3no. poultry houses with associated admin

block, feed bins and accompanying vehicle access at Land Adjacent to West End Farm, Shadingfield, Beccles, Suffolk, NR34 8DL.

- 4.2. The proposed development comprises three metal-clad sheds approximately 5.1 metres in height to the ridge. The sheds would each measure 22.9m in width and 97.5m in length providing a total floor area of 6,698 sqm. Each shed is to be ventilated by 16 high speed ridge mounted exhaust fans, each with a short chimney providing an overall height of 5.7 metres, with gable end fans to provide supplementary ventilation in hot weather conditions. There are also 5no. 8.3m tall 20-ton capacity bulk feed silos.
- 4.3. Each poultry house would house some 47,000 broiler chickens. The chickens would be reared from day old chicks up to around 38 days old and there would be approximately 7.5 flocks per annum. Catching could occur at two periods at 32/33 days and 37/38 days depending on desired weight. Chickens would generally be removed during night-time hours to ensure welfare best practice. There would then be a 10-day period where the sheds are empty in between cycles.
- 4.4. Access would be gained in a location 750 m from the junction with the A145 and would require the removal of a section of hedgerow and a number of trees on Mill Lane to enable access for HGV's.

## **5. Consultations/comments**

- 5.1. 97 letters of Objection raising the following material planning considerations:
  - Traffic
  - Impact on amenity - Smell, Noise, Outlook
  - Pollution
  - Dust
  - Impact on air quality
  - Ammonia - Methodology and conclusions of reports flawed. Wind direction stated is incorrect.
  - Public Health and safety
  - Highways - Mill Lane Unsuitable for HGV's, access unsuitable, no passing, tuning onto A145 dangerous.
  - Contamination - Land and water
  - Very large in scale
  - Impact on historic environment - Listed buildings/ Scheduled Monuments of Archaeological interest
  - Impact on wildlife
  - Impact on pub/holiday park
  - Overbearing
  - Traffic noise at unsociable hours
  - Light pollution
  - Landscape impact
  - Drainage
  - Impact on peace and tranquillity

- Intensive meat production is inappropriate in a time of climate emergency and extreme biodiversity loss and does not represent sustainable development
- Unsuitable location - Should be on an industrial site
- No benefits to residents of Shadingfield
- Transport assessment misleading as it states there would be no material increase in traffic. Historic date not relevant.
- Safety of walkers and horse riders and cyclists not considered.
- Neighbourhood plan consultation resulted in an overwhelming response to protect open spaces and green belt in the parishes and this proposal is in clear breach of residents wishes.
- Damage to highway by lorries
- Increase in vermin, flies, rats etc.
- Impact on community

5.2. The following non-material planning considerations were also raised:

- Welfare of animals
- De-value houses
- View
- Unethical
- Setting of precedent
- Wrong direction for farming in the 21st century

5.3. 3 letters of Support raising the following points:

- Less disruptive than previous operations on the land such as dairy farming
- Less HGV's than in the past
- Farmers need to diversify
- Now we are out of the common market we should start producing home grown food instead of importing from Europe

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Shadingfield Parish Council	13 June 2019	No response
Summary of comments: No comments made at this stage – Application suspended.		

Consultee	Date consulted	Date reply received
Shadingfield Parish Council	20 January 2020	26 February 2020
Summary of comments: Objection - See Appendix C for full Parish response		

Consultee	Date consulted	Date reply received
Shadingfield Parish Council	21 April 2020	4 June 2020

Summary of comments:

*I write on behalf of Shadingfield, Sotterley, Willingham & Ellough (SSWE) joint Parish Council in respect of the above planning application. Councillors have examined the additional papers submitted by the applicant and his associates and wish to register Council's continued strong objection to this development.*

*Comparing the original Noise Impact Assessment dated 24 May 2019 to the revised paper dated 3 April 2020, it would appear that additional fans are being proposed for these sheds and that these will significantly raise the noise nuisance for residents. The proposed fence barriers and earth bund will not hide the development from view in any aesthetically pleasing way and, in its proposed form your consultant, Mr. Nick Newton, is of the opinion that the bund would likely be unstable and subject to fast erosion. We do not concur that the 2m high fencing and bund would mitigate any noise nuisance from 5m high extraction fans in any significant way for residents. Furthermore, moving the development north, as he suggests, would only aggravate the situation for the nearest residents.*

*At our extraordinary Parish Council meeting of 4th February 2020 to discuss this Planning Application (copy of minutes attached), the applicant's representatives were specifically asked about the timing of end of crop HGV movements but refused to commit on what time of day (or night) these might take place. On closer examination of the Noise Impact Assessment submitted, it is clear from section 5.7 that they expect there to be significant HGV activity and traffic between 20.00 and 07.00 hrs. While they have modelled noise emissions from the site for the nearest residents, no consideration has been given to the noise, disturbance, vibration and pollution arising from the HGVs using Mill Lane (the only point of access), passing within just a few metres of these residential properties. That the applicants were opaque about this issue is, in our opinion, indicative of the lack of integrity and openness of the information that has been submitted in this application and their communication with the local residents.*

*On a useful note, the Heritage Impact Assessment on the frontispiece and pages 15 and 16 includes pictures of Mill Lane, the narrow, single-track lane currently used by pedestrians, cyclists and horse riders. I urge you to examine these photographs and consider how safe and practical it will be for pedestrians and other users to share this pathway with heavy and regular HGV traffic.*

*None of the revised documents mitigate the planning policy issues the Council cited in its letter to you of 19th February, objecting to this application.*

*We understand that East Suffolk Council and its various committees are operating under difficult and unusual circumstances at this time, but would re-iterate that I or another representative of the Parish Council would like to make representations at the meeting of the Committee at which this application is expected to be decided. Please advise as soon as possible the date and protocols for this meeting.*

Consultee	Date consulted	Date reply received
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Willingham Parish Council	21 April 2020	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Willingham Parish Council	20 January 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Willingham Parish Council	20 January 2020	No response
Summary of comments: No comments received		

#### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	13 June 2019	28 June 2019
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	13 June 2019	20 June 2019
Summary of comments: No comments to make at this stage - Application suspended.		

Consultee	Date consulted	Date reply received
Network Rail	13 June 2019	5 February 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
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Suffolk Fire and Rescue Service	13 June 2019	22 January 2020
<p>Summary of comments:  No objection - Advice regarding the use of sprinkler systems and access to firefighting facilities and water supplies. It is highlighted that adequate provisions for fire hydrants is required</p>		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 June 2019	No response
<p>Summary of comments:  No comments made at this stage.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	13 June 2019	No response
<p>Summary of comments:  No comments made at this stage.</p>		

Consultee	Date consulted	Date reply received
Historic England	19 June 2019	8 June 2020
<p>Summary of comments:  No comments received at this stage.</p>		

Consultee	Date consulted	Date reply received
Natural England	27 January 2020	7 February 2020
<p>Summary of comments:  No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A of their response.</p>		

Consultee	Date consulted	Date reply received
Historic England	21 April 2020	14 May 2020
<p>Summary of comments:  Objections - The HIA does not accord with the requirements of paragraph 189 of the NPPF.</p>		

Consultee	Date consulted	Date reply received
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Suffolk County - Highways Department	21 April 2020	29 April 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 March 2020	11 March 2020
Summary of comments: Suffolk County Council as a highway authority maintains the position of requesting that swept paths are submitted for the junction of Mill Lane and the A145.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	20 January 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 January 2020	7 February 2020
Summary of comments: No objection - Highlighted the need for the applicant to obtain an Environmental Permit		

Consultee	Date consulted	Date reply received
Historic England	20 January 2020	14 May 2020
Summary of comments: Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 193 and 194. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	20 January 2020	10 February 2020

Summary of comments:  
Additional letter received removing the requirement for a fire hydrant condition.

Consultee	Date consulted	Date reply received
Network Rail	20 January 2020	No response

Summary of comments:  
No additional comments received.

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	20 January 2020	No response

Summary of comments:  
No additional comments received.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 January 2020	22 January 2020

Summary of comments:  
No objection subject to the submission of a detailed drainage strategy which can be required by condition.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	20 January 2020	6 February 2020

Summary of comments:  
General comments made in relation to access, ditch, surface water drainage and passing bays.

### Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - General	13 June 2019	No response

Summary of comments:  
No comments made at this stage.

Consultee	Date consulted	Date reply received
Royal Society for The Protection Of Animals	13 June 2019	No response

Summary of comments:

No comments received.

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	13 June 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Mr Nick Newton	19 June 2019	9 July 2019
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	19 June 2019	9 July 2019
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	3 February 2020	16 June 2020
<p>Summary of comments:</p> <p>The HIA takes a predictably narrow view on setting and relies heavily upon intervisibility; nevertheless, it is acknowledged by all parties that the site forms part of the setting of Moat farm a highly graded heritage asset. The site forms part of a very open landscape and can be seen from the footpath to the East of moat Farm. The proposal would be an unwelcomed industrialisation of this deeply rural landscape introducing large structures, external lighting and significant levels of HGV's and would represent a shift to a semi-industrial character with significant changes to character scale and intensity of land use.</p> <p>In agreement with HE that the proposal will result in harm to the setting of Moat Farm, the proposal will materially erode the tranquillity and character of the place thereby negatively impacting upon the significance of Moat Farm. The property is currently in a very poor condition and the Society is concerned that to permit this scheme will further undermine securing a sustainable future for this important historic site.</p> <p>This proposal does not provide clear justification as required by paragraph 194 of the NPPF and it has not been demonstrated why it cannot be minimised by alternative site selection.</p>		

Consultee	Date consulted	Date reply received
Design Council	21 April 2020	4 June 2020
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	21 April 2020	No response
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	21 April 2020	No response
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	21 April 2020	No response
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
WDC Environmental Health - General	20 January 2020	10 February 2020
Summary of comments: Internal - Comments included in main report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	20 January 2020	11 February 2020
Summary of comments: Internal - Comments included in body of report.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	20 January 2020	No response

Summary of comments: No comments received
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Consultee	Date consulted	Date reply received
Royal Society for The Protection of Animals	20 January 2020	No response

Summary of comments: No comments received.
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Consultee	Date consulted	Date reply received
Mr Nick Newton	20 January 2020	3 February 2020

Summary of comments: Internal - Comments included in main report.
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Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	20 January 2020	No response

Summary of comments: No comments received
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Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	13 June 2019	No response

Summary of comments: No comments received
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## 6. **Publicity**

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

<b>Category</b> Major Application	<b>Published</b> 29 May 2020	<b>Expiry</b> 28 June 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Major Application	<b>Published</b> 29 May 2020	<b>Expiry</b> 28 June 2020	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>

Major Application	24 April 2020	24 May 2020	Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 24 April 2020	<b>Expiry</b> 24 May 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Environmental Impact Assessment	<b>Published</b> 31 January 2020	<b>Expiry</b> 1 March 2020	<b>Publication</b> Lowestoft Journal
<b>Category</b> Environmental Impact Assessment	<b>Published</b> 31 January 2020	<b>Expiry</b> 1 March 2020	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 21 June 2019	<b>Expiry</b> 12 July 2019	<b>Publication</b> Beccles and Bungay Journal
<b>Category</b> Major Application	<b>Published</b> 21 June 2019	<b>Expiry</b> 12 July 2019	<b>Publication</b> Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: Environmental Impact Assessment Major Application Affects Setting of Listed Building In the Vicinity of Public Right of Way May Affect Archaeological Site Date posted: 24 April 2020 Expiry date: 24 May 2020
General Site Notice	Reason for site notice: Environmental Impact Assessment Major Application Affects Setting of Listed Building In the Vicinity of Public Right of Way May Affect Archaeological Site Date posted: 29 January 2020 Expiry date: 28 February 2020

## 7. Planning policy

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.

7.2. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

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

7.3. National Planning Policy Framework (NPPF) (2019)

7.4. National Planning Policy Guidance (NPPG)

7.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 - Scale and Location of Growth
- WLP1.2 - Settlement Boundaries
- WLP8.21 - Sustainable Transport
- WLP8.24 - Flood Risk
- WLP8.28 - Sustainable Construction
- WLP8.29 - Design
- WLP8.34 - Biodiversity and Geodiversity
- WLP8.37 - Historic Environment
- WLP8.40 - Archaeology

## **8. Planning considerations**

### Principle of Development

8.1. Although there are no policies within the Local Plan directly related to agricultural development a strategic objective of the Local plan is to achieve sustained and resilient economic growth in towns and rural areas.

8.2. Paragraph 83 of the National Planning Policy Framework (NPPF, June 2019) states that: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses.

8.3. Therefore, agricultural development and the expansion of existing agricultural business is supported in principle subject to compliance with other policies within the Local Plan and the NPPF.

8.4. In addition, the proposed poultry operation will require a permit under the Environmental Permitting Regulations (England and Wales) 2016.

8.5. Paragraph 183 of the NPPF highlights that "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than

the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities".

#### Environmental Statement:

8.6. This development triggers the need for an Environmental Statement (ES) as it is Schedule 1 EIA development. In order to reach a reasoned conclusion on the 'significant effects' of the development on the environment the following matters have been identified within the scope of the ES.

- Odour and air quality;
- Noise;
- Drainage - Pollution prevention;
- Ecology;
- Landscape;
- Heritage

8.7. These matters were agreed prior to the submission of the ES with the Local Planning Authority in accordance with regulation 15 of the EIA regulations 2017. As highlighted within regulation 18 (5) the ES has been carried out by competent experts; the relevant expertise and qualifications of the authors of each section of the ES are highlighted in section 1.21. of the ES. It is also considered that the Local Planning Authority has or has access to sufficient expertise to examine the environmental statement as required by regulation 4 (5).

8.8. Other matters that were 'scoped out' of the ES, including the following matters. Although scoped out, these matters are material planning considerations which need to be considered in the determination of this application.

- Transport
- Archaeology
- Flood risk
- Access and Recreation
- Soil and Agricultural Land Quality
- Climate change adaptation
- Cumulative Effects - based on an assessment of other similar developments in the wider area.

#### Economic Benefits & Employment:

8.9. One of the Strategic Priorities and Objectives of the Local Plan (no. 5) is "To achieve sustained and resilient economic growth in towns and rural areas in order to support 5,000 new jobs in the District".

8.10. The economic benefits of the proposal have been queried by the Parish and other respondents to the planning application highlighting the fact that the poultry sheds would only result in the creation of 1no. full time employee; the applicant. Whilst this is correct, the applicant cannot run the facility single handed or in isolation. There are number of associated economic benefits which are listed below:

- In creating full time employment for the applicant, the poultry sheds also secure the ongoing financial viability of the farm and allow for a fourth generation of farming by the Merrells at West End Farm;
- The poultry houses at Shadingfield would serve the regionally important, £74 million Cranswick Chicken processing plant at Eye. The Eye processing plant employs up to 900 people and Cranswick employ over 2000 people in the region. National demand for chicken; Brexit; growing demand for low food miles; and animal welfare standards have resulted in opening the Eye processing plant in 2019;
- A local poultry shed construction company would build the sheds, with a likely construction period of 4 months employing up to 20 people at the busiest time of the build;
- Each of the 7 flocks per annum requires a number of external companies/staff, including and not limited to:
  - Local gas suppliers (for the heating of the sheds);
  - Shavings/ bedding supplier - likely from Stradbroke;
  - Feed from a regional supplier - likely from Hoxne;
  - Chick suppliers and van drivers to deliver birds;
  - At the end of each cycle - bird catchers in teams of 4 with 2 teams, 8 catchers total, are used to gather the birds for transport to the processing plant;
  - Local provider to dispose of the litter;
  - Local company to collect fallen stock; and
  - Local company to remove and dispose of wastewater.

8.11. Therefore, the proposal has much wider employment benefits than the one full time employee in isolation. The proposal would be part of a regionally important supply chain meeting a national demand.

#### Neighbour Amenity:

8.12. Policy WLP8.29 - "Design" of the Local Plan requires that development proposals protect the amenity of the wider environment and neighbouring uses. The impact of this proposal on amenity is an area of significant concern to the local community as can be seen within the representations made with respect to this planning application. The main potential sources of impact on amenity from this proposal will be in terms of odour and noise, which will be discussed in the following sections.

#### Odour & Air Quality:

8.13. An odour report "A Dispersion Modelling Study of the Impact of Odour from the Proposed Broiler Chicken Rearing Houses at West End Farm, near Shadingfield in Suffolk" by AS Modelling & Data Ltd is submitted within Appendix 3 of the ES.

- 8.14. The report highlights that the poultry houses would be ventilated by uncapped high speed ridge mounted fans, each with a short chimney, with gable end fans to provide supplementary ventilation in hot weather conditions. There are some isolated residences and commercial properties in the area surrounding the site of the proposed poultry houses at West End Farm. The closest residences are at: Moat Farm, approximately 185 m to the North-West; West End Farm, approximately 370 m to the West-North-West; Park Farm Bungalow, approximately 330 m to the South-East and residences in Willingham, the closest of which is approximately 470 m to the east.
- 8.15. Within this report odour concentration is expressed in terms of European Odour Units per metre cubed of air (ouE/m<sup>3</sup>).
- ouE/m<sup>3</sup> is defined as the limit of detection in laboratory conditions.
  - At 2.0 - 3.0 ouE/m<sup>3</sup>, a particular odour might be detected against background odours in an open environment.
  - When the concentration reaches around 5.0 ouE/m<sup>3</sup>, a particular odour will usually be recognisable, if known, but would usually be described as faint.
  - At 10.0 ouE/m<sup>3</sup>, most would describe the intensity of the odour as moderate or strong and if persistent, it is likely that the odour would become intrusive.
- 8.16. Odours are typically grouped into three categories by their character: most offensive, moderately offensive, and least offensive. Intensive livestock rearing falls within the moderately offensive category.
- 8.17. The Environment Agency published H4 Odour Management guidance (H4), the following benchmark exposure levels are provided. The benchmarks are based on the 98th percentile of hourly mean concentrations of odour modelled over a year at the site/installation boundary. The benchmarks are:
- 1.5 ouE/m<sup>3</sup> for most offensive odours.
  - 3.0 ouE/m<sup>3</sup> for moderately offensive odours.
  - 6.0 ouE/m<sup>3</sup> for less offensive odours.
- 8.18. The Environment Agency guidelines and findings from UK Water Industry Research (UKWIR) use the 98th percentile hourly mean; this is the hourly mean odour concentration that is equalled or exceeded for 2% of the time period considered, which is typically one year. The use of the 98th percentile statistic allows for some consideration of both frequency and intensity of the odours.
- 8.19. As odours from poultry rearing are usually placed in the moderately offensive category; for this study, the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 ouE/m<sup>3</sup> over a one year period, is used to assess the impact of odour emissions from the proposed poultry unit at potentially sensitive receptors in the surrounding area.
- 8.20. Within the report it states "Peak odour emission rates are likely to occur when the housing is cleared of spent litter at the end of each crop. There is little available information on the magnitude of this peak emission, but it is likely to be greater than any emission that might occur when there are birds in the house. The time taken to perform

the operation is usually around two hours per shed and it is normal to maintain ventilation during this time". It should be noted that as houses are cleared sequentially, this peak may not actually be higher than when all house are emitting odour during the crop.

- 8.21. At some distance from a source, it would be unusual if odour concentration remained constant for an hour and, due to air turbulence and changes in wind direction, short term fluctuations in concentration are observed.
- 8.22. Therefore, although average exposure levels may be below the detection threshold, or a particular guideline, a population may be exposed to short term concentrations which are higher than the hourly average. It should be noted that a fluctuating odour is often more noticeable than a steady background odour at a low concentration.
- 8.23. There are measures that can be taken to minimise odour production whilst the housing is being cleared of spent litter and it is considered that a detailed odour management plan is required that can be agreed by condition.
- 8.24. Although the magnitude of peak odour cannot easily be quantified, the report concludes that it is predicted that, at all nearby residences and commercial premises, the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours, which is an annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. As can be seen in Table 3 taken from the Odour report most receptors will experience less than 1.0ouE/m<sup>3</sup> which is defined as the limit of detection in laboratory conditions.

Table 3. Predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentrations at the discrete receptors

Receptor number	X(m)	Y(m)	Location/Name	Maximum annual 98 <sup>th</sup> percentile hourly mean odour concentration (ouE/m <sup>3</sup> )
				GFS Calms Terrain
1	642802	285128	Moat Farm	2.41
2	642577	285159	West End Farm	0.88
3	642548	285242	West End Farm	0.79
4	643177	284605	Park Farm Bungalow	0.86
5	643288	284568	Park Farm	0.62
6	643421	284798	Willingham	0.82
7	643504	284805	Willingham	0.64
8	643479	284925	Willingham	0.80
9	643391	284981	Willingham	1.06
10	643480	285036	Willingham	0.77
11	643626	284746	Willingham	0.47
12	643659	284964	Willingham	0.49
13	643562	285109	Willingham	0.58
14	643334	285567	Moat Farm Bungalow	0.45
15	643495	285605	Moat Farm 2	0.33
16	643500	284355	Shadingfield	0.27
17	643443	284114	Shadingfield	0.18
18	643690	284338	Shadingfield	0.21
19	643517	284191	Shadingfield	0.19
20	643188	283984	Works	0.15

8.25. In terms of odour impact, it is considered that as peak odour events would only happen on seven occasions during the year and can be minimised by appropriate working practices, the proposal would not have a significant effect on neighbour amenity and would meet the requirements of Policy WLP8.29.

Noise:

8.26. The noise assessments submitted within the ES (Matrix Acoustic Design Consultants - Noise Impact Assessment: Acoustics Report M1901/R02b) examines the potential noise emissions from this development in terms of plant and transport activities within the concrete aprons; this has been conducted in accordance of BS4142:2014: 'Methods for Rating and Assessing Industrial and Commercial Sound'.

8.27. The nearest dwellings to the proposed poultry unit, labelled A - D in Figure 1, are approximately between 255m - 580m from the centre of the proposed development.

