



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

# Planning Committee South

## Members:

Councillor Debbie McCallum (Chairman)  
Councillor Tony Fryatt (Vice-Chairman)  
Councillor Melissa Allen  
Councillor Stuart Bird  
Councillor Chris Blundell  
Councillor Tony Cooper  
Councillor Mike Deacon  
Councillor Colin Hedgley  
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 17 December 2019 at 2.00 pm**

An Agenda is set out below.

## Part One – Open to the Public

Pages

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### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

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

<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4a</b>	<b>Minutes - 22 October 2019</b> To confirm as a correct record the Minutes of the Meeting held on 22 October 2019	<b>1 - 31</b>
<b>4b</b>	<b>Minutes - 26 November 2019</b> To confirm as a correct record the Minutes of the Meeting held on 26 November 2019	<b>32 - 40</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/0221</b> Report of the Head of Planning and Coastal Management	<b>41 - 57</b>
<b>6</b>	<b>DC/19/2666/FUL - Kesgrave Quarry, Sinks Pit, Kesgrave, IP5 2PE ES/0222</b> Report of the Head of Planning and Coastal Management	<b>58 - 104</b>
<b>7</b>	<b>DC/19/3650/FUL - 59-61 College Road, Framlingham, IP13 9EU ES/0223</b> Report of the Head of Planning and Coastal Management	<b>105 - 118</b>

**Part Two – Exempt/Confidential**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

## Speaking at Planning Committee Meetings

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

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

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

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

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

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

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<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 22 October 2019 at 2:00 pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor James Mallinder, Councillor Chris Mapey, Councillor David Ritchie, Councillor Rachel Smith-Lyte

**Officers present:**

Liz Beighton (Planning Development Manager), Grant Heal (Area Planning & Enforcement Officer), Matt Makin (Democratic Services Manager), Philip Ridley (Head of Planning & Coastal Management), Jane Rodens (Area Planning & Enforcement), Katherine Scott (Development Management Team Leader), Natalie Webb (Area Planning & Enforcement Officer)

**Others present:**

Ben Chester (Suffolk County Council Highways)

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**1 Apologies for Absence and Substitutions**

When opening the meeting, the Chairman advised that she had re-ordered the agenda in order to bring forward items with public speaking; items 7 and 8 were to be heard before item 6. She also noted that a site visit in respect of item 6 on the agenda had been undertaken the previous day (21 October 2019) and that all members of the Committee present, including substitutes, had attended the visit.

Apologies for absence were received from Councillors Allen and Deacon.

Councillor Coulam substituted for Councillor Allen and Councillor Gooch substituted for Councillor Deacon.

**2 Declarations of Interest**

Councillor Hedgley declared a Local Non-Pecuniary Interest in Item 8 of the agenda as a member of Great Bealings Parish Council.

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

Councillor Fryatt declared that he had been lobbied by telephone regarding item 6 of the agenda and had not discussed the application with callers.

Councillor Gooch declared that she had been forwarded two letters by Councillor Deacon, for whom she was substituting, lobbying on item 6 of the agenda. She had read the emails but had not discussed them with anyone.

Councillor Yule declared that she had been approached by local residents in her Ward in respect of item 6 of the agenda, in person and by email.

Councillor Hedgley declared that he had received three emails asking him to vote against approving the planning application at item 6 of the agenda. He also declared that he had received an email in respect of item 8 of the agenda, from the applicant, inviting him to visit the application site. He confirmed that he had declined the invitation.

Councillor Cooper declared that he had received telephone calls, messages and emails relating to item 6 of the agenda. He said that he had only acknowledged contact.

Councillor Blundell declared that he had received emails on item 6 of the agenda but had not responded to them.

Councillor Bird declared that he had received emails on items 6 and 8 of the agenda but had not responded to them.

Councillor McCallum declared that she had received emails on item 6 of the agenda but had not responded to them.

Councillor Mapey declared that he had received emails on item 6 of the agenda and had been non-committal in his responses.

Councillor Smith-Lyte declared that she had received emails on item 6 of the agenda and had responded to some of them.

#### **4 Minutes**

##### **RESOLVED**

That the Minutes of the Meeting held on 24 September 2019 be confirmed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0144** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for the Council where enforcement action had been sanctioned under delegated powers up until 23 September 2019. The report was received as read.

The Chairman invited questions to the Planning officers.

A member of the Committee who was Ward Member for Martlesham and Purdis Farm asked for an update on the enforcement case at Top Street, Martlesham, noting that it had been delayed. The Planning Development Manager said that she believed an appeal had been lodged and would ensure that the case officer provided a full update to the Ward Member.

## **RESOLVED**

That the contents of the report be received and noted.