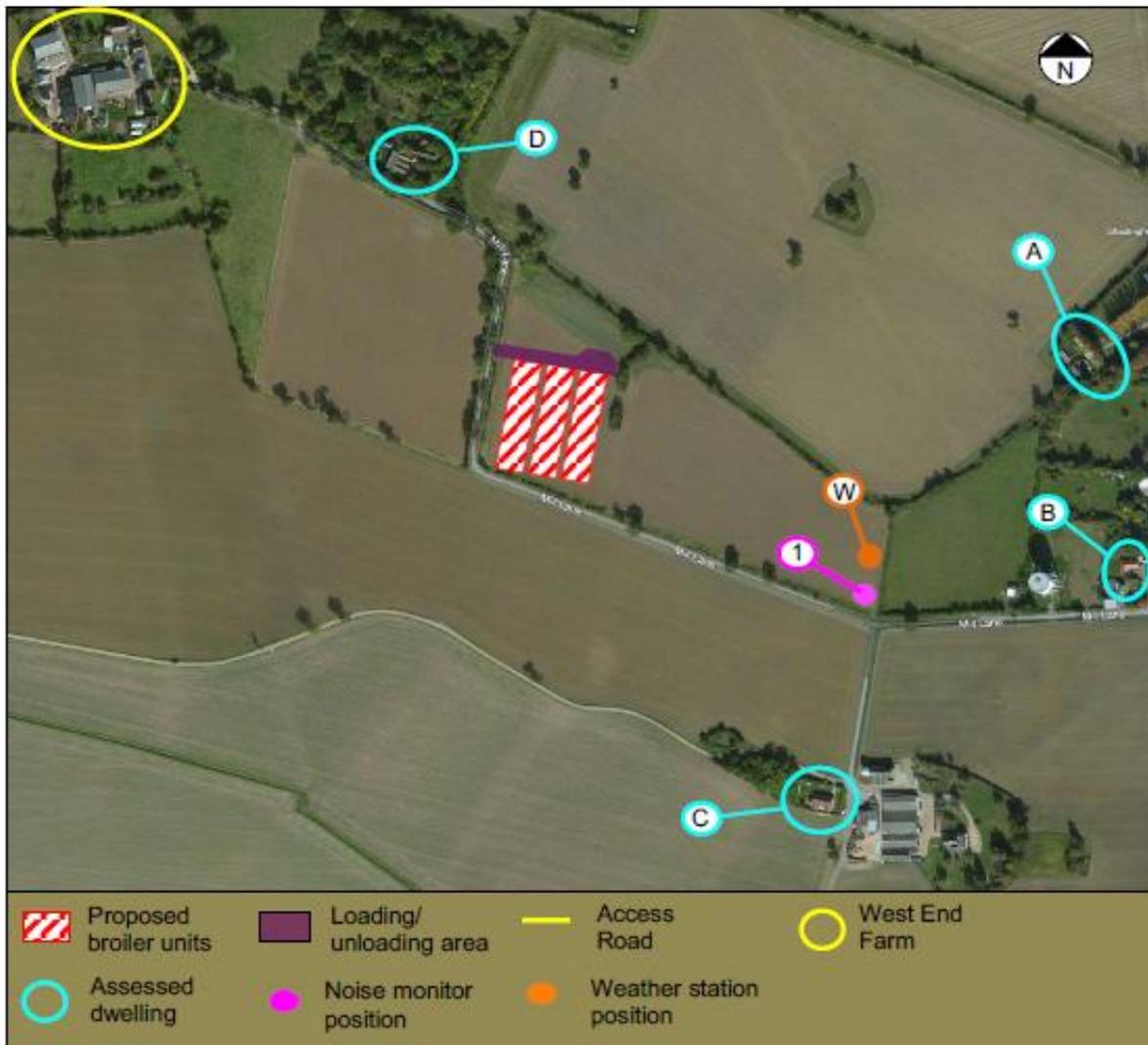


Figure 1. Plan showing footprint of proposed broiler units, assessed dwellings and noise monitor and weather station positions

8.28. For the noise impact assessment, the noise sources generated by the proposed scheme have been split into two categories, namely:

- 8.29. Plant noise: Each shed will have 16 ridge mounted Ziehl ECQ711-6 extract fans and 8 gable end Alfan 50" 1270mm extract fans (located on the south gable end). On the North gable end are 10 passive air inlets; these do not contain fans. There will be an unobstructed noise path between the ridge extract fan duct terminations, which will be 5.75m above local ground, and Dwellings A - D. The gable end fan grilles will be fully acoustically shielded from Dwellings A and D by the poultry sheds themselves. For the assessment attenuators fitted to the atmosphere side of each ridge extract fan that meet the insertion losses explained within the Acoustic report.
- 8.30. Transport noise (within the site): Transport noise includes commercial vehicles manoeuvring and loading/unloading on the concrete apron to the north of the poultry units. A diesel forklift will be used for the loading/unloading of HGVs. Vehicles will access the site via Mill Lane. The concrete apron will be fully acoustically shielded by the buildings themselves for Dwellings B and C.
- 8.31. From the noise data the typical day, evening and night background noise levels have been established as follows:
- Day (07:00 - 20:00hrs): LA90 34dB
  - Evening (20:00 - 23:00hrs): LA90 24dB
  - Night (23:00 - 07:00hrs): LA90 21dB
- 8.32. The above listed typical background noise levels, which are very low, are considered representative to those that will occur at dwellings A-D.
- 8.33. BS4142:2014 provides a methodology to assess the impact of industrial and commercial noise affecting dwellings, whereby the 'typical' background noise level is deducted from the industrial noise Rating Level.
- A difference of around +10dB or more is likely to be an indication of significant adverse impact, depending on context.
  - A difference of +5dB is likely to be an indication of an adverse impact, depending on context.
  - The lower the rating is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or significant adverse impact.
- 8.34. Without attenuation it has been demonstrated within the acoustic report that the noise impacts from the proposal would be as follows:
- Extract fans:
- Ridge and gable end extract fans (day period only): Very low to significant adverse noise impact

- Ridge extract fans only: 100% day, 50% evening and 25% night: negligible (Assessment Level <-10dB) to very low noise impact. 100% day, evening & night: negligible to low
- 8.35. Transport activities (manoeuvring and loading using a diesel forklift): low to significant adverse noise impact during the day and significant adverse noise impact during the night.
- 8.36. Taking into account the contextual considerations highlighted in section 5.7 of the acoustic report it is concluded that the noise impact of the transport activities at Dwellings A - C will be low day and night. At Dwelling D however there is potential for an adverse impact and consequently mitigation measures to address the transport noise emissions here are advised.
- 8.37. The operation of the gable end fans, which will normally only occur during periods of very hot weather, has been identified to potentially result in a significant adverse noise impact at Dwelling C (the noise impact at the other assessed dwellings is very low). It is therefore advised that mitigation measures are introduced to reduce the noise emissions of the gable end fans at Dwelling C.
- 8.38. Mitigation measures shown in figure 4:
- Transport activities: Provision of a 2m high noise barrier along the northern boundary of the concrete apron; Figure 4. With the provision of this measure, and taking into consideration context, officers consider the noise impact will be reduced to low.
  - It is also suggested to extend the barrier along the eastern boundary to reduce transport activity noise for both Dwellings A and B.
  - Gable end extract fans: There are two options available to sufficiently reduce the gable end extract fan noise emissions in order to achieve a low noise impact at Dwelling C, namely:
    - Install attenuators between the gable end fans and grille or;
    - Installation of a 2m high noise barrier running parallel to the south gable ends of the sheds.
- 8.39. In addition to the gable end fan noise mitigation measures it is proposed that the gable end fans will be disabled during the evening and night periods; there will however be an override mechanism as required for animal welfare in case of failure of the ridge fans.
- 8.40. Site management: A noise management plan is recommended within the conditions section of this report to ensure that good noise management practices are employed at this site.

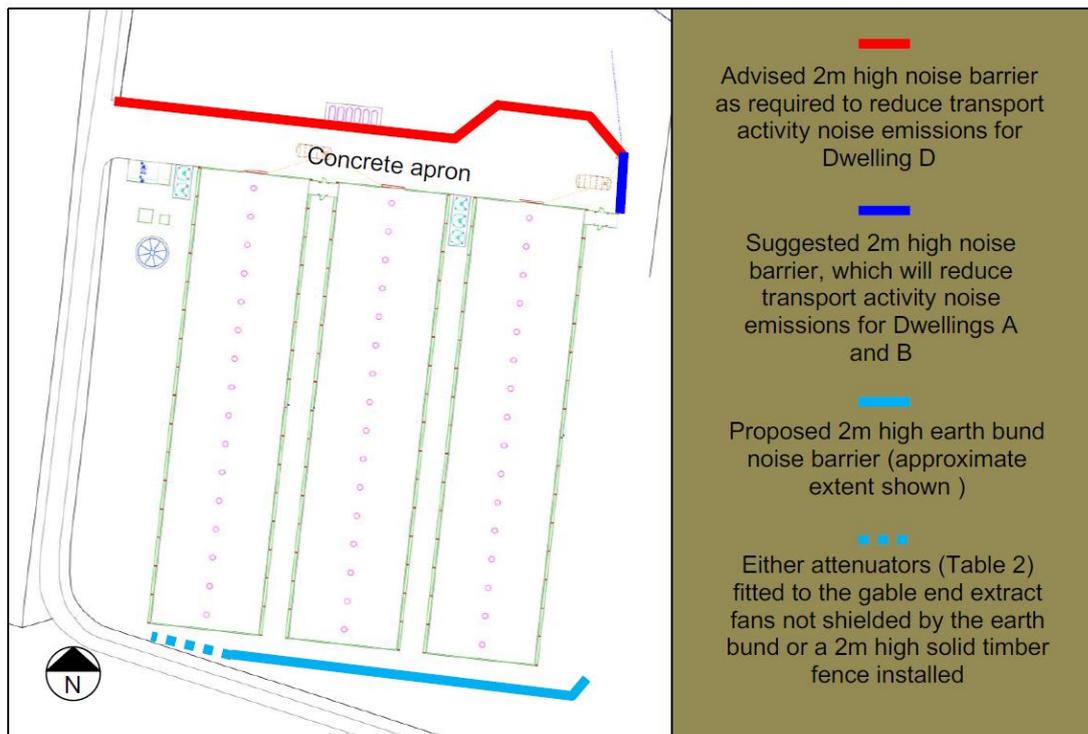


Figure 4. Plan showing advised noise barriers

- 8.41. Objectors of the proposal have highlighted that noise impacts from vehicular movements on the highway have not been taken into account. Although as highlighted in the Transport Assessment intensification in use of Mill Lane will increase, and some of this traffic will be during night-time hours, agricultural uses can generate varying amounts of traffic as can be seen historically at this site. Occupants will already be affected by traffic on the A145 of which there is no control and the frequency of vehicular movements generated by this development is at a very low level which will have minimal impact on neighbour amenity.
- 8.42. With the implementation of suitable mitigation measures as discussed in the acoustic report and highlighted above, it has been established that development will not result in an adverse noise impact at the nearest dwellings and is considered to comply with the requirements of policy WLP8.29.

Drainage and flood risk:

- 8.43. The site is situated in Flood Zone 1 (FZ1) and therefore has a low probability of flooding. As highlighted in National Planning Practise Guidance, sites of more than 1 hectare in size require a Flood Risk Assessment (FRA). Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate taking account advice from the lead local flood authority.
- 8.44. A Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SWDS) has been provided as part of the ES to evaluate the flood risk to the proposed development in addition to considering the impact that the development will have on the surrounding area.

- 8.45. The proposed development is located in fluvial and tidal Flood Zone 1 with very limited risk of surface water flooding, and at very low risk of groundwater flooding.
- 8.46. Planning Practice Guidance states that sustainable drainage system should aim to discharge surface water run-off as high up the following hierarchy of drainage options as reasonably practical:
- Into the ground (infiltration);
  - To a surface water body;
  - To a surface water sewer, highway drain or another drainage system;
  - To a combined sewer.
- 8.47. The SWDS has explained that the surface water runoff will discharge into a drainage system, designed to contain up to and including the 1 in 100-year rainfall event including climate change. To prevent pollution to the surface waters, underlying geology, and groundwater an appropriate level of water treatment stages has been incorporated into the design.
- 8.48. To reduce the risk of flooding due to the failure of the surface water drainage system over its lifespan, a maintenance scheme detailed should be adhered to.
- 8.49. The lead local flood Authority have assessed the SWDS and have noted that whilst the application is generally acceptable, there are some further details that still need to be established of which the submitted documentation proposes to do so as part of detailed design.
- 8.50. Section 6.4 of the FRA states infiltration testing will be completed post approval to confirm the viability of infiltration. Whilst infiltration should be viewed as a primary method for surface water disposal, the re-use of surface water should be above this. The proposed development would appear to have a significant need for water to wash down the sheds between use.
- 8.51. Although it is stated that the 're-use of water is unlikely' it is considered that the re-use of water for wash down could be met by rainwater harvesting, which should be assessed further as part of detailed design. A positive outfall and additional storage will need to be maintained in the event that any rainwater harvesting system is full at the time of a rainfall event.
- 8.52. Conditions are required in order to agree the final SWDS and maintenance of it. The provision of an appropriate drainage system will meet the requirements of Policy WLP8.24 and Paragraph 165 of the NPPF.

Ammonia:

- 8.53. "A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at West End Farm, near Shadingfield in Suffolk" by AS Modelling & Data Ltd. was submitted within Appendix 4 of the ES.

- 8.54. There are several areas that are designated as Ancient Woodlands (AWs) and/or Local Wildlife Sites (LWSs) within 2 km of West End Farm. There are two Sites of Special Scientific interest (SSSIs) within 5 km, namely, Titsal Wood, Shadingfield SSSI and Sotterley Park SSSI.
- 8.55. Parts of The Broads Special Area of Conservation (SAC) and Special Protection Area (SPA), Benacre to Easton Bavents Lagoon SAC & SPA and Minsmere to Warberswick Heath SAC & SPA are within 10 km of the farm.
- 8.56. Ammonia emission rates from the proposed poultry houses have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen and acid deposition rates in the surrounding area.
- 8.57. Ammonia in the air may exert direct effects on the vegetation, or indirectly affect the ecosystem through deposition which causes both hyper-eutrophication (excess nitrogen enrichment) and acidification of soils.
- 8.58. The background ammonia concentrations, Nitrogen and acid deposit rates have been obtained from the Air Pollution Information System (APIS, February 2019) and are highlighted within the ES.
- 8.59. Critical Levels and Critical Loads are a benchmark for assessing the risk of air pollution impacts to ecosystems. The Critical Levels and Critical Loads at the wildlife sites assumed in this study are provided in Table 3 of the Ammonia report.
- 8.60. The modelling predicts that, should the proposed development of the poultry rearing operation at West End Farm proceed, the process contribution to annual mean ammonia concentration would be below the Environment Agency lower threshold percentage and at all sites designated as SSSIs (only), the process contribution to annual mean ammonia concentration would be below the Environment Agency lower threshold percentage.
- 8.61. Natural England is a non-departmental public body. Their statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Based on the information submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and have no objection to the proposal.
- 8.62. It is considered therefore that the proposal would comply with the requirements of Policy WLP8.34 - "Biodiversity and Geodiversity"

Ecology:

- 8.63. Chapter 6 of the ES relates to Ecology (Parker Planning Services, January 2020), which is accompanied by an Ecological Impact Assessment (EclA) (Bench Ecology, May 2019). The Council notes the conclusions of the consultants and those of the Ammonia Modelling Report (AS Modelling & Data Ltd, February 2019) and the comments made by Natural England and the Environment Agency in relation to potential ecological impacts. Based

on the information provided it has been demonstrated that the proposed development is unlikely to result in a significant adverse impact on designated sites, protected species or UK Priority species or habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), subject to the implementation of the mitigation measures identified in the EclA.

- 8.64. The proposed development will result in the loss of a short section of species poor hedgerow on the western boundary to create the vehicular access. This loss could be compensated by the planting of a new hedgerow on the eastern boundary of the site linking the southern boundary hedgerow to the short section of eastern boundary hedgerow that already exists. The details of this planting should be secured by condition, should permission be granted.
- 8.65. There also appears to be an area of land within the northern part of the site which is not proposed for development on the layout plan, it is not clear what the intended use for this area is however it offers the opportunity for the creation of rough grassland which would be of benefit for a range of species including invertebrates, amphibians and birds. The details of the creation and long-term management of this area should be included as part of the landscaping plan.
- 8.66. It is considered therefore that the proposal would comply with the requirements of Policy WLP8.34 - "Biodiversity and Geodiversity"

Landscape impact:

- 8.67. The application is supported by a Landscape and Visual Impact Assessment (LVIA) that is written in accordance with professional standards for such reports; its content has been reviewed by officers, including the Council's Arboriculture and Landscape Manager who has no objections to the proposed development. It should be understood that this is a straightforward landscape and visual assessment conclusion and is not arrived at on the same basis that Historic England will have come to their specific conclusions as regards the setting of the nearby Scheduled Ancient Monument, which are discussed in the heritage section which follows.
- 8.68. Local Plan Policy WLP8.35 - "Landscape Character" - sets out that: development proposals will be expected to demonstrate that their location, scale, form, design and materials will protect and where possible enhance their environment; and that proposals should include measures that enable a scheme to be well integrated into the landscape.
- 8.69. Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland;

- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

8.70. The three poultry sheds would be located in an almost north south orientation parallel to the western boundary, each measuring 22.86 x 97.536 in area, with a vehicular access point half-way along Mill Farm Road frontage, requiring the removal of a section of the Western boundary hedge. The buildings are low in height at 5.1 metres to the ridge, 5no. 8.3m tall 20-ton capacity bulk feed silos are also proposed.

Description of site:

- 8.71. Mill Lane is a single-track road with mature hedges on one or both sides. The site is part of an open field recently cut low and left fallow. There are high mature native hedges to the western, northern, and southern boundaries. The base of the hedges are wide and estimated to be over 3m.
- 8.72. The eastern boundary is open except for a short section in the North West corner. There are occasional mature oak trees with some ash, which provide prominent features in the landscape. Combined with the hedges they provide an effective screen to the west and North of the site and somewhat to the south where the hedge is lower in nature, with a gap at the south west corner.
- 8.73. In the North Western corner is a drainage pond on the boundary, as well as one to the north east. Both these areas of water are surrounded by native vegetation. Beyond the site to the east is a water tower which dominates the view. The site lies between the 30m and 35m contour. The site is approximately 2ha in size, is Grade 3 agricultural land and is generally flat.

Landscape Character:

- 8.74. The site is identified as being within the National Character profile South Norfolk and High Suffolk Claylands. The Suffolk Landscape Character Assessment has assessed the landscape of the county and identified thirty distinct types of landscape within it. The site falls within an area identified as Ancient Plateau Claylands. The site generally conforms to the landscape characteristics of this character area, particularly the field patterns and the association with hedges forming visual intimacy. The area formed part of Shadingfield Common, enclosed in the 19th century.

#### Assessment of landscape effects:

- 8.75. Assessment is made through understanding of the sensitivity and magnitude; assessing effects on the landscape as a resource in its own right. Assessment of visual effects through understanding of the sensitivity and magnitude; assessing effects on specific views and on the general visual amenity experienced by people which are shown in a table format shown within the LVIA.
- 8.76. Judgements on sensitivity are made by considering the susceptibility of the receptor to the type of change arising from the specific proposal; and the value attached to the receptor. The magnitude of the change is assessed. Magnitude includes the scale, the geographical extent and the duration or reversibility of the visual effects.
- 8.77. Overall effects are determined by making judgement about two components, the nature of the receptor likely to be affected 'sensitivity' and the nature of the effect likely to occur 'magnitude'. The effects are given an overall value taking the above into account. The overall values are major, moderate, minor and negligible and are given for the effects after one year and 10 years.
- 8.78. The report concludes that there will be minor to moderate adverse impacts after construction which will reduce to negligible to minor after 10 years subject to suitable mitigation, which would be required by condition.

#### Mitigation:

- 8.79. In terms of mitigation the report states that the design of the proposed development should be well-integrated into the landscape and maintain the quality of the transition between the developed and the rural landscape; the treatment of the site boundaries, will be key to maintaining and enhancing the quality of that transition. This should include the reinstatement of the Eastern boundary hedge which can be seen on historic aerial photos and provision of improvements to hedging within the site and on land controlled by the applicant. The Southern boundary will be required to substantially planted with native hedge species to fully enclose this corner, the mitigation measures required within the noise report relating to the gable end fans will also need to be incorporated into the area to the South of the building.
- 8.80. It should be noted that the mitigation is reliant on the retention of the existing natural vegetation site features. Recent hedgerow management around this site has taken place which comprised heavy reduction/coppicing of the hedgerows on the Western boundary of the site with Mill Lane. This practise complies with the requirements of the Hedgerow Regulations 1997; and indeed, is a useful exercise to carry out which will most likely see the regeneration of the hedges with renewed vigour and of a denser structure. However, in the short term, and subject to the timetable for building these sheds should planning permission be granted, there is a likelihood that there will be greater visual impact arising from the development for receptors in the immediate locality than may have been originally envisaged in the submitted landscape and visual impact appraisal. This should only be a short-term effect until such time as the hedges regrow and any new planting becomes established.

- 8.81. Residual impacts would be controlled by a Landscape Management Plan which should show a clear indication of who is responsible for the meeting of the commitments set out in the plan. The plan should cover 0-10 years after which management is to be fully reviewed.
- 8.82. On the basis of the conclusions of the LVIA and subject to the delivery of the mitigation and effective landscape management of the site and surrounding land it is accepted that the proposal can be achieved without significant landscape or visual harm and that the proposal would comply with the aims of the Local Plan policy WLP8.35 - "Landscape Character" and paragraph 170 of the NPPF.

Heritage:

- 8.83. This application proposes the construction of poultry sheds and associated development on a field close to the Scheduled Monument at Moat Farmhouse; Moat Farmhouse is Grade II\* listed and stands on the Scheduled moated site and is part of an important medieval complex including the Scheduled Monument at West End Farm to the North West of the site. At West End Farm the scheduled area incorporates a moated site and associated earthworks.
- 8.84. Moat Farmhouse also includes a Grade II listed barn twenty metres south-west of Moat Farmhouse, all other pre-July 1948 buildings on the site are curtilage listed.
- 8.85. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 8.86. This statutory requirement is reflected in chapter 16 of the NPPF which sets out (inter alia):
- That heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (para. 184);
  - That applicants should describe the significance of any heritage assets affected, including any contribution made by their setting (para. 189);
  - That great weight should be given to the conservation of heritage asset's and, the more significant the asset, the greater the weight should be (para. 193);
  - That any harm to, or loss of, the significance of a designated heritage asset (from development within its setting) should require clear and convincing justification (para. 194)
- 8.87. Policy WLP8.37 - "Historic Environment" of the Local Plan states that proposals for development should seek to conserve or enhance Heritage Assets and their settings and that all development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment (HIA) prepared by an individual with relevant expertise.

Heritage Advice sought:

- 8.88. The application has been advertised as affecting the setting of listed buildings and, because Moat Farmhouse is a Grade II\* listed building and also because it stands on a Scheduled Monument, Historic England (HE) has been consulted on this application.
- 8.89. Views on the setting of designated heritage assets that are listed buildings have been sought from the LPA's Design and Conservation team and Historic England, in whose remits this falls. Views on the setting of designated heritage assets that are Scheduled Monuments have been sought from Historic England, in whose remit this falls. The LPA has no in-house expertise in the area of archaeology.
- 8.90. The HIA has been revised since submission in response to comments on it from Historic England. The revised version - dated May 2020 - plus the summary provided as an addendum to the Environmental Statement, also May 2020, have been used to form the views of the Local planning Authority and that of Historic England with respect to the heritage impact of the proposal. It is considered that the HIA meets the requirements of NPPF paragraph 189.

Summary of historic landscape character and Moat Farmhouse setting:

- 8.91. Of importance to note from the HIA's map regression is that the application site historically formed part of Shadingfield Common along its northern edge. The common was enclosed in the late 18th/early 19th century and the very carefully drawn outline of it on Joseph Hodkinson's map of 1783 (illustrated in the HIA) appears to have been lost, initially to multiple field enclosures and subsequently to field aggregation in the post-war period (the 'prairie' landscape of intensive arable production). The ancient boundaries of commons, where they survive, are precious and usually marked by a ditch and hedge that are noticeably more massive than others in the locality. Part of the ancient common boundary does actually form the northern edge of the application site and is of high historical importance: it appears to still survive and will be unaffected by the application proposals. Also, of note is the depiction on the 1783 map of a post mill situated in the top north-east corner of the common - historically, a number of post mills stood within or adjacent commons. Mill Lane, of course, derives its name from this now lost man-made landscape feature. Shadingfield hamlet, Moat Farm and West End Farm were part of the medieval common-edge pattern of settlement which is typical of the High Suffolk landscape. The majority of moats were laid in the 13th and 14th centuries on clay soils and are, therefore, much older than the replacement houses and farm buildings on them.
- 8.92. From this summary of the surrounding historic landscape character, it can be seen that the landscape setting to Moat Farm has changed significantly over 240 years or so. This also includes in terms of agricultural activity - from mixed in the medieval period to arable to animal husbandry to intensive arable. The evidence for stock production in the 19th century is the proliferation of field-edge ponds (now lost) on the 19th century tithe and Ordnance Survey maps and the increase in associated farm buildings at Moat Farm and West End Farm. The historic landscape setting to Moat Farm, therefore, has not been static but has been in a state of change and evolution over many hundreds of years, involving enclosure and then aggregation of fields, and changing agricultural practices including arable, pasture and livestock. It is considered that change is characteristic of

this landscape type and, in a sense, all that is settled and established about it is that surrounding landscape uses have all been associated with agricultural practices. This is evidenced by the fact that the wider landscape is one where farmsteads and hamlets form almost incidental features; this important characteristic is worthy of preservation.

Application site:

- 8.93. The application site does form part of the setting to Moat Farm - its farmhouse, barn and extant associated buildings (and moated site). It appears never to have been previously developed. It forms one modest part of the extensive farmed landscape that are the surroundings to Moat Farm. For this reason, it contributes to the significance of Moat Farm, as a farmstead is an integral part of its farmed landscape and both are indivisible. That is not to say that all parts of a heritage asset's setting will contribute equally in importance. For example, those parts onto which the principal elevation of the farmhouse overlook will have a higher degree of importance in terms of aspect and orientation. Those parts that shared ownership and use with the farmhouse will have a higher degree of importance through direct association - particularly so where that extends to the present day (or at the time of listing).
- 8.94. Thus, the application site contributes moderately to the significance of Moat Farm on the basis of its close physical proximity, its use as a field (for cattle grazing until recently) in a landscape of fields, and possible historical ownership - but not more than that, because it is not directly opposite the farmhouse and it is only a modest part of the wide landscape setting in actual measured area. On the ground, there is clear intervisibility between the moated site and the application site; and the two sites can be read together looking southwards from footpath No. 04 that runs along the eastern boundary of Moat Farm and which then branches off eastward just beyond. It is beyond dispute, therefore, that the application site forms part of the surroundings in which Moat Farm is experienced and, thereby, constitutes part of its setting.

Effect of proposed development on the setting of Grade II\* Moat Farmhouse:

- 8.95. With regards to the application site, there are two ways in which the proposed development will change its contribution to the setting of Moat Farmhouse: through the change in the way that the land is being used; and by the addition of built form in connection with that. In respect of the former, poultry farming is an agricultural activity; and in respect of the latter, the built form will consist of agri-industrial sheds required for the agricultural activity of poultry rearing.
- 8.96. It is considered by the LPA that these two changes are entirely consistent with the characteristics of the historic landscape that forms the setting to Moat House that are identified above - that is, that the setting has changed over time but only ever in association with changes in agricultural activities; and, secondly, that these changes have, at times and in particular connection to the use of land for livestock, included the addition of buildings and the division of fields. Modern poultry sheds are simply the current face of this kind of production in the landscape - just as threshing barns, granaries and shelter sheds were in their time. It is just that no-one needs to build those sorts of traditional buildings anymore.

- 8.97. HE is of the view that although this landscape has changed in the centuries since the medieval period it remains as farmland without modern development and as such helps in understanding of the heritage assets and contributes to their historic significance. The proposed development would bring industrial style development to the landscape around the historic complex which would result in harm to the significance of the heritage assets.
- 8.98. Although the view of HE differs to that of the LPA with regard to the acceptability of built development on land that has previously only served as green fields under cultivation and the impact of such on the setting of Heritage Assets in the vicinity of the site, it should be noted that the comments from the LPA relate to the setting of the Grade II\* listed farmhouse (C16th) and Grade II listed barn at Moat Farm (C18th), only. The scheduled sites at Moat Farm and West End Farm are designated heritage assets that are of archaeological significance of which they are the remit of HE.
- 8.99. It is considered by the LPA that there is no harm arising from this proposal in respect of the designated heritage assets that are Moat Farmhouse and its listed barn and curtilage listed buildings from this proposed development in their setting. Therefore, the relevant statutory test is met (s.66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990); and that the relevant NPPF tests at paragraphs 196 and 197 are not engaged.

Effect of the proposal on the Scheduled Monuments at Moat Farmhouse and Westend Farm:

- 8.100. HE has made several representations about this planning application, initially raising concerns in relation to the methodology used for the HIA and its suitability when considered against paragraph 189 of the NPPF. This has since been rectified with the amended HIA and associated addendum to the ES (May 2020).
- 8.101. HE has outlined the significance of the Grade II\* listed Moat Farmhouse, its accompanying 18th century barn and other 19th century farm buildings which stand on a large and complex medieval moated site, a Scheduled Monument. They explained that West End Farm also has a major Scheduled medieval moat. Between West End and Moat farms there is extensive evidence of an abandoned medieval settlement, also Scheduled, and evidence that the settlement was linked with the site at Moat Farm.
- 8.102. HE is of the view that the HIA understates the value of the surrounding land as green fields under cultivation (a land use that has persisted for centuries) a feature that helps in the understanding of the heritage assets and contributes to their significance. The scale and material of these buildings is different to traditional agricultural buildings and brings an industrial style of development to the landscape around the historic complex. Whether they are screened by existing and additional planting would not remove the simple fact of building of this scale and type occupying part of the immediate setting of the heritage assets.
- 8.103. In view of the archaeological expertise of HE, officers accept their view that the development of the application site would result in harm to the significance of the scheduled moated sites and that the proposal would not preserve those elements of setting that make a positive contribution to this heritage assets.

- 8.104. As highlighted above the NPPF states that great weight should be given to the conservation of heritage assets and, the more significant the asset, the greater the weight should be. That any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. HE has highlighted that this weight and the justification for harm should be especially convincing where harm to assets of a high grade of designation is concerned, as is the case here.
- 8.105. The harm to the Scheduled moated sites would be 'less than substantial'. The test at paragraph 196 of the NPPF, therefore, is here engaged and this harm must be given great weight by the decision-taker and properly weighed against the public benefits of the proposal. For the purposes of this recommendation, that balance will be undertaken in the concluding section of this report.

Procedural matters:

- 8.106. Historic England can request that the Secretary of State (for Housing, Communities and Local Government) can direct that the application is referred to him for their decision instead of our planning committee. This can be done at any point up to the issuance of a planning decision. Once the formal permission or consent has been issued, the application can no longer be called-in. The Secretary of State may therefore put a temporary stop on the local planning authority issuing a planning permission whilst he or she is deciding whether to call it in. Generally, the Secretary of State will only consider the use of his call-in powers if planning issues of more than local importance are involved.

Transport:

- 8.107. Transport impacts were 'scoped out' from the ES as based on the connections this site has to the main highway network and the proposed number of additional vehicle movements created by this form of agriculture it was considered that the proposal was unlikely to have a significant impact upon highway safety and could be scoped out. Although 'scoped out' from the ES a Transport Assessment (TA) has been included within the application in order that the traffic and highways implications of the development can be properly considered.
- 8.108. Local Plan Policy WLP8.21 "Sustainable Transport" promotes (inter alia) development that is proportionate in scale to the existing transport network and requires that the cumulative impact of new development does not result in severe impacts on the highways network. Chapter 9 of NPPF provides clear guidance on considering development proposals:
- 8.109. Paragraph 108 of the NPPF requires that development proposals should ensure that safe and suitable access to the site can be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.110. The response to the publicity of this application has highlighted that traffic and highways impacts from this proposal are of significant concern to residents in the vicinity.

8.111. The TA notes that there are currently 124 traffic movements a year associated with West End Farm. Historically the farm has generated much higher levels of traffic without incident. Collision data confirms that no relevant collisions have taken place on Mill Lane, or at its junction with A145, over the most recent 20 years record period. Hence, the lane and its junction have an excellent accident record.

8.112. The chart below highlights the level of traffic generated by this proposal in vehicle numbers:

	Vehicles Per Crop	Vehicles per year
Gas & Shavings	4	35
Feed	14	96
Chicks	2	15
Birds	20	145
Litter	9	65
Carcass	5	36
Dirty Water	3	22
<b>Total</b>	<b>57</b>	<b>414</b>

8.113. Peak vehicle flows take place only over a period of two days per chicken production cycle, typically 6 -10 loads would be required at day 32-33 and at day 38-39, considering different weights of birds. There are seven cycles per year.

8.114. Therefore, with seven cycles each year the peak vehicle flows would take place on fourteen days of the year, and at a level of 20 vehicles per day (10 in + 10 out).

8.115. The table below accounts for all in bound vehicular movements associated with this proposal:

Movement Type	Vehicle Type	Vehicles per crop	Vehicles – Non-Crop time	Vehicles per year
Gas & Shavings	HGV	4		29
Feed in	HGV	14		96
Chicks in	HGV	2		15
Birds out	HGV	20		145
Litter out	HGV	9		65
Fallen stock out	LGV	5		36
Dirty water out	HGV	3		22
Staff*	Light van/car	76	91	638
External Management	Light van/car	Average 5.4	13	52
<b>Totals</b>		<b>138.4</b>	<b>104</b>	<b>1098</b>
<p><b>* Staff will be travelling from West End Farm</b>  <b>Total number of movements (in and out) from main A145 - 920</b>  <b>Total number of movements (in and out) from West End Farm - 1276</b></p>				

- 8.116. Mill Lane is a lightly trafficked road which terminates to the West of the application site. Although there will be an intensification of traffic movements to that currently experienced, this would not be materially significant in terms of traffic flows along Mill Lane, at its junction with the A145 or to the wider network.
- 8.117. SCC Highways authority have expressed concerns, in particular with regard to the potential for HGV's to meet one another on Mill Lane or having to wait on the A145 for Mill Lane to be cleared. It has been suggested within the ES that this is most unlikely particularly that the lorries from the Cranswick facility have trackers to ensure that this does not occur. However, not all vehicles on Mill Lane will be from the Cranswick facility and the TA does not take into account other vehicles from the properties at the East end of Mill Lane. Also, with the intensification of the access on to the A145 there will be more instances where large vehicles will need to cross onto the other side of the carriageway to enter or exit mill Lane, the main risk will be exiting Mill Lane going North bound
- 8.118. With respect to this issue above the applicant has agreed to provide a passing place on Mill Lane and to provide a Delivery Management Plan in order to mitigate these risks.
- 8.119. Although the TA does not appear to consider more vulnerable users of the highway such as walkers, cyclist and horse riders, the estimated vehicular movements generated by this development are very low and the frequency of vehicles meeting such users of the public highway will be limited.
- 8.120. In view of the low level of vehicle flows and the lack of any identified, high accident areas, it is considered that there will not be any severe residual transport impacts or any material adverse impact on highway safety and highway capacity conditions. SCC as Local Highways Authority have not objected to the proposal. It is considered that the proposal accords with Local Plan Policy WLP8.21 and paragraph 108 and 109 of the NPPF and that this development should not be prevented or refused on transport grounds.

Archaeology (on site):

- 8.121. Policy WLP8.40 - "Archaeology" requires that an archaeological assessment must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains.
- 8.122. The site lies within the extent of the former Shadingfield Common (County Historic Environment Record SDG 012). Whilst archaeological evidence for occupation may be expected around the outside edges of the common (as is indicated by further HER records SDG 023 and 024), the sorts of activities which took place within it are likely to have left more sparse archaeological remains. There are also no indicators currently in the Historic Environment Record to suggest that the development has a high potential to have a significant impact on earlier remains. Therefore, it is not necessary to impose conditions relating to a programme of archaeological works should planning permission be granted.

### Other matters:

#### Access and Recreation:

- 8.123. Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure.
- 8.124. There are no such opportunities in relation to this proposal. Although it is stated within the planning statement that Mill Lane does not appear to be recorded on the public register as a public right of way, Mill Lane is a public road of which pedestrians are entitled to use. The closest public footpath (04) is 200m to the north west of site (adjacent to Moat Farm), in all likelihood pedestrians would use Mill Lane to gain access between public footpaths. However, as highlighted with the transport section of this report, due to the very low traffic levels generated by this use this proposal would not impede access to the natural environment, as required by Paragraph 98 of the NPPF.

#### Soil and Agricultural Land Quality:

- 8.125. The application site has an Agricultural Land Classification of Grade 3, which is 'Good to Moderate'. Grade 3 agricultural land is not a high quality or scarce resource regionally and the layout is designed to retain as much of the remaining land holding for farming as possible. Accordingly, the proposal is considered acceptable in Soil and Agricultural Land Quality Terms and therefore complies with the requirements of paragraph 170 of the NPPF.

#### Contaminated land:

- 8.126. Although there is no assessment for land contamination submitted with the application; given the nature of the site and the proposed development, a condition dealing with any unsuspected contamination which may be encountered during development would be the most pragmatic way forward.

#### Climate change adaptation:

- 8.127. The Local Plan includes several policies relating to climate change; of relevance to this proposal are WLP8.24 – “Flood Risk”, Policy WLP8.27 – “Renewable and Low Carbon Energy” and Policy WLP8.28 – “Sustainable Construction”.
- 8.128. As already set out, the submitted Flood Risk Assessment concludes the development is in fluvial and tidal Flood Zone 1 with very limited risk of surface water flooding, as such the proposal will not exasperate the effects of climate change by increasing flood risk, in compliance with Policy WLP8.24 – “Flood Risk”.
- 8.129. The applicant has stated that they are considering the installation of roof mounted solar panels, although they do not form part of this planning application. As part of the detailed drainage strategy, to be agreed by condition, the suitability of rainwater harvesting is to be considered. If these measures were employed, they would assist in

reducing the electricity and water requirements of the poultry sheds and assist in district wide climate change adaptation.

- 8.130. The proposed poultry sheds are of energy efficiency design, primarily in respect of heat retention, which is essential for ensuring the correct climatic conditions for the birds, in compliance with Policy WLP8.28.

Reasonable alternatives:

- 8.131. Regulation 18 3 (d) of the EIA regs states that an ES must include a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.
- 8.132. Within section 10 of the ES it is explained that the developer (Merrells growers Ltd.) considered other options in terms of siting and orientation of the units on land within the agricultural holding. The proposal evolved from the 'first layout' to the West of Mill Lane to the 'second layout' to East of Mill Lane and the orientation was rotated 90 degrees to the position as proposed within this application.
- 8.133. In this case the poultry shed design and location has progressed in response to odour, animal Welfare and the potential for effects on nearby dwellings. Although it has been highlighted by objectors that the second option is closer to the majority of residents of the village, the site is still a considerable distance from residential properties and this site does take the proposed building further from the Scheduled sites of which forms the basis for the Historic England objection.

Permitted development:

- 8.134. The applicant has suggested that a 1000 sqm building could be constructed on the land for the housing of livestock. However, within the GPDO this restricts buildings for the housing of livestock when within 400 metres of a protected building, defined in the order as "a permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed". The closest residence is at Moat Farm, approximately 185 m to the north-west.
- 8.135. It is accepted though that a large building of significantly greater height could be constructed on this site without the requirement for planning permission, but without a clear and realistic permitted development fallback position, this is a matter that can be given only very limited weight when determining the application.

Welfare of animals:

- 8.136. Although a large proportion of the representations relate to matters of animal welfare, including a petition from the PETA Foundation - (People for the Ethical treatment of Animals) and representation from Compassion in world farming, this is not a material planning consideration and other legislation deals with such matters.

- 8.137. The Code of practice for the welfare of Meat chickens and Meat breeding chickens is made under the Animal Welfare Act 2006. The principle legislation referred to in this Code are the Welfare of Farmed Animals (England) Regulations 2007 and the Mutilations (Permitted Procedures) (England) Regulations 2007, which implement Council Directive 98/58/EC concerning the protection of animals kept for farming purposes and Council Directive 2007/43/EC which lays down minimum rules for the protection of chickens kept for meat production.

## **9. Conclusion**

- 9.1. Although there are no direct policies relating to agricultural development in the local plan, a strategic objective of the Local Plan is to achieve sustained and resilient economic growth in towns and rural areas in order to support 5,000 new jobs within the district.
- 9.2. Paragraph 83 of the NPPF also encourages the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
- 9.3. An ES has been submitted with the application (as required by Schedule 1 (17) (a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017), the content of which meets the requirements of Regulation 18 to enable the Local Planning Authority to reach a reasoned conclusion on the likely significant effects of the development on the environment as required by Regulation 18 4 (b) and Regulation 26 1 (b) of the regulations. The Local Planning Authority have sufficient expertise or the necessary access to such expertise to examine the environmental statement as required by regulation 4 (5).
- 9.4. Detailed reports were included within the ES with regard to noise and odour/air quality which are primary impacts from this type of intensive livestock production that have the greatest potential to effect neighbour amenity, which are of significant concern to the community. In terms of odour the modelling predicts that, at all nearby residences and commercial premises, the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours, which is an annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>.
- 9.5. In terms of noise any adverse impacts highlighted within the noise report from vehicular movements within the site or from the ridge and gable ends fans can be successfully mitigated. It has therefore been demonstrated that the amenity of neighbouring uses is adequately protected as required by Policy WLP8.29.
- 9.6. The buildings themselves, although very large in floor area (6,698 sqm), are low level buildings with a ridge height of 5.1m. The LVIA submitted within the ES concludes that there will be minor to moderate adverse impacts after construction which will reduce to negligible to minor after 10 years subject to suitable mitigation, which would be required by condition. On the basis of the conclusions of the LVIA and subject to the delivery of the mitigation and effective landscape management of the site and surrounding land, it is accepted that the proposal can be achieved without significant landscape or visual harm

and that the proposal would comply with the aims of the Local Plan policy WLP8.35 - "Landscape Character" and paragraph 170 of the NPPF.

- 9.7. Another area of significant objection is the suitability of Mill lane to accommodate additional numbers of HGV's. In view of the low level of vehicle flows, and the lack of any identified, high accident areas, it is considered that there will not be any severe residual transport impacts or any material adverse impact on highway safety and highway capacity conditions. SCC as Local Highways Authority have not objected to the proposal. It is considered that the proposal accords with paragraph 108 and 109 of the NPPF and that this development should not be prevented or refused on transport grounds.
- 9.8. As highlighted in the Heritage section for this report Historic England have objected to this proposal and have identified that the proposal would result in harm to the significance of the Heritage Assets of the Scheduled Monuments at Moat Farm and West End Farm. The harm to the Scheduled moated sites would be 'less than substantial'. The test at paragraph 196 of the NPPF, therefore, is here engaged and this harm must be given great weight by the decision-taker and properly weighed against the public benefits of the proposal.
- 9.9. Planning Practise Guidance highlights that public benefits could be anything that delivers economic, social, or environmental objectives as described in the National Planning Policy Framework (paragraph 8). In this case it is explained earlier in the report that the proposal would be part of a regionally important supply chain meeting a national demand, contributing to the national economy as well as the local rural economy in terms of associated job creation.
- 9.10. The NPPF is also a material consideration and sets out that: significant weight should be placed on the need to support economic growth and productivity (paragraph 80); and that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses (paragraph 83b);
- 9.11. It is thus considered that the NPPF position on building a strong, competitive economy is very supportive of the development proposal, which should be given significant weight. The proposal is also supported by the economic growth ambitions outlined in both local and regional strategies (the East Suffolk Growth Plan, the East Suffolk Business Plan, the Suffolk Growth Strategy and the Norfolk and Suffolk Economic Strategy).
- 9.12. Officers are aware that there are significant concerns from the public with a number of issues to consider. Weighing all of the issues, giving great weight to the harm to the setting of the Scheduled monuments, and with regard to all matters raised through the consultation process, officers consider that the economic benefits of the proposal, of which significant weight should be given, outweigh the harm that would arise from the proposal.
- 9.13. In considering the likely significant effects from this proposal as highlighted by the topics within the ES, it is considered that it has been demonstrated that any impacts from the development can be adequately mitigated and the harm identified to the Heritage Assets in the vicinity of the site are outweighed by the public benefit of the proposal.

- 9.14. In considering whether to grant planning permission it is considered that the requirements of regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 have been properly considered as demonstrated within this report. Thus, planning permission should be granted.

## **10. Recommendation**

AUTHORITY TO APPROVE, subject to no new material planning objections being received within the prescribed consultation period, and subject to the following conditions:

### **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 drawing numbers AWM-006 Rev 4, 103 Rev 2 and 105 Rev 1 received 31 May 2019 and 107 Rev 1 received 07 June 2019 and 108 Rev 1 received 15 January 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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

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

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

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

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

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

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

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

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

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

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

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

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

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

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

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

14. The gable end fans situated on the Southern elevations of the buildings shall be disabled during night-time hours (2300 - 0700) and shall therefore be non-operational during these times. The override mechanism is only to be activated in the instance that the ridge fans fail in order to safeguard the welfare of the livestock.