### **7 DC/19/3098/COU - The Firs, The Street, Hacheston, Woodbridge, IP13 ODR**

The Committee received report **ES/0179** of the Head of Planning and Coastal Management, which related to planning application DC/19/3098/COU.

The application sought the change of land to accommodate six motor homes to let out as part of a business. The land was within the curtilage of The Pines, was to the south of the host dwelling, in the Village of Hacheston and its Physical Limits Boundary.

The application was before the Committee having been considered by the Referral Panel as Hacheston Parish Council had objected to the application and the Planning Officer was recommending approval. The Referral Panel considered that the application should be determined by the Committee as it was a retrospective planning application and should therefore be given a hearing by the Committee.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was outlined and the current block plan was shown to demonstrate how the business had been operating. The current block plan was compared to the proposed block plan.

Photographs of the site were displayed which showed the parking area, motor homes within the site, and views looking back to the main road.

The recommendations, as set out in the report, were outlined to the Committee.

The Chairman invited questions to the Planning officers.

The Area Planning and Enforcement Officer confirmed that the application had not included external lighting.

The Chairman invited Mr Revill, Chairman of Hacheston Parish Council, to address the Committee.

Mr Revill explained that Hacheston Parish Council objected to the application and considered it was inappropriate development in a residential area. He noted that the site was on the B1116 road which ran through the village of Hacheston, stating that the road carried approximately 5,000 vehicles a day at an average speed of 35 miles per hour. He added that the nearby shops to the site were also served by the layby and that these shops were a focal point in the village.

Mr Revill highlighted that the proposed parking site was within 20 metres of the River Ore which was in a Special Landscape Area. He said that Hacheston Parish Council was concerned about the pollution the motor homes would cause to this location.

it was acknowledged by Mr Revill that the applicant had addressed some of the concerns relating to the emptying of chemical toilets but said that concerns still remained. He also expressed concern about the risk of fire in a vehicle compound and the use of gas cylinders for the motor homes, querying if this was in line with gas safety regulations.

It was considered that if the layby was used by the business this would limit parking for those wishing to access local shops and impact traffic entering the B1116 at that location. He suggested that a more suitable site should be considered for this development.

Mr Revill concluded by saying that if the Committee was minded to approve the application, it should include conditions to restrict operating hours, to ensure that the chemical toilet waste disposal system was installed immediately, to prevent parking in the layby, and to ensure that the motor homes entered and exited the site in a forward gear.

The Chairman invited questions to Mr Revill.

The Vice-Chairman queried Mr Revill's statement on gas safety regulations. Mr Revill acknowledged that he was not an expert in this area but that when the Parish Council had become aware of the use of gas cylinders on the site, research undertaken had led him to conclude that gas safety regulations would be applicable in this instance, especially as the business was hiring out the motor homes with gas cylinders included.

Mr Revill confirmed that there had been local objections to the proposed scheme and that significant correspondence had been submitted on the applicant's original application which had been withdrawn.

The Chairman invited Mr Allison, the applicant, to address the Committee.

Mr Allison apologised to the Committee for making a retrospective planning application. He explained that he had not originally set out to establish the business and had not realised that planning permission was required. He explained that he had moved back to Hacheston to care for an elderly relative and had first bought a motor home for personal use; the first vehicle purchased was not suitable so he bought a larger motor home and decided to hire out the original vehicle.

Mr Allison confirmed that he now owned six motor home vehicles, which varied in size and capacity, hiring them out for a source of income. He thanked the Area Planning and Enforcement Officer for her work on his case and said that he would be happy to answer the Committee's questions.

The Chairman invited questions to Mr Allison.

The Chairman asked Mr Allison if he would be installing the waste system for chemical toilets as soon as possible. Mr Allison said that as winter was approaching, it was his intention to install a waste tank in April 2020 as the vehicles were not currently in use.

Mr Allison stated that a motor home vehicle had only been parked in the layby once in the last year. He said he took exception to being told he could not park in a layby outside of his own property.

It was confirmed that all vehicles were arranged so that they could leave the site in a forward gear. Mr Allison considered that he was unable to control his customers choosing to turn the vehicle around and reverse off the site if they chose to do so. He ensured that all gas supplies were turned off as required.

A member of the Committee asked Mr Allison if it was necessary to operate his business on a 24/7 basis. Mr Allison noted that his business was a leisure one and wanted to be able to accommodate a wide variety of return times. He said that he did not work seven days a week.

It was noted that the motor home vehicles were hired to tour the local area, with bookings often being made for the Latitude Festival.

Another member of the Committee asked if Mr Allison would be willing to include conditions in the hire terms and conditions to require his customers to not park in the layby or reverse in and out of the site. Mr Allison reiterated that the vehicles were prepared for collection facing the right way to leave the site in a forward gear and that any parking in the layby would be temporary.