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

15. Prior to the commencement of the development full details and specifications of the proposed method for attenuation of the gable end fans on the Southern elevations of the

buildings shall be submitted to and agreed in writing by the Local Planning Authority. The use shall not commence until the approved mitigation measures have been implemented and thereafter managed and maintained in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

21. The landscaping scheme shall be completed in the autumn (October -December) planting season following completion of the last building shell, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason To ensure a satisfactory appearance within the landscape

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

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

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

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

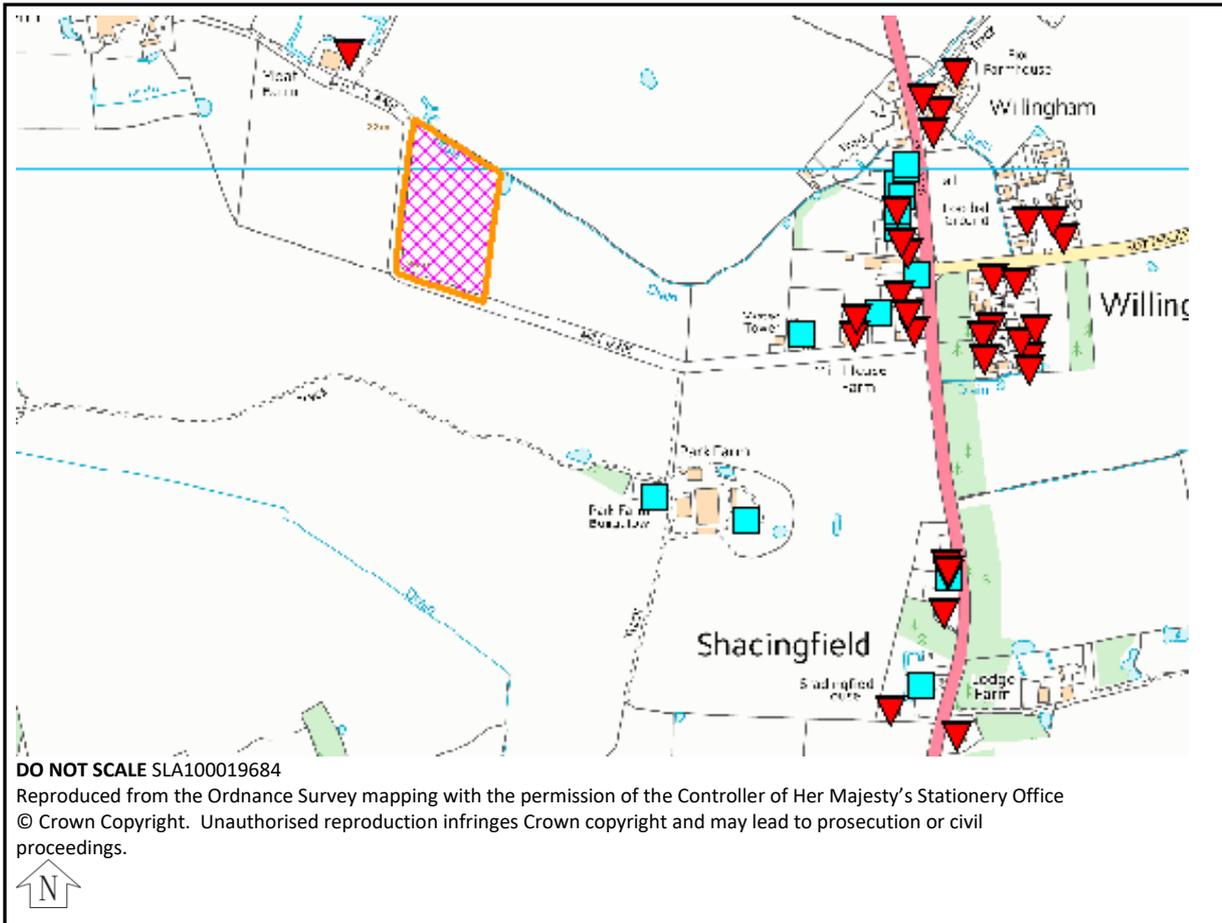
### **Informatives:**

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. . Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
  - . Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
  - . Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution

### **Background information**

See application reference DC/19/2195/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSBKLJQX07400>

## Map



## Key



Notified, no comments received



Objection



Representation



Support

## Committee Report: Appendices

### Appendix A: Minutes of site meetings held on **Wednesday, 19 August 2020** commencing at 9.55am at Land adjacent to West End Farm, Mill Lane, Shadingfield

#### Members Present:

Councillors Paul Ashdown (Chairman), Jocelyn Bond, Norman Brooks, Jenny Ceresa, Tony Cooper, Linda Coulam, Graham Elliott, Andree Gee, Malcolm Pitchers and Craig Rivett

#### Officers Present:

Liz Beighton (Planning Manager – Development Management), Joe Blackmore (Principal Planner – Development Management), Sarah Carter (Democratic Services Officer) and Iain Robertson (Planner – Development Management)

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The site visit was undertaken in accordance with the Council's Constitution which set out details of the arrangements for site visits by Members associated with planning applications during the Covid19 pandemic.

The site visit was undertaken in four bubbles comprising:

1. Councillors Cooper, Coulam, Elliott, Rivett
2. Councillors Brooks, Ceresa
3. Councillors Ashdown, Bond, Gee
4. Councillors Ashdown, Pitchers

Each bubble of Committee Members was accompanied by the Planner and Democratic Services Officer. The Planning Manager and Principal Planner were on-site, at a distance, to photograph the views the Members were shown on a pre-planned walking route. The photographs would be shown at Committee so that it would be possible to follow the identical route that was taken by the four bubbles.

The purpose of the site meeting was a 'fact finding' exercise only and to provide Members with an opportunity to view the site and its surroundings.

The Planning Manager reminded those present that there should be no questions on site. Questions should be emailed to the Planning Officers so as to ensure answers and any additional information that needed to be obtained was available for publication when the application was reconsidered by the Planning Committee North.

Members were provided with a plan of the site location showing the site itself, other land under the Applicant's control, and the location of footpaths, farms and dwellings in the vicinity. The second plan showed the site layout of the proposed sheds, silos and office building.

Members walked a route from the meeting point along Mill Lane towards the water tower and village, and observed views from several stopping points including:

- The proposed development site and its access.
- The positioning of the buildings.
- Trees forming the eastern boundary where landscaping improvements were being requested by condition.
- The likely location of a passing bay.
- The location of the site compared to the A145 London Road.

Members then returned past the meeting point and joined a footpath from Mill Lane past Moat Farm and the scheduled monument site turning east along the footpath that led towards the village of Shadingfield. Members observed views from several stopping points including:

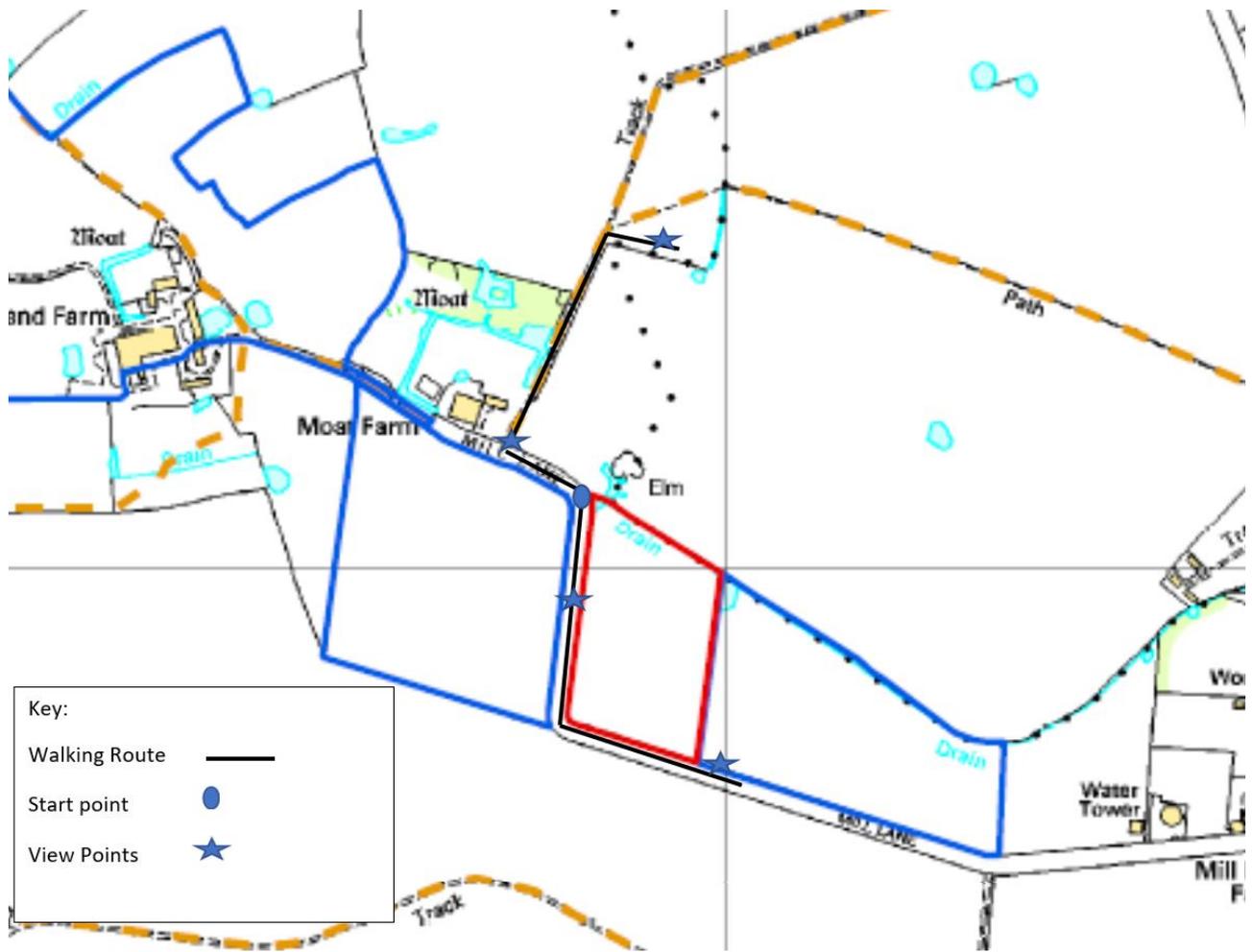
- Moat Farm, a Grade II\* listed building.
- The Grade II listed thatched outbuildings associated with Moat Farm.
- The moat associated with Moat Farm.
- The boundary of the scheduled monument site and the second scheduled monument site in the ownership of Westend Farm, both of which formed part of a former settlement.
- Views from the northern boundary footpath looking across the ploughed field(s) south to the development site.
- The northern footpath that led to the village and public house.

Comments made and clarification sought during the site visits covered the following:

- Mill Lane was a dead end reaching Westend Farm.
- The buildings were 5.1m in height and the silos 8m.
- The green lines on the site layout plan on the northern edge of the site was likely to be a bund.
- The extra planting that was proposed on the eastern boundary.
- The amount of the screening between the site and Moat Farm.
- Details of lorry movements – these were contained in the officer’s report.
- The Parish Councils’ call-in would be considered by the Secretary of State once the Planning Committee North had made its decision.
- Westend Farm was located on an historic site.
- No trees were at risk.
- Moat Farm was not in the Applicant’s ownership.
- The height of the proposed silos compared to the one in the distance adjoining Park Farm.
- The purpose of the deep ditch, presumably for drainage, that was along the side of Mill Lane where the passing bay was being proposed.

The site visits concluded at 2.45pm.

# Appendix B: Walking route



## Appendix C: Original Representation from Shadingfield, Sotterley, Willingham & Ellough (SSWE) joint Parish Council

### Planning reference: DC/19/2195/FUL

Re: Application to build 3 poultry sheds, admin block and feed bins on land adjacent to West End Farm, Mill Lane, Shadingfield, Beccles; applicant Mr. Daniel Merrells, Merrells Growers.

I write on behalf of Shadingfield, Sotterley, Willingham & Ellough (SSWE) joint Parish Council in respect of the above planning application. Councillors have examined the plans and know the site well. SSWE joint Parish Council wish to object strongly to the development of these sheds in this location.

Shadingfield is classed as a smaller village in a rural area (East Suffolk Council [ESC] Waveney Local Plan [WLP] Policy WLP7.1). The landscape is classified as Farmed Plateau Clayland, the area concerned falling specifically under the landscape character area of Saints Plateau – East. The WLP states that the strategic objectives for this area are to conserve and enhance the small-scale landscape structure, retain the dispersed rural character... and maintain the tranquil character of the area. **The proposed development fails to meet this objective. The scale of the development would dominate the landscape in this area and the increase in heavy goods traffic along Mill Lane, along with the noise and pollution from this development, would be a major and ongoing disruption to the tranquility of the area.**

### National Planning Policy Framework (NPPF)

The NPPF Para 83 d states that Planning policies and decisions should enable the retention and development of accessible local services and community facilities such as ... open space, cultural buildings, public houses. **Objection: the proposed development breaches this policy. The proposed development will adversely affect public use of the footpaths and bridleways that are currently accessed from Mill Lane and adjacent to the proposed site, specifically the increase in heavy goods traffic that will pose an increased risk to pedestrians, cyclists and horse riders and the noise, odour and other pollutants will make it a route to be avoided. The proposed site lies very close to Moat Farm House, a Grade II\* listed building. The prevailing winds will carry dust, odours and noise directly onto the Shadingfield Fox Public House, making the garden of the pub less attractive to use for most, and impossible for those with any kind of respiratory condition. The use of the garden by customers is a significant revenue stream for the pub. The Landlord of the pub has explicitly told the Chair of the Parish Council that if he were to lose use of the beer garden in the summer, the pub will close since it will no longer be financially viable.**

NPPF para 84 states that ... 'it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)'. **Objection: The proposed development is not sensitive to its surroundings and will make this location less sustainable. Access on foot, by cycle and on horseback along Mill Lane and the surrounding footpaths will deteriorate significantly with the unacceptable and ongoing increase in heavy goods traffic.**

NPPF section 15 is concerned with conserving and enhancing the natural environment; para 170 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment, specifically a) protecting and enhancing valued landscapes... b) recognizing the intrinsic character and beauty of the countryside ...and e) ... Development should, wherever possible, help to improve local environmental conditions such as air and water quality...'. **Objection: The proposed development will be only detrimental to the natural and local environment of our village and will be a visual blight on our landscape. Air and water quality will not be improved by this development; indeed, it will have an adverse effect on our air and water quality. At a Parish Council meeting on the 4<sup>th</sup> February the applicant's representatives confirmed that the extracted air from the chicken sheds is unfiltered, so all the dust, dander, feathers, other micropollutants and bacteria, odours and ammonia will be released untreated into the atmosphere and will blow over the village.**

### East Suffolk Council - Waveney Local Plan (WLP)

Policy WLP8.35 is concerned with Landscape Character and states that proposals for development are expected to demonstrate their location, scale, form, design and materials will protect and where possible enhance:

- The special qualities and local distinctiveness of the area:
- The visual and historical relationship between settlements and their landscape settings;
- The pattern of distinctive landscape elements ...;

- Visually sensitive skylines and significant views ...;

Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network. **Objection: In no way could the proposed development be considered to enhance the area. It will have an unacceptable impact on the landscape to the west of Shadingfield and Willingham village and will seriously impact the tranquil nature of the neighbourhood. It will be out of character with the local landscape and skylines and will destroy views from the surrounding public rights of way and footpaths. It is not 'well integrated' into the existing landscape, but has been located where it will have the least impact on the home of the proposer. If permitted, this development will have a material detrimental effect on neighbouring residents and businesses and the village as a whole.**

Policy WLP8.37 concerns the Historic Environment and covers the Council's commitment to work with partners, developers and the community to protect and enhance the District's historic environment. **Objection: The proposed site is less than 100m from a Grade II\* listed building (Moat Farmhouse) and a Scheduled Monument (Moated site at Moat Farm) at its western boundary. Moat Farmhouse is also on the Buildings at Risk register. The proposed development will have an unacceptable impact on the setting of these local heritage assets.** The policy also states that development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment; at the time of writing, this does not appear on the list of documents available on your website for this application.

## Shadingfield, Sotterley, Willingham & Ellough Neighbourhood Plan (SSWE NDP)

The SSWE NDP is being developed in consultation with the community and ESC and this proposed development does not fit with the emerging NDP. The vision for the SSWE Plan is for a thriving and vibrant rural community, retaining its current character, with the traditional buildings, tranquil countryside and natural environment being maintained and protected. **Objection: The proposed development does not accord with this vision.**

SSWE NDP Objective 2: To protect and enhance the rural character and tranquility of the parishes, including the traditional buildings, green spaces and natural environment for wildlife'. **Objection: The proposed development does not meet this objective; as an example of the applicants attitude to the protection of the natural environment for wildlife, the ecology report on the planning application website prohibits the removal of hedgerows, trees or shrubs between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive to ensure the protection of nesting birds. An entire hedgerow bordering the site has very recently been cut down to around 18-20 inches, thus rendering it uninhabitable for any wildlife bar insects and the smallest mammals. While this is not prohibited, it is not in the spirit of responsible land stewardship or the NDP. Unfortunately, this hedgerow would also have provided some screening of the site from the adjacent right of way; it will now be fully visible.**

SSWE NDP Objective 4: To encourage and support the development of low impact employment opportunities...'.

**Objection: The proposed development could not be considered to be low impact and provides no employment opportunities to the wider community; the applicant is the sole local beneficiary of this development. The impact on the local residents and business (The Shadingfield Fox public house) is an unacceptable price to pay for one job.**

SSWE NDP Objective 8: To promote unobtrusive low carbon energy consumption projects and renewable forms of energy. **Objection: There appears to have been no attempt to address the carbon footprint of this development. There is no suggestion of using sustainable energy or materials in its construction and operation.**

SSWE NDP – Policy NEP1 – 'Protecting Wildlife Habitats and Open Spaces' states that:

'Future development should retain the existing landscape character and tranquil rural nature of the parishes.'

**Objection: The proposed development does not fit in with the existing landscape character and would be more appropriately sited on an industrial estate; there is nothing that warrants this development being sited in a rural environment since the chickens will be confined throughout their lives. They are brought in as day old chicks, by truck, to be housed in industrial style chicken sheds with no natural light, flooring or food. The food is brought in by truck, and the birds are removed by truck to the processing plant. These truck movements (over 20 HGV journeys a day when the birds are being removed for slaughter, plus food and chicks brought in, removal of 'fallen' birds – estimated to be 125 a day, plus removal of the birds' excrement at the end of each cycle) does not accord with the residents of Mill Lane continuing to enjoy the rural nature of the parish. This disruption also applies to the walkers and horse riders who regularly use Mill Lane to access the footpaths and bridleways in the surrounding area, including the East Suffolk Pathway.**

SSWE NDP – Policy HEP1 – 'Protecting and Enhancing Heritage Assets' states that:

- All new development should take account of its impact on identified heritage assets, both designated... and non-designated..., seeking to protect and where appropriate, enhance them and their setting. Development schemes which do not demonstrate how they have positively addressed these heritage assets will not be supported.

- New development should be sensitive to the character, fabric and setting of these identified heritage assets and listed buildings.

The western boundary of the proposed site is less than 100m from a grade II\* listed building (Moat Farmhouse) and a Scheduled Monument (moated site at Moat Farm). Moat Farmhouse is also on the Buildings at Risk Register.

**Objection: The proposed development does not accord with the above policy; it is visually inappropriate to be placed so close to such an important heritage asset and the vibration and pollution arising from the HGV traffic is likely to cause further deterioration and damage to an already fragile asset. The ammonia that will be released from this proposed development, when mixed with the diesel fumes from the increased HGV traffic create an acid environment that will be detrimental to this Heritage asset.**

SSWE NDP – Policy STP1 – ‘Traffic’ states that:

Proposals for new developments should identify the level of traffic they would generate and the impact of such developments on pedestrians, cyclists and road safety and include measures to mitigate adverse impacts. New developments should not create a significant potential risk or be detrimental to the safety of the highway network.

**Objection: The proposed development does not accord with this policy. The site is along a very narrow lane which has no footpath but is heavily used by walkers. The Transport statement provided to support the application is disingenuous, to say the least, referring only to the total number of movements, averaged out to the number of movements per day, whereas the reality is that there will be several days in each of the 7 or 8 annual growing cycles where journeys to and from the site will be upwards of 20. If these take place during daylight hours along this narrow lane that has no footpath, the risk and disruption to pedestrians, cyclists and horseriders is unacceptable.**

SSWE NDP – Policy BEP1 – ‘Business Development states that:

...development of agriculture related businesses will be supported provided that such developments:

- Are consistent with maintaining the rural character of the villages;
- Will not cause visual, aural or olfactory disturbance to local residents.

**Objection: this large industrial style development is not in keeping with the rural character of the village. A meeting of the Parish Council on 4<sup>th</sup> February was attended by the applicant and the developers he is working with; their responses to questions from residents and the Parish Council were not reassuring on the subject of noise or olfactory disturbance and it seems inevitable that, were this application permitted, there would be noise and smell arising from the chicken sheds affecting local residents. Furthermore, the residents of Mill Lane would have noise disturbance from the increase in HGV traffic along this single track lane. Again, at the meeting, the developers were unable to say what time of day this traffic would be heaviest, but indicators are that removal of the birds for slaughter generally takes place at night. This would cause an unacceptable nuisance to the residents of Mill Lane.**

## Waveney Green Infrastructure Strategy [WGIS]

The WGIS section on Rural areas of the district recognizes the importance of wildlife corridors and habitats and hedgerows. It also recognizes that people living in the rural parts of the district have less access to formally recognized areas, but that public rights of way enable access to the open countryside and this reduces the effect of this perceived shortfall. As such, WDC encourage public access to semi-natural and rural areas. **Objection: Mill Lane is heavily used by walkers, some of whom will be using it to access the East Coast Line National walking path. The large volume of HGV traffic on Mill Lane will be a deterrent to walkers who use this route. Furthermore, the pollution from the site will be a deterrent to walkers using the surrounding footpaths.**

The WGIS also recommends that

- Existing ecological corridors within rural settlements and the adjacent countryside should be protected for their wildlife value and their contribution towards the character of rural settlements.

WDC are also one of the stakeholders charged in the WGIS with protecting and enhancing biodiversity across the district.

**Objection: The proposed development will pose a hazard to the existing wildlife of the area. The site is an area where there are a number of high level predators, including kestrels, sparrowhawks and barn owls. This installation will attract vermin, namely rats, which are likely to be controlled with poison. This poses a threat to these high level predators principally from them eating poisoned rodents. The increased traffic and pollution will also have a negative effect on the surrounding hedgerows and countryside. In short, this development can only have a detrimental effect on the surrounding ecology and biodiversity.**

WGIS also recommends that existing open spaces be protected from encroachment and development ... to ensure ... continued value to the community. The benefit of this is to “Ensure the value of existing open space is maintained for

current residents and is protected for the community in the future” and WDC are identified as being responsible for the delivery of this.

**Objection: The proposed development will only diminish the value of the area to the community and far from protecting the community in the future, is potentially a ‘gateway’ project that will further industrialise our local rural landscape.**

## Waveney Landscape Character Assessment [WLCA]

The WLCA 12.19 states that Key strategic objectives are to conserve and enhance the relatively small scale landscape structure and associated historic landscape character. Settlement is small in scale of a dispersed rural character, and should be conserved, in order to retain the tranquil character of the area.

**Objection: The proposed development will in no way conserve or enhance the landscape and fails to meet this objective. The tranquility of the village will be destroyed for the residents of Mill Lane, who will bear the brunt of the HGV traffic to and from the site. The village has already seen an increase in HGV traffic along the A145 from the opening of the Beccles by-pass, and this is accepted as our part in the nature of progress and change, but Mill Lane and its junction with the A145 are unsuitable for the HGV traffic which will be required during the four month construction period and the traffic arising from the operation of the proposed facility. There will be an unacceptable impact on the walkers, cyclists and horse riders who use Mill Lane at present and enjoy the tranquil character of this area and the surrounding footpaths and bridleways.**

The WLCA 12.22 states that Considerations in relation to development include the need to conserve and enhance the existing wooded settings and low-key approaches to the areas of settlement, such as narrow rural lanes and grassy, tree lined verges. Development should retain the rural character of the landscape and make reference to indigenous vernacular materials.

**Objection: The proposed development demonstrates no consideration for the existing setting, nor is it in keeping with the rural character of the landscape. Mill Lane already suffers from damage to its grass verges and this will be greatly exacerbated by the proposed increase in HGV traffic.**

## Other Issues

### Traffic

Mill Lane is a single track rural lane with no passing places and no footpath. It is currently used mostly by ramblers, dog walkers, horse riders and local residents visiting neighbours or using the lane to access nearby footpaths when taking exercise. The new HGV traffic will pose a serious risk to these pedestrians during the day and an unacceptable disturbance to the residents of Mill Lane both during the day and at night. The site is also close to public footpaths where the scale of the buildings would be clearly seen and the size and height of the sheds and feed bins would be visible for miles around, blighting what is presently unspoilt countryside. Turning into and out of Mill Lane is easily accomplished in a car, however longer articulated vehicles will either use the entire width of the A145 or complete the turn in two attempts. This type of turning presents an increased risk to traffic on the A145.

### Animal Welfare and Sustainability

The proposed development will produce the lowest quality chicken meat that can be commercially produced legally in the UK – Intensive, indoor reared broilers. MPs (and society in general) are currently calling for the abandonment of this type of farming. We are a nation moving towards improved animal welfare and eating less meat. East Suffolk’s own environmental policy urges us all to eat more meat free meals or higher welfare meat. **This proposal does not accord with this policy.**

### Waste Disposal

At the public meeting on 4<sup>th</sup> February (see below), the developers were unable to provide details of their policy for disposing of the manure and other waste from the rearing sheds, other than to say it would be spread on land or sent to power stations. No further information is provided in the documentation. Disposal of the manure on land has the potential to create considerable nuisance because, according to the developers, the manure smells more and releases more ammonia when wet. This has not been taken into account in the odour modelling studies.

### Code of Good Agricultural Practice (COGAP)

Ammonia emissions will contribute to the acidification of local water sources with potential effects on biodiversity and the water table. The UK Government has agreed to reduce ammonia emissions by 8% in 2020 and 16% by 2030 (source [www.gov.uk/COGAP](http://www.gov.uk/COGAP)). If this application is permitted, it will only increase ammonia emissions in the area.

### Economic considerations

The proposed development will bring no economic benefits to the village; no meaningful increase in employment will be generated since the sole employee for this development is stated as the applicant who is already resident in the village. It seems inevitable that this development will, in fact, have a detrimental effect on the Shadingfield Fox as the

proximity to the sheds and being in the path of the prevailing wind will make using the garden less pleasant at best and impossible at worst. Mr Mills, the landlord of the Fox, has stated that if the garden becomes unusable the pub will close with the loss of 8 - 10 jobs. The revenues generated from the garden in the summer months (when the noise and smell arising from the development will be at their worst) are critical to the business and without this revenue stream the pub will no longer be a viable business.

I note that there is a short e-mail of support for this application on the website, where we are urged to 'produce home grown food instead of importing from Europe'. I don't know when I last saw a 'European' chicken in a supermarket or butcher's shop, so while the author's sense of patriotism is admirable, it is somewhat irrelevant to this application. Furthermore, there is no difficulty finding British chickens in the shops, so this application cannot be considered to be 'filling a gap in the market'.

### Technical Data

Much of the information included in the application is of a highly technical nature, particularly with regard to the Noise Impact Assessment, the modelling of the Odour impact, and dispersion and deposition of ammonia. Not surprisingly, the joint Parish Council does not have the expertise to challenge these assessments and we would therefore ask that WDC rigorously reviews and tests the modelling work that has been undertaken. On a superficial level, there are a number of inconsistencies between the various reports put forward, specifically on the distance of the proposed development from neighbouring buildings, the increased levels of traffic, and the patterns of the prevailing winds asserted in the various reports. We consider that the suggestion there will be no impact on the village is simply wrong. The prevailing wind in Shadingfield/Willingham comes from the South West and this will take the odour and pollution from this development over many residences along London Road and the Fox Public House for much of the time.

### Public Health

The technical data notwithstanding, it seems that the survival of the chickens and any people in the sheds are dependent on industrial fans constantly drawing fresh air into the sheds and expelling, unfiltered, the used and polluted air. It seems logical that this constant release of toxic air from the sheds will have an adverse impact on the air quality of the village and the health and wellbeing of those living in its environs.

### Public Meeting to discuss the Planning Application

On the 4<sup>th</sup> February, the Parish Council held a public meeting specifically to gather the opinions of local residents. The meeting was well attended with 50 people registering attendance plus 7 councillors and a stand-in clerk. The applicant was present with a number of members of his family plus representatives of the businesses he is collaborating with on this application. The meeting took the form of:

- Introduction by the Chair outlining purpose and procedure
- Indicative vote of all those in favour of, objecting to, undecided/abstaining
- Statements from the floor (limited to 3 minutes per person)
- Questions and Answers session
- Comments/statements from Councillors
- Public vote
- Council's vote.

The main areas of concern raised by residents were

- Noise pollution, both from the site and the increased HGV traffic on Mill Lane
- Air pollution, from the operation of the facility and from the increased HGV traffic on Mill Lane
- General impact on the health, both physical and mental, of the residents in the community
- Impact on property values;
- Impact of the increased traffic on Mill Lane, both on pedestrians currently using and residents, including concerns about safety; the ability of HGV traffic to safely turn into and out of Mill Lane onto the A145 and pass oncoming traffic on Mill Lane
- Concern that quiet enjoyment of their homes and gardens will be adversely affected
- Concern for the impact of the development on the local rural environment and wildlife
- Concern that the development could result in the closure of the Shadingfield Fox public house.

Feelings were clearly running high but the meeting was generally orderly and everyone had an opportunity to speak and ask questions of the applicant's representatives (Mr. Merrells chose not to make a statement at the meeting). The public vote at the end of the meeting was recorded as

- In support of the application – 5

- Against the application – 40
- Abstentions – 3

The Council voted

- In support of the application – 0
- Against the application – 6
- Abstention – 1

## Summary

The overwhelming feeling in the community is that this development should not be permitted. The development is not supported by current planning guidelines and policy. It will not benefit this small and close-knit rural community and will only be detrimental. Furthermore, it puts one of our critical amenities, namely the Shadingfield Fox, at risk of closure with the accompanying loss of jobs. The Joint Parish Council urges you in the strongest possible way to refuse this application; allowing it to proceed will have a catastrophic effect on our community who will bear the true cost of this in order to benefit one individual and a large corporate entity who seek to exploit our community for profit with no regard for the welfare or opinions of residents.

## Further Action

If this application is to be decided by councillors, please take this as notice that I (or another representative of the Parish Council) would like to speak at the meeting of the committee at which this application is expected to be decided. Please advise as soon as possible the date and location of the meeting.

## **Committee Report**

**Planning Committee – 8 September 2020**

**Application no DC/20/0951/FUL**

**Location**

JD Power Tools  
Alexandra Road  
Lowestoft  
NR32 1PL

**Expiry date** 4 June 2020

**Application type** Full Application

**Applicant** Orwell Homes Ltd

**Parish** Lowestoft

**Proposal** The demolition of existing commercial buildings and the construction of a residential development of 31 - one bedroom flats over 3/4 storeys with undercroft parking and associated works.

**Case Officer** Joe Blackmore, Principal Planner (Development Management)  
[Joe.Blackmore@eastsoffolk.gov.uk](mailto:Joe.Blackmore@eastsoffolk.gov.uk)

### **1. Summary**

1.1 The application seeks planning permission for 31 affordable homes on a brownfield site in Lowestoft.

1.2 The proposed development utilises a sustainably located site for affordable housing in a location where there is a high need for affordable homes. The level of parking provision and cycle storage is deemed to be acceptable to serve the development, and the external appearance of the building is appropriate for its context. The proposals are considered to accord with the Development Plan, and officers recommend approval.

#### Update Following the Planning Committee (North) Meeting of 11 August 2020

1.3 Members will be familiar with the site and proposals, after it was considered at the Planning Committee meeting of 11 August 2020. In response to the concerns raised by members, on several design and layout matters, the applicant has amended the proposals and submitted revised plans. This update section of the report covers those changes and the resulting

planning considerations. The rest of this report is unchanged from that which was submitted to the Committee in August; the third-party representations section has, however, been updated to reflect the two letters of objection previously reported to members via the update sheet.

1.4 The key changes to the proposals are summarised:

- Gross Internal Floor Area (GIFA) – the construction drawings for the scheme have been progressed in line with actual wall build ups which has resulted in a slight increase in GIFA in most instances.
- Flat 31 has been adapted to show that a level access washroom can be incorporated into the ground floor flats should the housing allocation require it (Building Regulations Part M Category 2 compliant).
- The applicant’s energy statement submitted as part of the planning application, details how the scheme exceeds building regulation requirements via the fabric first approach.
- 2no. electric vehicle charging points have been incorporated.
- 2no. electric buggy charging points have been incorporated.
- Bin storage provision (in terms of 4no. wheelie bins) has been brought inside the curtilage of the property.
- A total provision of 45 cycle spaces have now been incorporated.
- External elevations have been revised to feature a red brick.

1.5 A key design change is to provide greater cycle storage provision, with the previous scheme providing for 28 cycles and the amended proposals now providing for 45 cycles. This would be in the form of Sheffield bars to external areas, and some stacked cycle provision within the courtyard area. In addition, the provision of 2no. electric charging points for Mobility scooters is a positive change in response to member feedback, as is the provision of 2no electric vehicle charging points.

1.6 The greater level of detail of wall thicknesses via further construction drawings, has freed up more space internally, with the following breakdown of unit sizes in terms of Gross Internal Floor Area (GIFA):

<b>Plot Numbers</b>	<b>GIFA</b>
1,4, 19 & 22	48.5 square metres
2, 5, 7 & 31	49.8 square metres
3, 6, 8, 21, 24 & 26	47.3 square metres
27, 28 & 29	47.2 square metres
12, 13, 16 & 17	54.1 square metres
20, 23, 25 & 30	50.5 square metres
9, 10, 11, 14, 15 & 18	49.3 square metres

1.7 In considering the proposals, members should note that any space standards are only guidance, and that a balanced judgment will need to be made considering the layout of the development, size of the units and the outlook and light levels to the rooms. Officers are satisfied that the proposals will provide a good standard of accommodation for residents. The units are not cramped, and they will benefit from a dual outlook with good access to

daylight/sunlight. The living conditions for future occupiers would be acceptable in accordance with policy WLP8.29.

- 1.8 A further key change has been made with the 4no. wheelie bins being brought into the envelope of the building, stored within the courtyard area. The only waste provision stored externally would be the hipped roof enclosure building storing 2no. 1100L waste bins. This building is much larger than the two bins, so any (unlikely) overspill would be contained within that store. There would also be landscape planting in front of it to further screen it. Officers consider that the provision of waste storage and presentation areas is fully addressed, and there are no planning grounds to withhold planning permission in respect of this matter.
- 1.9 The applicant has also amended the external elevations to show a red brick, with the details of the brick type, bond etc. to be agreed by planning condition, should permission be granted.
- 1.10 Members will be aware that the scheme was recommended by officers at the August meeting, and the applicant has since positively addressed the key member feedback through the revised proposals. Officers consider these changes to be acceptable, and the scheme overall to accord with the Development Plan. It is recommended for approval.

## **2. Site description**

- 2.1 The application site is located within the Lowestoft town settlement as defined in the Local Plan. The site lies to the east side of the A47/A1144/St Peter's Street roundabout, and to the west side of Alexandra Road (where it is accessed from). The site is brownfield (previously developed land) and falls within a mixed area of residential and commercial development.
- 2.2 The site is currently vacant as the former business (Tool Hire Centre) has moved to another location in Lowestoft. Two buildings each separated and bounded from one another occupy the site and the North Western side of the site has an entrance directly onto St. Peters Street. The building on the South Eastern part of the site is immediately adjacent to the footpath of Alexandra Road and has a gateway entrance to the yard that bounds the site to the North.
- 2.3 The site is not within a designated conservation area, nor does it fall within the setting of any designated heritage assets. It is a low risk flood area (zone 1) and there no known surface water issues in this location.

## **3. Proposal**

- 3.1 The application seeks planning permission for the development 31 affordable homes. These would all be 1-bedroom (2-person) flats with gross internal floor areas of each unit ranging from 46.4 square metres to 55.5 square metres. Within the site a total of 15 vehicle parking spaces would be provided, along with storage provision for 28 cycles.
- 3.2 The proposal includes a disabled access lift to the North East corner. This will provide wheelchair access to 5 more flats, creating a total of 9 wheelchair accessible flats, which is approximately 30% of the development.

- 3.3 This scheme follows a previous withdrawn application (ref. DC/19/3520/FUL) where officers raised concerns over the design of development and relationship to the character and appearance. This scheme responds to those concerns and officer advice provided at pre-planning stage.
- 3.4 The proposed building is of three and four storey elements in an enclosed courtyard form. The surrounding area has similar types of domestic complexes of three storeys. The building is relatively tall, but this mass has been broken up by the stepping of blocks with the three-storey element to the west of the site. Parking is concealed within the scheme.

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

- 4.1 Two third party letters of objection received:

Letter 1 from resident of Melbourne Road, Lowestoft

*"I believe the amended plans include underground parking that a resident has objected to. Also, Alexander Road has some fine buildings-they are the white blocks to maybe shift attention from how inappropriate this build is. Recently North Lowestoft HAZ recommended against ESC building more supported housing behind the town hall saying there was a dearth already. One-bedroom flats seem to indicate supported housing and if not in no way meets the need for affording housing for families. As I have already said if it is genuinely to be let just to single people it is very poor planning and more like student accommodation."*

Letter 2 from resident of 70 Alexandra Road, Lowestoft

*"Good evening*

*I have just seen in the Lowestoft Journal that there is a planning proposal for a commercial property on Alexandra Road Lowestoft.*

*As a resident of Alexandra Road I have not been made aware of such an enormous planning proposal and wish to raise concerns.*

*I know that many of my neighbours, if they were aware would have similar concerns. My concerns are as follows:*

*1) parking is an issue along the road currently with enough space only for 1 car per household. We also have the doctors surgery causing parking issues. Visitors to the 31 flats proposed would cause us a lot of issues.*

*2) there is a proposed under ground parking structure which concerns us regarding the stability of the ground impacting our own houses.*

*3) the flats are 1 bedroom properties. How will these be used? Private sales to the public or social housing. Social housing of that magnitude would bring a lot of potential problems to this road.*

*4) Drop in house value. Currently this road holds property value quite well which this building, dependent on its use could impact.*

*I wish these to be logged as an objection to the planning proposal. I have seen online that consultation has been closed but we were not consulted in the road!"*

### Case Officer Note on Third Party Representations:

- 4.2 The application was published in the Local Press as a Major Application, and a site notice was also displayed at the site to advertise the application. The only property that adjoins the application site is 61 Alexandra Road, and this property was consulted directly, by letter. This publication/consultation process is in accordance with the Council's Statement of Community Involvement and the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended.

#### **Consultees**

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

Consultee	Date consulted	Date reply received
Lowestoft Town Council	6 March 2020	26 March 2020
Summary of comments: Lowestoft Town Council Planning and Environment Committee has duly considered this application. It was unanimously agreed to recommend refusal of the application due to the density of the proposed development. Concern was expressed for the poor standard of environmental design and the environmental impact of such development, including lack of green space and bin storage provision. The lack of accessibility above the ground floor, as per the Town Council's comments when the application was first submitted (DC/19/3520/FUL), is also a factor in this recommendation to refuse the application as submitted.		

##### **Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Flooding Authority	6 March 2020	12 March 2020
Summary of comments: Recommend approval with conditions.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 March 2020	25 March 2020
Summary of comments: Holding objection due to insufficient parking provision.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	6 March 2020	No response

Summary of comments:  
No comments received.

### Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 March 2020	23 March 2020

Summary of comments:  
Ground investigation and remediation required by condition.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 March 2020	No response

Summary of comments:  
No comments received.

Consultee	Date consulted	Date reply received
Disability Forum	6 March 2020	No response

Summary of comments:  
No comments received.

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	6 March 2020	No response

Summary of comments:  
No comments received.

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	6 March 2020	14 April 2020

Summary of comments:  
Fire hydrants required by condition.

Consultee	Date consulted	Date reply received
Network Rail	6 March 2020	23 March 2020

Summary of comments:  
No objections.

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	6 March 2020	25 March 2020
Summary of comments: Advice given on CIL matters.		

Consultee	Date consulted	Date reply received
CIL (Internal)	6 March 2020	9 March 2020
Summary of comments: Internal; CIL advice given.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	6 March 2020	5 May 2020
Summary of comments: Concerns with the design of the proposals in terms of secured by design criteria.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	6 March 2020	27 March 2020
Summary of comments: Internal planning consultee; see report.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	6 March 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
NHS England Midlands And East	6 March 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	6 March 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	6 March 2020	27 March 2020
Summary of comments: No objections.		

## 5. Publicity

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

Category	Published	Expiry	Publication
Major Application	13 March 2020	3 April 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Major Application	13 March 2020	3 April 2020	Lowestoft Journal

## Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 12 March 2020 Expiry date: 2 April 2020
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## 6. Planning policy

National Planning Policy Framework

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

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

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

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

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

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

## **7. Planning considerations**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

7.2 The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

### Principle of Development

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

7.4 The proposal also represents the re-use of a suitable brownfield site in the town centre, which the National Planning Policy Framework says should be given substantial weight in decision-taking.

7.5 The loss of the commercial premises is not objected to, as the site falls outside of a Local-Plan-defined employment area or shopping area. The Local Plan allows for re-use of such sites for residential development.

### Affordable Housing and Mix

7.6 Most recent data suggest that there are some 3,970 people on the Housing Register for East Suffolk. Of those registered, some 869 people claim a local connection to Lowestoft and of those, 330 applicants are in Housing Need. Of those 330 applicants, the size of property they require is as follows:

- 1 bedroom - 163
- 2 bedroom - 102

- 3 bedroom - 40
- 4 bedroom - 21
- 5 bedroom - 4

- 7.7 The proposal is for 31 dwellings, of which all would be affordable homes. Orwell Housing, as applicants, are the Registered Social Landlord who will be responsible for taking on, delivering and managing the affordable homes. This would need to be secured by S106 agreement prior to any permission being granted.
- 7.8 The provision of 31 affordable (1-bedroom) homes is a highly significant public benefit and will make an important contribution to meeting the high local need for this accommodation. The provision of affordable housing, and mix of property type and size, meets the objectives of Local Plan policies WLP8.1 and WLP8.2.

#### Highways and Sustainable Transport

- 7.9 Local Plan policy WLP8.21 relates to sustainable transport and seeks, amongst other things, to locate and design development so it can be accessed via multiple modes of transportation, and with safe and suitable access for all. NPPF paragraph 109 gives clear guidance that:

*"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

- 7.10 The site is located within walking distance of shops and services to meet everyday needs. Public transport in the form of bus and rail is readily accessible. The development will provide secure cycle storage for 28 cycles which will encourage the use of that transport mode. Fifteen parking spaces would be provided which is a reasonable provision (approx. 50% of the number of units).
- 7.11 The County Highways Authority has objected to the application on the grounds that there is a lack of parking and cycle storage. They would expect to see at least 31 no parking spaces; and storage for 62 cycles.
- 7.12 Whilst the concerns of the Highways Authority are noted, this is a very sustainable location. It is not unreasonable to assume residents moving to these properties would perhaps not own private vehicles, or not require one given all day-to-day needs can be met via other modes of transportation. Near the application site parking is controlled, so the development proposal would not likely lead to unsafe parking on the highway. Officers consider that the proposal strikes the right balance between providing some vehicle parking, some provision of secure cycle storage, and relying on the sustainable location of the site and good pedestrian and public transport links. The site access utilises the existing Alexandra Road access and will stop up the other vehicle access onto St Peter's Street that is unsafe; the proposal could arguably be said to offer highways safety benefit, in that regard.
- 7.13 Accordingly, there is no reason to refuse permission on highways grounds, and the proposal accords with the sustainable transport objectives of WLP8.21.