The Chairman invited the Committee to debate the application that was before it. She opened debate by noting the concerns of the Parish Council and that the Referral Panel had recommended the application be determined by Committee as it was a retrospective application. She considered that, having listened to the applicant, the issues with the application had been resolved, highlighting that there had been no third-party comments on the application. She said that she would be voting in favour of the application.

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

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

## **RESOLVED**

That the application be **APPROVED** Subject to Conditions set out in the report and an additional condition requiring the installation of the underground tank for chemical toilet waste prior to the end of March 2020.

### Plans

1. The development hereby permitted shall be completed in all respects strictly in accordance with DS1220, 1905/1A, 1905/2A and 1905/3A received 6th August 2019,

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

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

Business use and dwelling tied

2. This site shall only be used as a dwelling (currently known as 'The Firs') with associated land within the red line on drawing 1905/1A being used for the hiring of motorhomes business being operated by the owners and/or occupiers of 'The Firs', and for no other purpose. In the event that the motorhome hire business ceases, within 3 months, all material and equipment bought on to the site in connection with the motorhome hire business shall be removed (apart from the septic tank/water treatment system).

*Reason: In the interests of safeguarding the amenity of future occupiers of 'The Firs'. The Local Planning Authority would not grant consent for this business use in such close proximity to a residential unit, unless they are interconnected.*

Number of vehicles

3. A maximum of 6 motor homes and 2 cars (8 vehicles on site) are to be located within defined parking area as defined on drawing 1905/3A at one time. No other vehicles shall be parked anywhere else on site (i.e. anywhere outside the defined parking area, within the red line on drawing 1905/1A), unless otherwise agreed with the Local Planning Authority.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties, and in the interests of highway safety.*

Hours of Use

4. The motorhomes shall only be collected, returned, cleaned and moved within the site between the hours of 8am and 6pm each day (including bank holidays).

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.*

Use/Activities

5. The only activities to be undertaken to the motorhomes on site shall be cleaning (including emptying of chemical and grey water, washing of exterior and interior cleaning such as hoovering, changing bedding etc). No vehicle repairs or replacement of mechanical parts or vehicle sales shall be undertaken on site.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.*

Lighting - No external

6. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved details of the position, height, design, angle of fittings and luminance level. The lighting shall be installed in accordance with the approved details and maintained thereafter.

*Reason: In the interests of visual amenity and biodiversity*

7. The underground tank as identified on plan 1905/3A is to be installed prior to the 31st March 2020, unless otherwise agreed with the Local Planning Authority.

*Reason: to ensure that the development indicated on the plans is carried out in a satisfactory time scale.*

## **8 DC/19/2700/FUL - Croft Cottage, Lower Street, Great Bealings, IP13 6NH**

The Committee received report **ES/0180** of the Head of Planning and Coastal Management, which related to planning application DC/19/2700/FUL.

Planning permission was sought for a replacement dwelling at Croft Cottage, Lower Street, Great Bealings. The site was positioned towards the northern extremity of Great Bealings, which was an 'Other Village' where replacement dwellings were considered acceptable, provided they were no more visually intrusive.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. The site's location was outlined; the Committee was advised that the plot of the existing dwelling was a large one and was on the edge of a cluster of dwellings to the north of Great Bealings. The existing dwelling was described as a modest three-bedroom property with well vegetated boundaries. The topography of the site sloped from the front of the dwelling to the rear of the plot.

The existing block plan was outlined. The Area Planning and Enforcement Officer highlighted that the footprint of the proposed dwelling was larger than that of the existing dwelling but was considered proportionate to the size of the plot.

The proposed floor plans were highlighted. It was confirmed that the new dwelling would also be a three-bedroom property with living accommodation on the first floor. There would also be a terrace on the western elevation of the building.

The proposed elevations were displayed. The aesthetic of the proposed dwelling was described as being contemporary and the ridge height was confirmed to be 1.5 metres lower than that of the existing dwelling.

The Committee was shown photographs which displayed the street scene looking down Lower Street to the east and up Lower Street to the west.

The recommendations, as set out in the report, were outlined to the Committee.

There being no questions to the Planning officers, the Chairman invited Mr Barrington, representing Great Bealings Parish Council, to address the Committee.

Mr Barrington advised that Great Bealings Parish Council objected to the application. He said that the Great Bealings Neighbourhood Plan had been designed to enhance and protect the village and noted that the Suffolk Coastal Local Plan defined it as being part of the countryside and that this was not proposed to be changed in the emerging Local Plan.

Mr Barrington added that the development was within a landscape protection area and was adjacent to non-designated heritage assets. He considered the design aesthetic proposed to be inappropriate given its proximity to these assets.