## Design of Development

- 7.14 The design has been driven by accommodating the number of flats and parking required, therefore it is of three and four storey elements in an enclosed courtyard form. The surrounding area has similar types of domestic complexes of three storeys. The building is relatively tall, but this mass has been broken up by the stepping of blocks with the three storey element to the west of the site. Parking is concealed within the scheme. Therefore, the development will relate to the surrounding area. The choice of brick would need to be carefully controlled by planning condition to ensure a good finish and appearance, should permission be granted.
- 7.15 In terms of functional design, the scheme originally provided bin storage areas for 6no. 1100L waste bins; however, members of the Referral Panel raised concerns with this in terms of under provision and also that areas of waste storage would be outside the main building envelope, and fronting onto Alexandra Road. This feedback was relayed to the applicant who has since liaised with East Suffolk Norse to clarify the waste provision required to serve the development. The Design and Access Statement has been updated, in this regard, with the following information provided:

*“After further consultation with Kirk Robinson from Norse it was confirmed that additional bins would need to be added to the proposed scheme to meet the requirement of 120Ltr per one bedroom flat. So, the following was calculated: 120Ltr x 31 = 3,720 Ltr, so with three 1,100Ltr Euro bins = 3,300Ltr + two 240Ltr Wheelie bins a total of 3,780Ltr would be provided for each of the general and recycling waste. A total 7,440Ltr of waste collection requirements has now been met in the provision of six 1,100Ltr Euro bins and four 240Ltr Wheelie bins.*

*To reduce the impact on the Bins on the street scene the switch room has been relocated and split between each of the entrance lobbies. Each lobby will house individual meters under the stairs. The switch room has been re-allocated as a bin store accommodating 4-euro bins. The Bin store will have a personnel door into the outer lobby and also a collection door as can be seen on the revised plans...*

*The two Euro bins that were located on the Southern boundary have been moved between the personnel and the vehicular entrances...*

*The design of this bin store has been altered with a brick outer wall to match the main building and a hipped roof...*

*This bin store now has less mass as it is half the size of the previous bin store and it will be planted out to help it blend in with the main building. The extra four 240Ltr wheelie bins have been placed on the southern boundary in the location of the previous 2 euro-bin store, however these are very small wheelie bin stores that will be placed against the boundary and will also have planting to disguise them from the roadside.*

*The position of all bins is within easy access of a kerbside collection and splitting them as has been done will provide an additional closer location for the flats on the North-Eastern side of the block. Looking back at the previous use of this site it has been established that this is a historical location for the bin collection of the waste from the offices that currently occupy this side of the site, whilst the Southern bin collection points are roughly in the*

*same position as the historical collection point for the yard and workshop location on the South Eastern side of the site.*

*With timber panelling to matches the other bin store already proposed. As the position of the new bin store is within the building itself, it will have little impact on the street scene and the proposed planting to front boundary will shield the view of the doors and access path.”*

- 7.16 E-mail confirmation from East Suffolk Norse shows that they are satisfied with the provision of waste bins to meet the development. It then turns to whether the layout design, in terms of bin storage/presentation, is acceptable.
- 7.17 In the view of officers, the applicant has made significant changes to the scheme – increasing the waste storage provision, and ensuring that the main area of large waste bins is entirely enclosed within the building footprint, with a separate, clear access for both depositing and collecting. The brick-built bin store with a hipped roof, located on the Alexandra Road frontage, will be relatively modest and enclosed, ensuring that this is not unsightly in the streetscene. The provision/storage of four wheelie bins would again be outside the building envelope but located in a timber panelled store. In combination, all these changes are deemed to be acceptable and officers have no significant concerns with the waste storage/presentation areas now incorporated into the layout.
- 7.18 The undercroft parking and cycle storage is well-contained within the site and allows the external presentation to the public realm to be of built form, rather than parked vehicles.
- 7.19 The Suffolk Designing out Crime Officer has raised concerns with the scheme - particularly the undercroft parking and areas of hit-and-miss-brickwork. Officers have duly considered those concerns raised, but not consider the scheme has design flaws which will lead to future crime. The design of development is deemed to be safe and functional.
- 7.20 The density of development is very high, but that is an approach supported broadly by the Local Plan and NPPF in terms of efficient land use in urban areas.
- 7.21 The proposal brings the benefit of creating a more attractive site compared to the existing brownfield use, and for the reasons given, the design accords with the objectives of WLP8.29 and WLP8.32.
- 7.22 Policy WLP8.29 (Design) seeks, amongst other things, to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers.

#### Residential Amenity

- 7.23 There are no residential properties immediately adjacent or in close proximity of the site, therefore amenity considerations relate to those of future occupiers of the flats.
- 7.24 The one bedroom flats/apartments would each have a gross internal floor area (GIA) of anywhere from 46.4 to 55.5 square metres. The Governments Technical housing standards - nationally described space standard, sets out that one bedroom (two person) flats should have 50 square metres GIA. The proposed units are generally of a size to accord with those

standards, with deviations from 50 being quite minor. The flats would have large windows on multiple sides, ensuring good levels of light to each unit and the rooms within. Across the internal courtyard, there would be some overlooking between flats, but that is not uncommon for an urban flatted scheme. In any case, the courtyard windows would be a secondary outlook, with the principal view being outward via road-facing windows.

- 7.25 Whilst there is no public open space within the development, the site is close to shops, services and a whole array of facilities within the town. The lack of open space on site is not of concern in this urban context.
- 7.26 The proposal is acceptable in terms of residential amenity in accordance with WLP8.29 (Design).

#### Flood Risk and Surface Water Drainage

- 7.27 The site is located in Environment Agency Flood Zone 1 - the lowest risk area - and therefore sequentially preferable for residential development. A surface water drainage strategy has been provided and is deemed acceptable by the Local Lead Flood Authority. The proposal accords with WLP8.24 (Flood Risk).

#### Ecology

- 7.28 From the information available the site appears to be of low value for biodiversity and therefore redevelopment is unlikely to result in any significant adverse impacts on protected species or UK Priority species or habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). However, whilst it is acknowledged that there is a small amount of landscaping planned for the front of the building, the proposed development does very little to enhance the biodiversity value of the area. The inclusion of ecological enhancements, such as integrated nesting boxes for birds (including swifts) and green walls, should form part of the design in order to deliver biodiversity net gain on the site. This could be dealt with by planning condition on any permission granted.
- 7.29 In addition to the above, the site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This would be secured through the S106 legal agreement, prior to the application being determined.

#### Other Matters

- 7.30 The submitted ground investigation report identifies so limited ground contamination and therefore standard conditions are recommended by the Environmental Health Officer to deal with this prior to the development being occupied.

### **8. Conclusion**

- 8.1 The proposed development utilises a sustainably located brownfield site for affordable housing in a location where there is a high need for affordable homes. The level of parking

provision and cycle storage is deemed to be acceptable to serve the development, and the design of the proposal is appropriate for its context.

8.2 Officers consider that the proposal represents a sustainable form of development and therefore the application is recommended favourably.

## **9. Recommendation**

9.1 Authority to Approve, subject to signing of a S106 Legal Agreement to secure affordable housing provision, and per-dwelling contribution to fund the Suffolk (Coast) RAMS; and with conditions (summarised) as recommended below.

## **10. Conditions (summarised)**

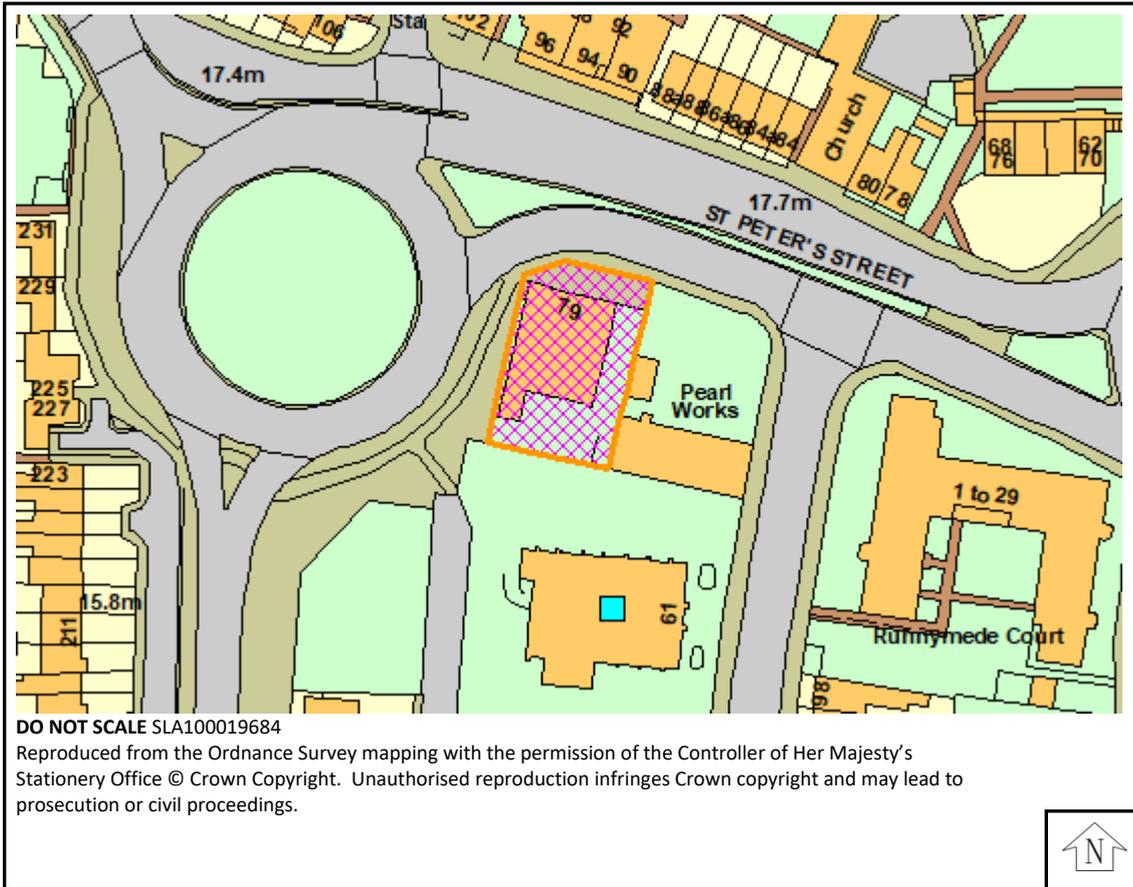
1. Three-year time limit.
2. Standard plans/drawing compliance.
3. Details of external materials to be agreed.
4. Details of landscape planting to be agreed.
5. Details of fire hydrant provision to be agreed.
6. Details of ecological enhancement measures to be agreed.
7. Ground investigation: standard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

## **Background papers**

See application reference DC/20/0951/FUL at:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6IXQNQXI4A00>

# Map



## Key

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

**Committee Report**

**Planning Committee - 8 September 2020**

**Application no DC/18/1403/COU**

**Location**

Playters Old Farm  
Church Road  
Ellough  
Beccles  
Suffolk  
NR34 7TN

**Expiry date** 8 July 2018

**Application type** Change of Use

**Applicant** Lesko Group

**Parish** Ellough

**Proposal** Change of Use for siting of 35 high quality timber lodges (static caravans) as well as one Manager's unit, together with peripheral and supplemental landscaping

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

**1. Summary**

- 1.1 The application seeks full planning permission for 35 holiday lodges and one Managers lodge. In 2014 planning permission was granted (ref. DC/14/2427/COU) for 5 holiday lodges, one reception lodge and horse paddocks on the site which established the principle of holiday accommodation in this location.
- 1.2 It is considered that the site is sustainably located close to Beccles and the Beccles Southern Bypass which gives good access to the wider highway network, and that the proposal complies with Local Plan tourism Policy WLP8.15 and the objectives of the East Suffolk Business Plan.

- 1.3 Further to revised details, the Highways Authority do not object to the application, and the proposal will not have a detrimental effect on the character and appearance of the surrounding landscape. The application is therefore recommended for approval.
- 1.4 The application is referred to Planning Committee North by the Referral Panel for reasons of public interest.

## **2. Site description**

- 2.1 The application site is located approximately 2 miles from the market town of Beccles. The site and immediate surroundings are predominantly rural in character although it is situated in close proximity to the Ellough Industrial Estate and Ellough Park Kart Circuit to the north east.
- 2.2 The site consists of a 2.1 hectare field on the east side of Church Road opposite Playters Old Farm. There is an existing gated vehicular access from Church Road which currently leads (via a concrete roadway) to two large steel-clad agricultural buildings which lie outside, but adjacent to, the application site. The site slopes down on all sides to a low point where there are two small ponds in the south east part of the site and there are hedges along the east, south and west sides of the field and also partially along the northern boundary. Ellough Wood stands one field over to the east.

## **3. Proposal**

- 3.1 The application seeks a change of use of the land for the siting of 35 luxury lodges and 1 residential manager's unit on land situated opposite Playters Old Farm together with supplemental and peripheral landscaping.
- 3.2 The Planning Statement provides the following information:

*"The use of the 35 luxury lodges will be for holiday purposes only and it is envisaged that the units will be operated on a fleet hire basis. It is proposed that the lodges will be subject to a 12 month holiday season to compete with other luxury lodge parks throughout the UK which operate all year round. The manager's unit will be occupied on a permanent residential basis to offer 24 hour security 7 days a week.*

*The lodges will meet the statutory definition of a caravan as outlined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Each lodge will be a twin-unit caravan and will typically measure 12.2m x 6.1m (40ft x 20ft)".*

- 3.3 A circular internal access road is proposed with each lodge to have parking space for two cars adjacent to the unit. Each of the lodges will be timber clad.

## **4. Consultations/comments**

- 4.1 17 representations have been received raising the following points:

- Ellough is a small rural community and has no shops, cycle paths or pavements and there are no transport links so visitors would have to use their own transport.
- Church Road is a small narrow road with poor line of sight. It is also close to a busy industrial estate. There is quite a heavy volume of traffic which is hardly in the interests of visiting tourists.
- The ancient meadowland areas including a pond are very important to wildlife.
- Overdevelopment of the site going up from 5 to 35 units
- No main foul sewer with a pond and ditches carrying water away from the industrial estate next door meaning smells from handling klargester system for drains
- this would represent the second site of "luxury" lodges to be approved within a mile of each other
- much of Church Rd is single track country road with passing places
- the part of Church Rd adjacent to the Hundred river is prone to flooding
- loss of countryside
- wholly unsuitable proposal for this rural area
- The proposed holiday park less than 100 yards from us is a disruption too far
- Additional traffic and noise
- There is no need for the development

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	10 April 2018	25 April 2018

#### Summary of comments:

*The Parish Council recommends refusal of this planning application for the following reasons:*

*The Parish Council is aware that a planning application was made in 2014 for five holiday lodges with associated building and horse paddock and permitted by the District Council. As work was not started within the required three year period and the Parish Council assumes that the change of use from*

*Agricultural to the lodge provision no longer remains. There have been significant changes to the area around the proposed site that strengthen the case to refuse.*

*The Parish Council considers that the site is not compatible with the surrounding area. The creation of the Ellough Enterprise Zone has seen an increase in the industrial and business use at Ellough.*

*The proposed site for the luxury lodges would be surrounded by a variety of industrial units, a large plastics factory, new industrial units now being constructed, a large waste transfer station, a tanks and pipe work store, and numerous other small units at Moore's park.*

*There are no amenities normally associated with a holiday park close by therefore requiring guests to travel from the site. The visual aspect for guests would not be the scenic view they would expect if they were to stay there.*

*The Council is also concerned that the road network leading to and from the site is a narrow lane and an increase in traffic to and from the site would increase the dangers for users.*

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	10 April 2018	25 April 2018
Summary of comments: Refuse.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	5 October 2018	11 October 2018
Summary of comments: Revised details; no objection subject to conditions.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	1 May 2018	18 May 2018
Summary of comments: Holding objection.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 October 2019	28 October 2019
Summary of comments: Revised details, no objection subject to conditions.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
WDC - Leisure Facilities	10 April 2018	10 April 2018
Summary of comments: No comment or objection.		

Consultee	Date consulted	Date reply received
WDC Environmental Health - Contaminated Land	10 April 2018	25 April 2018
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	10 April 2018	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	10 April 2018	17 April 2018
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	10 April 2018	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	17 December 2018	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	15 May 2020	5 June 2020
Summary of comments: Internal response; see report.		

## 6. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	25 May 2018	14 June 2018	Beccles and Bungay Journal

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Major Application	25 May 2018	14 June 2018	Lowestoft Journal

## Site notices

General Site Notice Reason for site notice: Major Application  
Date posted: 17 May 2018  
Expiry date: 6 June 2018

General Site Notice Reason for site notice: Major Application  
Date posted: 19 April 2018  
Expiry date: 9 May 2018

## 7. Planning policy

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.15 - New Self-Catering Tourist Accommodation (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

## 8. Planning considerations

### Planning Considerations

8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, then determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.2 The main issues to consider in the determination of this application are:

- (i) The principle of tourism and the planning history of the site.
- (ii) The landscape impacts
- (iii) Highway considerations
- (iv) Ecology and Habitat Mitigation
- (v) Other Matters

### Principle of Development

8.3 The National Planning Policy Framework is generally supportive of tourism stating that sustainable rural tourism which benefits the rural economy whilst respecting the character of the countryside should be supported.

- 8.4 The tourism industry is recognised as being a vital part of the local economy. The East Suffolk Business Plan strives to build on the strength of the tourism economy and sets out the aims of increasing visitor numbers outside of the main tourist season and delivering and supporting cultural and sporting events for greater tourism opportunities.
- 8.5 The East Suffolk Council (Waveney) Local Plan recognises that self-catering tourist accommodation plays a vital role in the District's tourism sector and that it is desirable to provide a diverse range of accommodation, including in rural areas. Policy WLP8.15 states, inter alia, that medium sized sites (11-79 pitches/units) will require good access to A or B roads and public transport and that covered cycle storage proportionate to the size of the site must be provided on site.
- 8.6 As will be noted above, consent has previously been granted for 6 lodges on the site. At that time the site was considered to be sustainably located as it is approximately 3.75km from the centre of Beccles, and there are other shops closer to the site than that. Since that scheme was consented the Beccles Southern Bypass opened in 2018 thereby making the site more accessible than was the case previously. The bypass is approximately 1km from the application site and gives good access to the A145. In the opposite direction Copland Way gives direct access to the A146.
- 8.7 The application site is therefore considered to be in a sustainable location and the previous application established the principle of holiday lodges on the site. As such the proposal is considered to be in accordance with the objectives of the NPPF, the East Suffolk Business Plan and local plan Policy WLP8.15, subject to compliance with other relevant local plan policies.
- 8.8 To prevent tourist accommodation being used for residential purposes Policy WLP8.15 states that tourist units should be vacated for a specified and continuous period of at least six weeks of the calendar year. This could be secured by condition should the application be approved.
- 8.9 The Parish Council and some of the above representations are of the view that the site is not compatible with the surrounding area due to the proximity to the Ellough Industrial Estate. The nearest industrial buildings are currently approximately 400m from the site, although land which is allocated for employment development under Policy WLP3.3 is approximately 300m from the site at its nearest point. There is no reason in principle why holiday accommodation should not be located close to industrial land and it would be a matter for the developer to assess whether the location had any impact on the attractiveness and hence viability of the site. In any event Policy WLP3.3 states, inter alia, that landscaping should be provided to the south of the site. Landscaping together with the separation distance would provide a buffer to the industrial land.

#### Highway Considerations

- 8.10 The proposed means of vehicular access is from the existing access opposite Playters Old Farm on Church Road that has previously been used for agricultural purposes and will be subject to improvements to make access to-and-from the site easier and safer. The existing access will be widened to increase the width to 4.8m. It will also be resurfaced, and regular maintenance of surrounding vegetation will be carried out to ensure the visibility splays of Church Road are not obstructed.

- 8.11 Initially the Highway Authority were recommending that the application be refused on the grounds that the minimum visibility splays at the access could not be achieved. However, following the submission of speed surveys, the Highway Authority have accepted that reduced visibility splays at the access are acceptable. As such the proposal is acceptable to the Highway Authority subject to the provision of the visibility splay evidenced by the traffic survey. The Highway Authority also request conditions for the access and parking of vehicles including secure cycle parking.
- 8.12 As will be noted above there are local objections to the application on highway safety grounds, including the narrowness of the road and lack of visibility. Whilst such concerns are acknowledged, the Highway Authority are a statutory consultee on such matters and raise no objections. It can therefore be concluded that the proposal does not raise a highway safety risk and that there is no justification for opposing the application on these grounds, as per NPPF paragraph 109, which gives clear direction on considering development proposals in respect of highways matters.

#### Landscape Impact

- 8.13 The valuable character of the Waveney landscape is one of the assets which helps support the local tourism industry. It is therefore important that tourism development does not harm this asset on which it depends. Local plan Policy WLP8.35 on Landscape Character states, inter alia, that development proposals should be informed by, and be sympathetic to, the distinctive character areas, strategic objectives and considerations identified in the Waveney District Landscape Character Assessment (2008). The NPPF places strong protection on national designations such as the Area of Outstanding Natural Beauty.
- 8.14 Within the Landscape Character Assessment, the site lies within the Saints Plateau - East character area where key characteristics include mixed native hedgerows and areas of farm woodland. The site also lies adjacent to the boundary of the Hundred Tributary Valley Farmland character area to the east.
- 8.15 In this case the site is not within the AONB or other designated landscape. With regards to considering the impact of the proposal on the surrounding landscape, consent has previously been granted for 6 lodges on the site. It is accepted that the proposal will result in a significant intensification of the previously approved scheme. However, the site is reasonably well screened by existing vegetation and it is considered that there is scope and benefit to be gained from some additional native species tree planting both internally and also where opportunities allow, within or adjacent to the existing site boundary hedges. Officers are of the view, therefore, that with this provision and correct management of the boundary hedges, the increased number of the lodges proposed can be satisfactorily accommodated on the site without creating any significantly harmful landscape or visual impacts.
- 8.16 Supplemental tree planting is proposed around the site boundary as well as internally to help assimilate the development into its surroundings and create a landscaped setting in which to site the holiday lodges. Final planting details can be secured by condition should the application be approved.

- 8.17 For the reasons given above it is not considered that the proposal will be harmful to the wider landscape character. As such the proposal is not considered contrary to the objectives of the NPPF or local plan Policy WLP8.35. In order to minimise the visual appearance of the units it is suggested that there be no external decking or verandas or other external alterations to the units. This could be secured by condition should the application be approved.

#### Ecology and Habitat Mitigation

- 8.18 Policy WLP8.34 (Biodiversity & Geodiversity) sets out the Council's approach to protecting and enhancing biodiversity and geodiversity and safeguarding the integrity of designated European sites.
- 8.19 One pond is present on the site and there are others in the vicinity. The Preliminary Ecological Appraisal (December 2018) states that further presence/likely absence surveys for Great Crested Newts are required. ODPM Circular 06/2005 states that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* Should there be any Great Crested Newts present in the vicinity of the site then the results of the surveys will enable an appropriate mitigation strategy to be formulated.
- 8.20 A Great Crested Newt Survey Report dated June 2020 has been submitted which recommends the incorporation of mitigation measures into the layout of the site, which will result in a net gain for biodiversity in accordance with the National Planning Policy Framework. The Council's Ecologist has reviewed the report and raises no objection to the application subject to conditions.
- 8.21 In addition to the above, this type of accommodation will bring in holiday makers / visitors, who are generally drawn to the coastal / estuarine areas, particularly if they have dogs. As the site is within the 13km Suffolk RAMS Zone of Influence (Zone B) a financial contribution to the scheme will be required to mitigate the in-combination recreational disturbance impact on these habitat sites (currently European designated sites).
- 8.22 The appropriate contribution to the Suffolk RAMS has been made. As such it can be concluded that there will be no recreational disturbance impact on European designated sites as a result of this proposal and that the proposal would not conflict with the objectives of Policy WLP8.34.

#### Other Matters

##### Heritage Assets

- 8.23 There are no listed buildings close to the site and the site is not within a conservation area. As such the proposal does not impact on any designated heritage assets.

##### Surface Water Drainage

- 8.24 The site falls within Flood Zone 1 of the Environment Agency's Flood Map, which has the lowest probability of flooding. Initially Suffolk County Council Flood and Water Management

objected to the proposal as no information had been provided regarding surface water drainage, in the form of a Flood Risk Assessment and drainage strategy. Following this recommendation, the applicant submitted a drainage assessment which is sufficient for Suffolk County Council to withdraw the holding objection, subject to conditions. Subject to these recommended conditions it can be concluded that flood risk would be properly dealt with in accordance with the objectives of Policy WLP8.24 (Flood Risk).

#### Foul Water Drainage

- 8.25 Foul water treatment is considered in the submitted Drainage Assessment. It states that because there is no mains foul drainage system within the vicinity of the site a private foul water drainage system is required. Therefore, a package treatment plant is proposed to treat foul flows from the development. It is proposed that this would be located in the south-western section of the site.

#### Archaeology

- 8.26 The applicant has provided Suffolk County Council Archaeological Unit with details which show that there is a fairly thick deposit of topsoil on the site. SCCAU have confirmed that the formation depths of the proposed roads and areas where caravans are to be placed wont impact on any archaeological features or deposits. As such conditions relating to archaeology are not required.

#### Contaminated Land

- 8.27 The applicant will need to provide a suitable assessment of contamination at the site which demonstrates that the site is, or can be made, suitable for the proposed use. The Environmental Health Officer has confirmed that this assessment can be secured by conditions prior to development commencing, should the application be approved.

### **9. Conclusion**

- 9.1 Planning permission for a smaller number of holiday units has previously been granted on the site which established the principle of tourist accommodation in this location. Whilst this application represents an intensification of the previous permission, it is nevertheless considered that the proposal is acceptable and that it complies with local plan tourism policy WLP8.15 and the East Suffolk Business Plan. The tourist industry is of vital importance to the local economy which the proposal will help to support. The Highway Authority do not raise any concerns regarding highway safety, and the proposal will not have an adverse effect on the character and appearance of the surrounding countryside. Approval of the application is therefore recommended.

### **10. Recommendation**

- 10.1 That the application be approved subject to conditions.

### **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 not be brought into use until it has been completed in all respects strictly in accordance with the site location plan and drawing no. 11157/P01b received 14 May 2020. The holiday lodges hereby approved shall be of the Kingfisher or Manhattan model or similar.

Reason: To secure a properly planned development.

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

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

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

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

5. Before the access is first used visibility splays shall be provided as shown on Drawing No. Dwg No 2705/001 with an X dimension of 2.4m and a Y dimension of 120m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

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

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

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

place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

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

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

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

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.

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

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

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

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

9. Prior to any occupation or use of the approved development the RMS approved under condition 8 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

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

\* results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;

\* evidence that the RMS approved under condition 8 has been carried out competently, effectively and in its entirety; and

\* evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

11. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
    - i. Temporary drainage systems
    - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - iii. Measures for managing any on or offsite flood risk associated with construction

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

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

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

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

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

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

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

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

## **Informatives:**

1. Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

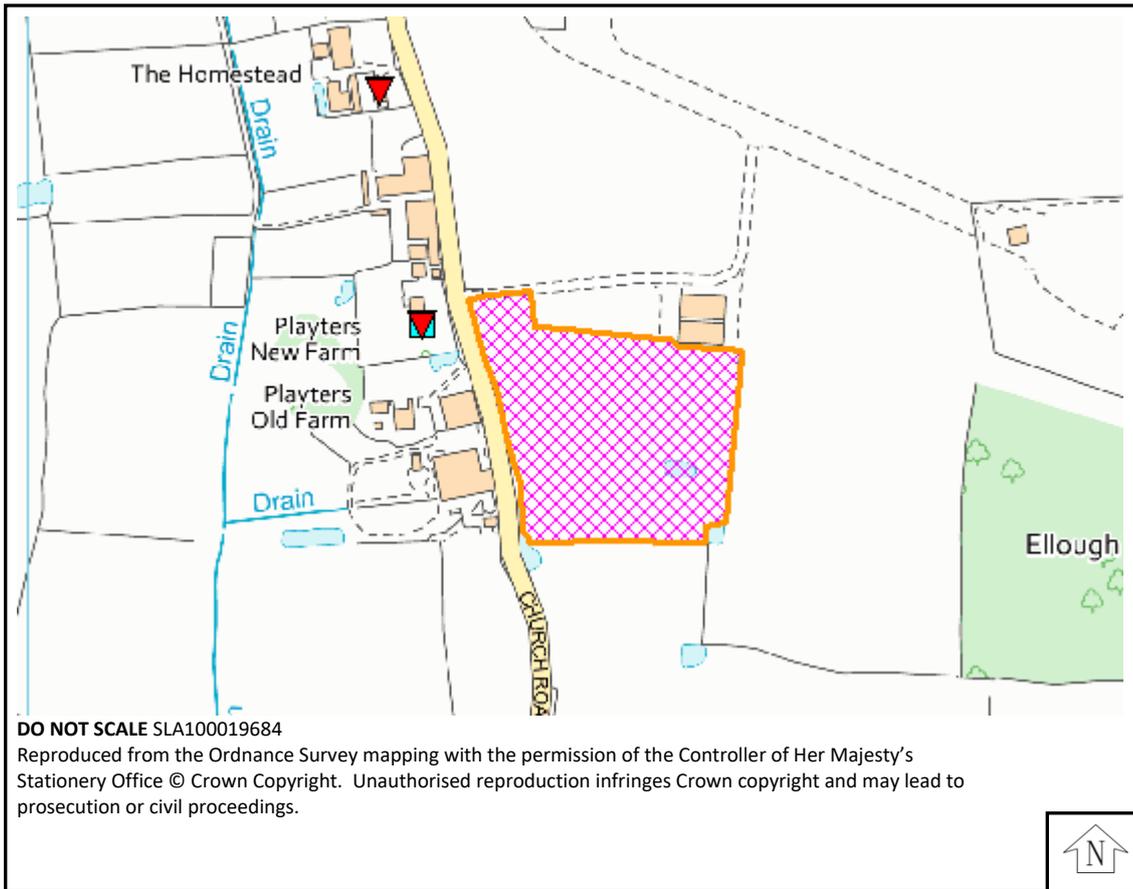
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

2. The Local Planning Authority 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.
3. . Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
  - . Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
  - . Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution
  - . Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991

## **Background Papers**

See application reference DC/18/1403/COU at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P6NQ50QXGMB00>

## Map



## Key

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

## **Committee Report**

**Planning Committee - 8 September 2020**

**Application no DC/20/1127/FUL**

**Location**

North Green Farm  
North Green  
Kelsale Cum Carlton  
IP17 2RL

**Expiry date** 11 May 2020

**Application type** Full Application

**Applicant** Alison Coad

**Parish** Kelsale Cum Carlton

**Proposal** Erection of 1 no. single storey dwelling

**Case Officer** Charlie Bixby  
01394 444572

[charlie.bixby@eastsoffolk.gov.uk](mailto:charlie.bixby@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1 The application seeks full planning permission for the erection of a single storey detached dwelling, with vehicular access from the road to the south.
- 1.2 The application is required to go to planning committee as the application is a departure from the Local Plan with the officer recommendation for approval. The application is deemed to represent a sustainable form of infill housing development that can be supported.

### **2. Site description**

- 2.1 The application site is a parcel of land to the west of North Green Farm, within the parish of Kelsale-cum-Carlton. The existing parcel of land features no existing buildings or outbuildings, and the application site is outside the Kelsale-cum-Carlton Conservation Area.

- 2.2 The site is adjacent to a Grade II listed farmhouse building which lies to the east; the listing of which is *"Farmhouse. C16 with later additions to rear. Timber framed and plastered, roof 2.3 plaitiled to front, pantiled to rear. 2 storeys to left hand side, 2 storeys and attic to right hand side. C20 casement windows with diamond leaded panes; C20 doorway in C16 style: boarded and battened entrance door with depressed 4-centre arched head, bracketed hood. 2 internal stacks, the heavier one to the right hand side"*.
- 2.3 To the west of the application site lies a detached existing one-and-a-half storey dwelling with associated outbuildings, screened by hedgerow from the streetscene.
- 2.4 The site itself is outside any defined settlement boundaries and is therefore considered the countryside for planning purposes.
- 2.5 The site is largely down to grass with some ornamental tree planting.

### **3. Proposal**

- 3.1 The application seeks full planning permission for the erection of a single storey detached dwelling, with vehicular access from the road to the south.
- 3.2 The dwelling is shown with two-gables joined by a flat-roofed section on the southern elevation fronting the road, and a pergola on the eastern elevation.
- 3.3 The plans also show a car port within the front garden and circular driveway. The car port is proposed to have a dual pitched roof.

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

- 4.1 One adjacent neighbour has objected to the application, raising the following material planning considerations (inter alia):

- this is greenfield agricultural land, previously used as an orchard.
- lack of sustainability for a dwelling at North Green.
- the proposed car port would be in front of the building line.
- the choice of metal for the roof would be out of character with the dwellings in North Green.
- the orientation of the roof/house would prevent the fitting of solar panels in the future.
- impacts upon amenity of future residents - little thought appears to have gone into the internal layout to maximise the sun and the views.
- precedent that would be set for further dwellings in North Green.
- accuracy/inaccuracy of plans - North Green Cottage is shown with incorrect orientation.
- the plans don't show the footpath, the fence is proposed across the footpath, and the driveway turning circle probably impinges on the footpath.
- drainage issues.
- this is not a 'recognisable gap' and this clearly isn't an infill. The farmhouse is distant from the proposal.
- question the number of jobs that would be created by the construction of one house.
- potential contamination to/from the well to the east of the plot.
- believe 1 dwelling would contribute little towards any perceived housing shortfall.

4.2 The representation of objection also refers to the following matters which although not directly related to the current proposals are of note:

- filling of existing roadside ditch has already taken place, an access created, and a gate has been installed,
- potential impacts of the application upon the deeds for the property.
- land ownership issues in relation to the boundary with North Green Cottage.
- inclusion of photographs of the neighbouring property with their car and registration number.
- question if North Green Farm is habitable (believe it was condemned, so shouldn't be considered as a dwelling).

4.3 A representation of support has also been received, although this is from the landowner of the application site.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	17 March 2020	30 March 2020
<p>Summary of comments:</p> <p>Kelsale-cum-Carlton Parish Council object to this planning application for the following reasons:</p> <p>a. Ecological Habitats: Great Crested Newts are present at Fir Tree Farm, Main Road and also East Green. As this area lies in between it is likely they would be present.</p> <p>b. Access &amp; Highway safety: Proposed Sizewell Link Road would have an impact should this Nationally Significant Infrastructure project proceed. In addition there has been a Mitsubishi in the ditch and a car accident at nearby North Green Railway Crossing in the last 5 years. There is no public transport in North Green (or East) or in fact little in Kelsale at all. Kelsale cum Carlton takes most of its services from Saxmundham as it simply has a Primary School/Village Hall and Pub. There is a commercial scaffolding business at North Green Farm bringing Commercial Traffic early in the morning.</p> <p>c. Site History: The Public Right of Way was moved several years ago from the middle of North Green Farm to the left and would be between the proposed property and North Green Cottage</p> <p>d. Design and appearance: Aesthetically / design wise; whilst the layout consisting of a long and narrow pair of single storey units is made to reference the existing barns, the strong symmetry of the road (SW) elevation seriously compromises this intention.</p>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	17 March 2020	30 March 2020
<p>Summary of comments:</p> <p>Require visibility splays to be demonstrated otherwise would object.</p>		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	17 March 2020	19 March 2020
Summary of comments: No objections, recommend standard condition.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	17 March 2020	No response
Summary of comments: No comments.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	21 May 2020	9 June 2020
Summary of comments: No objections in principle.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	17 March 2020	26 March 2020
Summary of comments: No objections. Advice given.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Public Right of Way Affected	28 May 2020	18 June 2020	East Anglian Daily Times

Category	Published	Expiry	Publication
Public Right of Way Affected	26 March 2020	20 April 2020	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: In the Vicinity of Public Right of Way

Date posted: 26 March 2020

Expiry date: 20 April 2020

### 7. Planning policy

SP3 - New Homes (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))

SP29 - The Countryside (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))

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))

National Planning Policy Framework

SCLP5.4 (Housing in Clusters in the Countryside) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)

### 8. Planning considerations

#### Principle of Development

- 8.1 The proposal seeks the provision of a new residential dwelling in the countryside. The principle of new residential dwelling(s) in the countryside is considered to be generally unacceptable unless the proposal meets the exceptional circumstances outlined in local planning policy DM3; Emerging local planning policy SCLP5.3; or Paragraph 79 of the NPPF. DM3 also links to policy DM4 - Housing within Clusters (similar emerging local planning policy is SCLP5.4).
- 8.2 Local Plan Core Strategy policy DM4 relates to the provision of new housing in the countryside within existing clusters. Clusters are defined within the existing local plan as consisting of:

*"- Consists 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. This distance may be extended to 300 metres if a footway\* is present."*

8.3 The current application site is considered to be located within a group of less than 5 dwellings and significantly more than 150 metres from the edge of a sustainable settlement along a road without a footway (approximately 1.5 miles on the shortest route via road). On that basis the principle is contrary to existing Core Strategy policies DM3 and DM4.

8.4 The National Planning Policy Framework (NPPF) is a material consideration, and paragraph 79 states that:

*"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

*d) the development would involve the subdivision of an existing residential dwelling; or  
e) the design is of exceptional quality, in that it:*

*- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

8.5 The proposal is within a built-up domestic area as there is clearly a small pattern of residential development here. On that basis, the proposal does not represent an isolated new home, in NPPF terms.

8.6 The Final Draft East Suffolk (Suffolk Coastal) Local Plan (2019) is at a very advanced stage and the policies therein can now be given significant weight. Emerging Policy SCLP5.4 (Housing in Clusters in the Countryside) sets out that proposals for new dwellings within 'clusters' in the countryside will be supported where:

*"a) The proposal is for up to three dwellings within a cluster of five or more dwellings;*

*Or*

*The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;*

*And*

*b) The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;*

*c) The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site;*

*and*

*d) It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape.*

*Where more than three dwellings are proposed under criterion b) above, applicants must be able to demonstrate that the scheme has the support of the local community and that the mix of dwellings proposed would meet locally identified needs.*

*Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas, the Area of Outstanding Natural Beauty and the special qualities and features of Landscape Character Areas in accordance with Policy SCLP10.4.*

*The cumulative impact of proposals will be a consideration in relation to the criteria above.*

*A 'cluster' in the context of this policy:*

- *Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent*
- *to an existing highway; and*
- *Contains 5 or more dwellings."*

- 8.7 The application site would be within a group of four dwellings, all fronting the highway. The site represents an identifiable gap between existing dwellings, and it would not result in development extending farther out into the countryside than the existing situation. It is noted that the cluster of four dwellings is one short of meeting the definition of a 'cluster', within the emerging policy (which is 5 dwellings or more). However, in all other respects the site represents infilling within a group in the manner the policy seeks to promote, and thus it is felt that the principle of development can be supported, subject to the scheme being acceptable in respect of all other matters.

#### Heritage Considerations

- 8.8 The proposed new dwelling would be located to the west of North Green Farm, which features a Grade II listed Farmhouse. The farmhouse is C16th in origin, timber framed and rendered and a typical example of the Suffolk farmhouse vernacular. Its principal elevation faces towards Town Farm Lane and not towards the application site. The farmhouse has an associated group of farm buildings to its immediate north. The application site lies opposite the entrance driveway to its north-west but does not, in the view of officers, form part of the listed building curtilage, thereby. The site appears from historic mapping to always have been undeveloped and may have been planted as orchard in the C19th. It is likely, therefore, that the application site has always had an historical and possibly functional relationship to

the farmstead. It forms, therefore, part of the farmhouse's setting and contributes moderately to its significance.

- 8.9 The wider setting to the farmhouse, however, has been altered in the 20th century with the construction of dwellings north-westwards along Town Farm Lane in the immediate vicinity of the application site. This has introduced built form of a domestic character into the setting of the farmhouse and it is officer's view that the application proposal would simply do more of the same and without harm. It would represent a further dwelling into a group of existing dwellings (including the farmhouse, itself). This would represent a change to the setting of the farmhouse but the effect of the change would not give rise to any harm to the farmhouse's significance, as it will be very similar to the existing effect arising from the existing houses. The single storey linear character of the dwelling and its straightforward and pleasant design would not compete with the listed building and the farmhouse would remain the dominant dwelling in this group.
- 8.10 On these bases, therefore, the proposal will preserve the setting of the listed North Green Farmhouse.

#### Visual Amenity

- 8.11 The proposed design, size and scale of the dwelling is considered to be acceptable. The design is a simple bungalow that relates to the scale and character of the more modern housing development in the group. It is a modest dwelling appropriately sized for the plot, providing ample curtilage for future occupiers.
- 8.12 The proposal also involves a new car port ahead of the dwelling. Whilst the car port is of a standard size, it will be forward of the building line which will have an associated visual impact upon the streetscene. However, this is not considered to be harmful to the character and appearance of the area. The proposal is considered to be compliant with local planning policy SP15 -Landscape and Townscape and DM21- Aesthetics.

#### Residential Amenity

- 8.13 The proposed dwelling is unlikely to cause any detrimental issues in terms of residential amenity, due to its single storey form and good separation from neighbouring dwellings. There would be no unacceptable overlooking or privacy issues. The proposed dwelling will have a suitable amount of amenity space provided and will not have any detrimental impacts in terms of impacting neighbour's access to daylight/sunlight. The proposal is considered to be compliant with DM23 of the local plan.

#### Function/Highways

- 8.14 The proposal also includes a new access onto the associated highway. The application site is located on an unrestricted countryside road with two existing accesses either side of the application site. Traffic speeds in this location are likely very low, and it is not a route heavily used by vehicles. The Highways Authority seek more information on visibility splays, but it is clear that access to-and-from the site can be safely achieved, with good visibility in both directions. The proposal is acceptable in terms of highways safety.

## Ecology

- 8.15 The application site has no recordings of protected species on site and there are no existing buildings or outbuildings on site which may feature roosting bats or any other protected species; no further surveys are considered to be required.
- 8.16 Any new residential development within the Zone of Influence of European (Habitats) Site will be required to mitigate the effects of the development and show how this will be achieved prior to approval of planning permission. The application site falls within this Zone of Influence and therefore a Suffolk (Coast)Recreational Avoidance Mitigation Strategy (RAMS) mitigation payment is required, this will be required prior to determination at planning committee.

## **9. Conclusion**

- 9.1 Whilst the principle of this proposed dwelling is contrary to planning policy, as it would result in a dwelling outside of the defined settlement boundary, it would represent a sustainable form of development. It would provide a well-designed dwelling infilling within an existing group and, subject to the receipt of appropriate RAMS mitigation, the scheme is acceptable in terms of all other material planning considerations. Planning permission can therefore be granted.

## **10. Recommendation**

- 10.1 Recommend for approval.

## **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 A1-LOC-01, B1-LOC-01, B2-SIT-01, B2-SIT-02, B2-SIT-03, B3-PLN-01, B4-SEC-01, B5-ELE-01, B5-ELE-02 & B5-ELE-03 received 11/3/2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or 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 agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

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. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

3. 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)

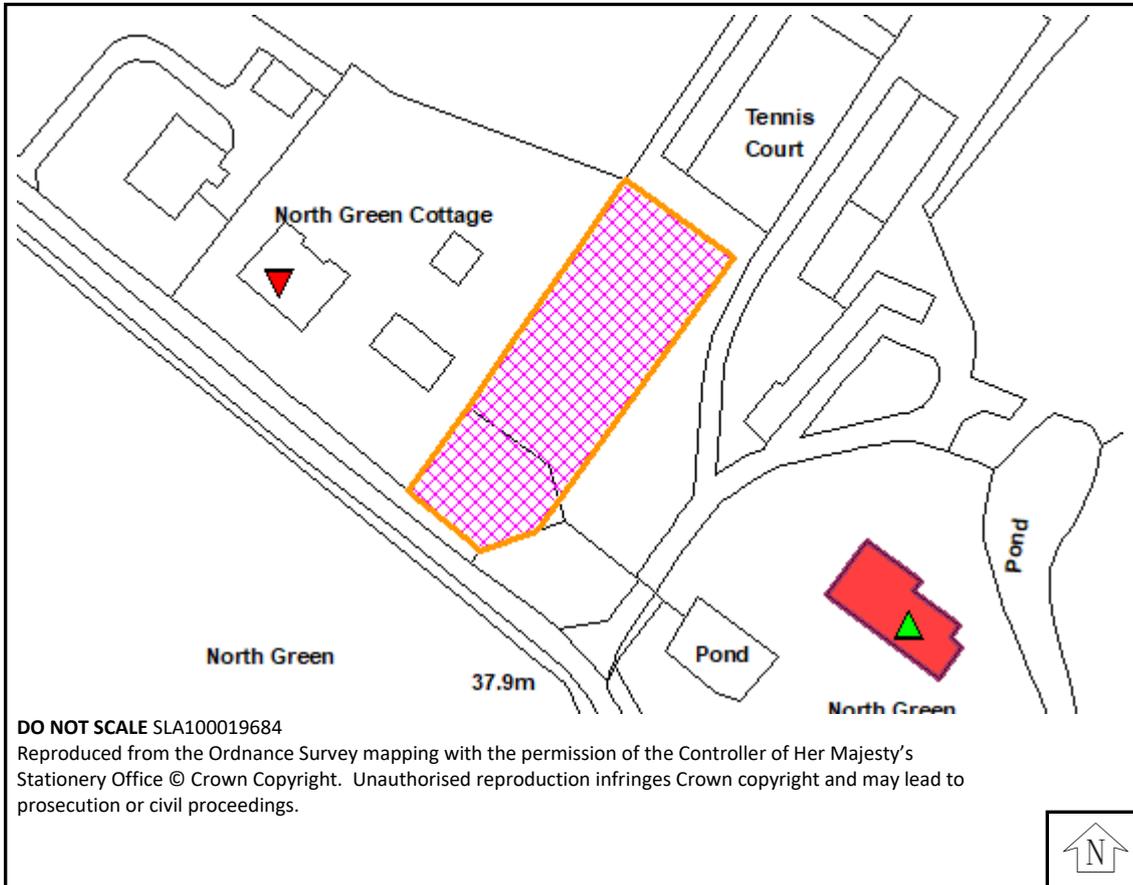
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

4. 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@eastsoffolk.gov.uk](mailto:llpg@eastsoffolk.gov.uk)

## Background papers

See application reference DC/20/1127/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q715A9QXIAN00>

## Map



## Key

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

## **Committee Report**

**Planning Committee - 8 September 2020**

**Application no DC/20/1837/FUL**

**Location**

York's Tenement  
Station Road  
Yoxford  
Saxmundham  
Suffolk  
IP17 3LA

**Expiry date** 14 July 2020

**Application type** Full Application

**Applicant** Mr & Mrs Christopher & Doris Richardson

**Parish** Yoxford

**Proposal** Change of use and sub-division of an existing dwelling to form two dwellings with associated alterations and works.

**Case Officer** Charlie Bixby  
01394 444572  
[charlie.bixby@eastssuffolk.gov.uk](mailto:charlie.bixby@eastssuffolk.gov.uk)

### **1 Summary**

- 1.1 The proposal is for sub-division of the existing dwelling to form two smaller dwellings with the necessary associated internal alterations and boundary works to facilitate the sub-division.
- 1.2 The application is a departure from the existing local plan with the planning officer recommending approval and is therefore required to be determined by the Planning Committee.
- 1.3 The recommendation is for approval subject to the necessary RAMs mitigation payment.

## **2 Site description**

2.1 The application property is a two storey detached Grade II listed building dating from late C16th or early C17th in origin; the dwelling is set back from the busy A12 and well screened by high dense vegetation, to the north lies a detached barn building with access and parking and to the south lies a new access onto Station Road. The site itself is outside the physical limits boundary of Yoxford and is therefore considered to be the countryside (SP29).

2.2 The listing of the building reads as:

*"Farmhouse. Late C16/early C17, the north end probably earlier. Timber framed and plastered, north gable weatherboarded, south gable red brick; pantiled roof. 2 storeys and attic. A single long range. 4 window range, casements, mostly with diamond leaded panes, one ground floor window with diagonal leadwork with a centre cross, 4 windows coupled together to left hand side; 4-panel entrance door, the upper 2 panels glazed, frieze, cornice on console brackets; 4-panel raised and fielded door to right hand side (now blocked), half-glazed door to workshop on left hand side. At first floor level on the right-hand side are 2 bands of pargetting, to the same running honeysuckle design as on 2 houses at Theberton and Hemp Green, Sibton. 2 internal stacks, the main one rebuilt mid C20. Good interior with original newel stairs, many original internal doors, 2 4-centre arched brick fireplaces with rusticated surrounds and a blocked first floor 3-light mullion window with its original glass."*

2.3 Previous pre-application advice has been given in relation to this proposal under application reference DC/PREAPP/18/4789; it was considered at the time that the application would be refused on principle grounds due to the non-compliance with local planning policy DM3 as the 'local need' element of any sub-division had not been demonstrated. The application also considered the Heritage Impact upon the existing local building as a result of the internal works needed to facilitate the sub-division.

## **3 Proposal**

3.1 The proposal is for sub-division of the existing dwelling to form two smaller dwellings with the necessary associated internal alterations and boundary works to facilitate the sub-division.

## **4 Consultations/comments**

4.1 No third party representations received

## **5 Consultees**

**Parish Council**

Consultee	Date consulted	Date reply received
Yoxford Parish Council	21 May 2020	8 June 2020
Summary of comments: Yoxford Parish Council support the application.		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	21 May 2020	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	21 May 2020	27 May 2020
Summary of comments: No objections, recommends standard discovery of unexpected contamination condition.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	21 May 2020	9 June 2020
Summary of comments: No objections, recommends two conditions.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	21 May 2020	No response
Summary of comments: No comments made on the full application.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	21 May 2020	No response
Summary of comments: No comments.		

## 6 Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Listed Building	16 July 2020	6 August 2020	East Anglian Daily Times

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Listed Building	28 May 2020	18 June 2020	East Anglian Daily Times

### Site notices

General Site Notice	Reason for site notice: Listed Building Contrary to Development Plan Date posted: Expiry date:
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## 7 Planning policy

National Planning Policy Framework 2019

The following policies from the adopted Suffolk Coastal Local Plan:

- 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))
- SP3 - New Homes (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))
- SP19 – Settlement Policy (East Suffolk Council – Suffolk Coast 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))

- DM3 - Housing in the Countryside (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))

The following policies from the emerging Suffolk Coastal (East Suffolk) Local Plan:

- SCLP5.3 (Housing in the Countryside) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)
- SCLP11.1 (Design Quality) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)
- SCLP11.2 (Residential Amenity) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)

## **8 Planning considerations**

### Principle

- 8.1 The application site is located outside the defined settlement boundary of Yoxford (A Key Service centre) and is therefore considered the countryside (SP29); The proposal is located within the countryside where in accordance with the NPPF, Policies SP1, SP1A, SP19 and SP29 of the Local Plan, and Policy MAR1, there is a general presumption against residential development unless the proposal accords with the one of the exceptions set out in the NPPF, and Local Plan Policies DM1, DM3, DM4 or DM13.
- 8.2 If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.3 Section 66(1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.4 DM3 (Housing in the Countryside) is as follows:

- (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 (Now Paragraph 79) of the National Planning Policy Framework.

8.5 The proposal is for the sub-division of an existing larger dwelling which could be considered only under part (a) and no other points within DM3, part (a) also mentions sub-division of a larger dwelling has to meet a local need. There is no demonstration that the proposal meets any local need which has not been identified by the applicant or in any previous application decisions. The proposal is therefore not considered to meet the existing local planning policy DM3.

8.6 Emerging local planning policy SCLP5.3 is similar to DM3 but the requirements differ slightly, SCLP5.3 is as follows:

- a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);
- b) Limited development within existing clusters (in accordance with Policy SCLP5.4);
- c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;
- d) Subdivision of an existing larger dwelling;
- e) Conversion of an existing building (in accordance with Policy SCLP5.5);
- f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);
- g) Other residential development consistent with policy on residential.

8.7 The development is for sub-division of an existing larger dwelling and therefore can be considered under SCLP5.3 part (d) which unlike the current existing policy does not require the applicant to demonstrate a 'local need' which can be difficult to provide evidence for and identify.

8.8 The proposal under the new emerging local planning policy can be considered acceptable as it meets the requirements for sub-division of an existing larger policy, however the emerging local plan is not yet adopted and carries less weight than the previous policy.

8.9 The application site is in an area which has since recent residential development in the lifetime of the current local plan with development being allowed and considered acceptable under exceptional policies outlined in DM3, inspectors have considered the area immediately adjacent this existing dwelling as sustainable given its very close proximity to the existing settlement boundary of Yoxford.

8.10 Overall on planning balance it is considered that the proposal through sub-division; although not currently acceptable under the existing local planning policy DM3 due to the need to identify and meet a local need, would prove acceptable under SCLP5.3 part (d) as

the requirement to meet a local need has been removed. The application site area is considered to be sustainable and within walking distance of the key facilities the key service centre of Yoxford provides, and on planning balance the application principle is considered to be acceptable through departure.

#### Visual Amenity and Streetscene

- 8.11 The proposal overall will result in no external changes due to the sub-division nature of the application; there is therefore considered to be no visual or streetscene impact upon the dwelling or its elevations, the only proposed external works that can be commented on are the provision of the rear boundary fence and hedgerow.
- 8.12 The existing rear garden will be split to provide the new dwelling with a suitably sized rear garden which will be divided from the existing dwellings large parcel of land/garden by a 6ft/1.8m high woven fence, it was advised at pre-application stage that a woven fence with hedgerow would look more visually appealing than a standard wooden fence and it is pleasing to see this has been taken on board by the applicant. The proposed boundaries are considered to be acceptable and no further details are required of the fence or hedgerow which has been stated to be no taller than the proposed fence, overall the proposal is considered to be compliant with DM21 - Aesthetics.

#### Residential Amenity

- 8.13 The proposed sub-division will split the existing immediate rear garden into two reasonably sized amenity spaces; the proposed new dwelling will feature a smaller residential garden however the size is still suitable in relation to the dwelling size, the proposal will not feature any new windows and therefore there is considered to be no additional residential amenity impact onto either new dwelling. The overall residential amenity impact is considered to be minimal given the location of the windows and the overall impact of overlooking upon each of the dwelling's amenity space will be minimal overall. The proposal is considered to raise no adverse concerns in terms of residential amenity and is considered to be compliant with DM23.

#### Access/Parking

- 8.14 The application property has an existing access to the south as well as to the north; the property has provided two parking spaces to the north of the adjacent converted barn, the parking area will feature 6 car parking spaces (two for each property in the immediate area) with suitable space to turn on site.
- 8.15 Suffolk County Highways have no objections to the application and recommend two conditions, one of the conditions requiring suitable turning space on site is not considered necessary given the existing converted barn and proposed new barn to the north of the parking spaces use the space as existing and there is clearly enough room to turn vehicles around and leave the site in a forward gear. The other also recommends a condition to ensure suitable visibility splays however the access is in current use and therefore the condition is not considered to be applicable either.

## Ecology

- 8.16 The application site is within 13km of European Protected sites, so is within the Zone of Influence of these sites. Therefore an appropriate assessment has been undertaken, which concluded that a financial contribution to the Recreational Avoidance Mitigation Scheme (RAMS) would be an appropriate form of mitigation for this scheme as on site mitigation is not feasible. At the time of drafting this report, this RAMS payment was yet to be received, therefore the recommendation is one of authority to approve subject to receipt of this payment.

## **9 Conclusion**

- 9.1 Whilst the principle of this proposed dwelling is contrary to the current adopted planning policy as it would result in a dwelling outside of the defined settlement boundary not in accordance with the exceptional planning policy DM3, it would represent a sustainable form of development, which would be considered acceptable under the emerging local planning policy SCLP5.3. The proposal would also be on a site which would not result in expansion of the built form into the wider countryside, and subject to the receipt of appropriate RAMS mitigation, the scheme is acceptable in terms of all other material planning considerations. It should therefore be supported.

## **Recommendation**

Recommend for approval subject to the necessary RAMs mitigation payment. Alternatively if the RAMS payment is not received refuse on grounds that the HRA cannot be achieved

## **Conditions:**

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

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

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

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

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

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

4. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

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

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

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

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

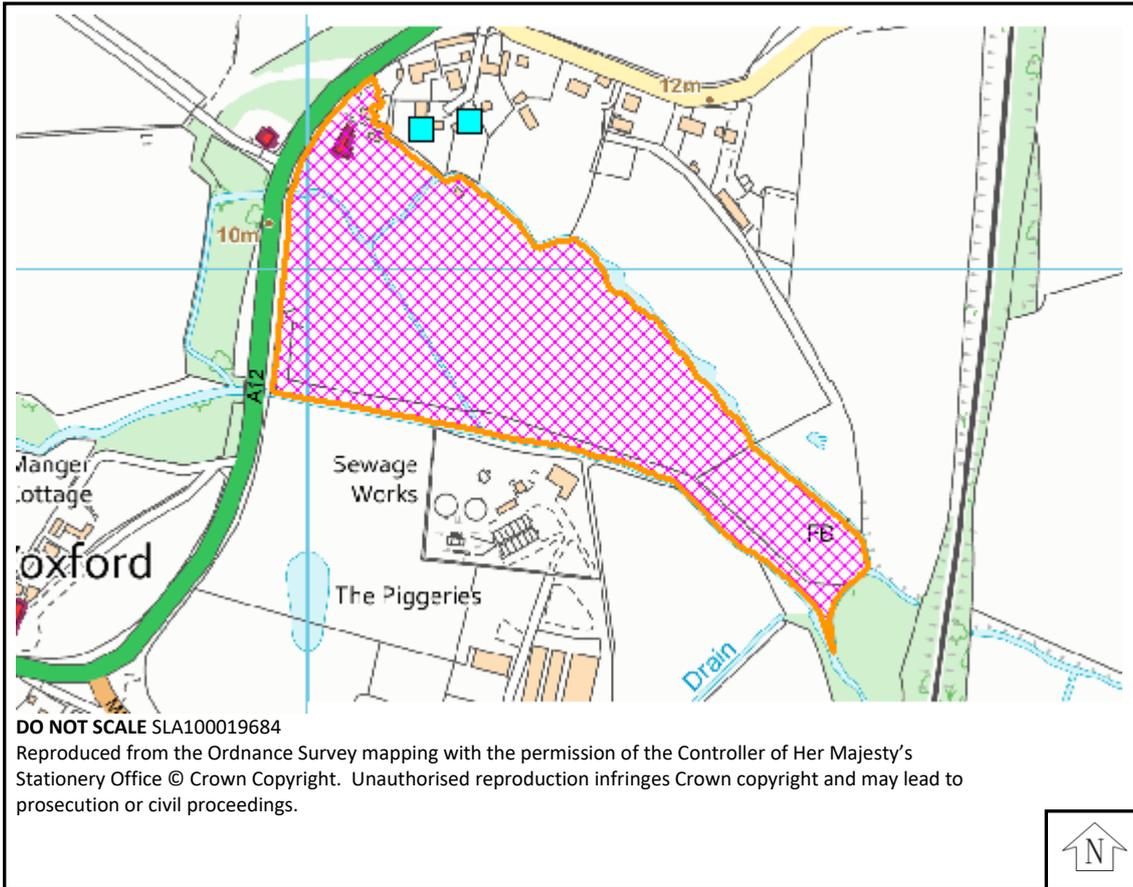
#### **Informatives:**

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

#### **Background information**

See application reference DC/20/1837/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAMB95QXJNK00>

## Map



## Key

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

## **Committee Report**

**Planning Committee - 8 September 2020**

**Application no DC/20/1838/LBC**

**Location**

York's Tenement  
Station Road  
Yoxford  
Saxmundham  
Suffolk  
IP17 3LA

**Expiry date** 14 July 2020

**Application type** Listed Building Consent

**Applicant** Mr & Mrs Christopher & Doris Richardson

**Parish** Yoxford

**Proposal** Listed Building Consent - Change of use and sub-division of an existing dwelling to form two dwellings with associated alterations and works

**Case Officer** Charlie Bixby  
01394 444572  
[charlie.bixby@eastssuffolk.gov.uk](mailto:charlie.bixby@eastssuffolk.gov.uk)

### **1 Summary**

- 1.1 The application seeks listed building consent for physical alterations to the listed building, as part of a proposal to sub-divide the existing dwelling to form two smaller dwellings.
- 1.2 The tandem planning application (ref. DC/20/1837/FUL) is a departure from the existing local plan and brought direct to committee for consideration. As this listed building consent application is linked to the planning application, it is also brought to committee to enable members to comprehensively consider the proposals.
- 1.3 The recommendation is for approval subject to conditions.

## 2 Site description

2.1 The application property is a two storey detached Grade II listed building dating from late C16th or early C17th in origin; the dwelling is set back from the busy A12 and well screened by high dense vegetation, to the north lies a detached barn building with access and parking and to the south lies a new access onto Station Road. The site itself is outside the physical limits boundary of Yoxford and is therefore considered to be the countryside (SP29).

2.2 The listing of the building reads as:

*"Farmhouse. Late C16/early C17, the north end probably earlier. Timber framed and plastered, north gable weatherboarded, south gable red brick; pantiled roof. 2 storeys and attic. A single long range. 4 window range, casements, mostly with diamond leaded panes, one ground floor window with diagonal leadwork with a centre cross, 4 windows coupled together to left hand side; 4-panel entrance door, the upper 2 panels glazed, frieze, cornice on console brackets; 4-panel raised and fielded door to right hand side (now blocked), half-glazed door to workshop on left hand side. At first floor level on the right hand side are 2 bands of pargetting, to the same running honeysuckle design as on 2 houses at Theberton and Hemp Green, Sibton. 2 internal stacks, the main one rebuilt mid C20. Good interior with original newel stairs, many original internal doors, 2 4-centre arched brick fireplaces with rusticated surrounds and a blocked first floor 3-light mullion window with its original glass."*

## 3 Proposal

3.1 The proposal is for sub-division of the existing dwelling to form two smaller dwellings with the necessary associated internal alterations and boundary works to facilitate the sub-division.

## 4 Consultations/comments

4.1 No third-party representations have been received.

## 5 Consultees

### Parish Council

Consultee	Date consulted	Date reply received
Yoxford Parish Council	21 May 2020	8 June 2020
Summary of comments: The Yoxford Parish Council support the application.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	21 May 2020	10 June 2020
Summary of comments: No objections to the proposal and no further details required.		

## 6 Publicity

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

Category	Published	Expiry	Publication
Listed Building	16 July 2020	6 August 2020	East Anglian Daily Times
Category	Published	Expiry	Publication
Listed Building	28 May 2020	18 June 2020	East Anglian Daily Times

## 7 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))

SP15 - Landscape and Townscape (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))

SCLP11.1 (Design Quality) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)

## 8 Planning considerations

8.1 Section 66(1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as

the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Heritage Considerations

- 8.2 The submitted Heritage Statement meets the requirements of the Paragraph 189 of the National Planning Policy Framework (NPPF); previous heritage advice regarding the sub-division of the Grade II listed building was given at pre-application stage, where the need for a Heritage Statement to fully assess the implications of the alterations to facilitate the proposed sub-division was highlighted. Officers provided advice on a number of points and the applicant advised to fully consider those matters prior to submission of a application. The concerns raised have been addressed, as explained below, and also with explanation through the submitted Heritage Statement which has identified less important parts of the dwelling which can acceptably be altered.
- 8.3 The proposal involves a number of alterations including: insertion of a new staircase to facilitate access to the first floor for the new dwelling, fixing shut of ground floor doors between the proposed dwelling and existing, and new party walls at first floor.
- 8.4 The proposed new staircase is to facilitate access to the first floor for the new dwelling; there was concern at pre-application stage this would involve the removal of historic fabric however the Heritage Statement/Assessment has evidenced that the floor joists in this particular location are of a lower quality and therefore their removal can be considered acceptable as it will not cause substantial harm, the floor joists are to be re-used where possible around the new staircase.
- 8.5 The proposal at pre-application stage originally wanted to block up the ground and first floor doors between the two dwellings and therefore could lose an important original feature of the house in the future as the change may not be reversible; the proposal has now agreed to fix shut the doors and retain them on one side with a new party wall to be done the other side with no permanent blocking up of the doors, this will retain the original features and show evidence of the original layout of the building, the changes can also be reversed in the future if needed.
- 8.6 The main part of the proposed sub-division involves the provision of party walls at ground, first and attic floor levels. The proposed party walls would be located centrally in the same location on all floors. The location of the party walls will impact the original layout of the listed building, however the change is reversible if needed in the future, and the proposed location of the new party walls are considered to be the most suitable alternative as it provides the least historic impact whilst also providing both dwellings with a suitable layout.
- 8.7 The proposed alterations are considered to cause less than substantial harm overall and, as identified by Paragraph 196 of the NPPF, that harm will need to be properly weighed against the public benefits of the proposal. The proposals will result in a small amount of loss of historic fabric, but on planning balance, it will provide another dwelling through conversion which will preserve the character and special interest of the listed building. A condition should be added requiring the Heritage Statement is submitted to the Suffolk County Historic Environment Record.

## **9 Conclusion**

- 9.1 The proposed development is considered acceptable when having regard to the heritage impacts, in accordance with the heritage objectives of the NPPF.

## **10 Recommendation**

- 10.1 Recommend for approval subject to the following conditions:

### **Conditions:**

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

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

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

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

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

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

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

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

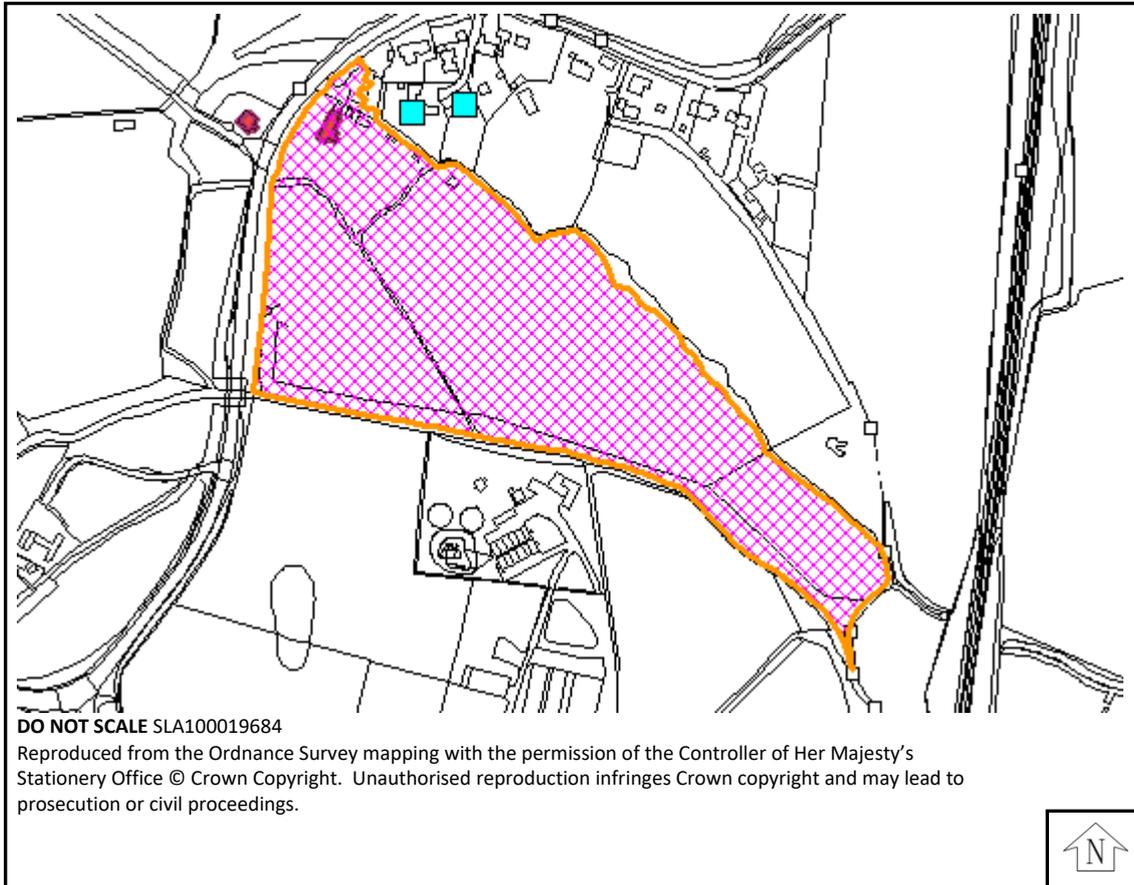
### **Informatives:**

1. The works hereby approved are only those specifically indicated on the drawing(s) and/or other documents referred to above.
2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

## Background information

See application reference DC/20/1838/LBC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAMB9BQXJNM00#>

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