The site was described as being near the gateway to Great Bealings and part of the boundary between the countryside and the built environment. For that reason, Mr Barrington said that the Parish Council considered the proposed dwelling inappropriate for the setting as it would be intrusive.

Mr Barrington stated that the significant change in visual impact that would be caused was against the Council's policies as set out in the Suffolk Coastal Local Plan. He disagreed with the assertion that the site was within a physical limits boundary as there was no such boundary due to the village being in the countryside.

It was highlighted that the ground plan of the proposed dwelling was larger than what existed and Mr Barrington was of the opinion that any new development should be within scale, noting that the benefit of a lower ridge height came at the price of a larger footprint. He also noted that the proposed building would be two metres closer to the old post office and was unsure as to why this was.

The Chairman invited questions to Mr Barrington.

A member of the Committee sought further clarification from Mr Barrington on how the proposed dwelling would be visually intrusive. He stated that it was a question of judgement and that, in the opinion of the Parish Council, the proposed development would be out of keeping with the neighbouring non-designated heritage assets as it would be of a dramatically different style.

The Vice-Chairman queried if the Parish Council considered that the design was in keeping with neighbouring properties. Mr Barrington said that the neighbouring properties had sloping roofs at the rear and that the view of the street scene demonstrated did not give a full impact of the situation.

*The meeting was adjourned for a short break at 2.41 pm. It was reconvened at 2.43 pm.*

The Chairman invited Mr Turner, the applicant, to address the Committee.

Mr Turner advised that he had emailed members of the Committee to invite them to visit the application site, in order to avoid the application being deferred at Committee for such a visit. He said that the proposed dwelling had been designed by local architectural companies that had a good knowledge of the local area. He considered that similar designs existed in the local area and highlighted both the three letters of support submitted and the lack of objections from the Highways Authority.

The larger footprint of the new building was acknowledged by Mr Turner. He said that the proposed dwelling had been designed in such a way to avoid overlooking neighbours. He was of the opinion that the footprint would be in keeping with neighbouring properties and was, in fact, smaller than some existing properties nearby.

The design was described as making the most of glass, timber cladding and render. The dwelling would overlook the countryside and have a sloping roof.

Mr Turner stated that the current dwelling was not considered to be a non-designated heritage asset. He noted that the Great Bealings Neighbourhood Plan supported replacement dwellings and said that the existing building had been described as an eyesore. Mr Turned said that Lower Street was not the main through road into the village and that the new dwelling would not be visible to traffic.

Mr Turner concluded by saying that he believed the application was in accordance with planning policies and should be approved, considering it to be of a high quality design that would improve the area.

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

A member of the Committee, who was Ward Member for Great Bealings, opened debate. He acknowledged that progress needed to be made in planning but said that change should be managed and considered in a careful way. He said that he was not opposed to the design proposed but was concerned that the dwelling would be in full view when entering the village and had concerns about the impact on the street scene.

The Vice-Chairman, who was also Ward Member for Great Bealings, sympathised with the views of the Parish Council and acknowledged that the site location was a key aspect of the entrance to Great Bealings. He said that he had originally been shocked by the design proposed but having been able to put it into context, was able to accept such a design on the site.

Another member of the Committee highlighted that architecture had evolved throughout history and that the site was not within an AONB or conservation area and was not adjacent to any listed buildings. He was mindful that the new building would be lower in height than the one that was currently on the site. He considered that a new design should be accepted as part of the village's evolutionary process and said that he would be supporting the application.

A member of the Committee stated that she had been concerned about the proposed rendering, but having driven past the site considered this aspect acceptable. She was pleased to see the site being taken on and improved and said that this ought to be encouraged. She was of the view that the applicant had been conservative with the proposal and had considered the impact on residential amenity.

The Chairman concluded debate by stating that she considered the existing cottage needed to be replaced and was in favour of the application before the Committee.

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

On the proposition of Councillor Bird, seconded by Councillor Coulam it was by a majority vote

## RESOLVED

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

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawings:

- 6171 (OS Map);
- 6171 1 (Block Plan);
- 6171 2 (Details plans, sections and elevations);
- Proposed finishes (Received 5 July 2019).

*Reason: For 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 by the local planning authority.

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

4. No construction work, including demolition and deliveries to and from site, shall commence before 8am and shall not continue after 6pm Monday to Friday and 8am to 1pm on Saturdays with none being undertaken Sundays and bank holidays unless otherwise agreed by the local planning authority.

*Reasons: To prevent noise pollution to adjacent residential properties.*

5. Within 6 weeks of the hereby approved dwelling being occupied, the mobile home illustrated on approved drawing 6171 1 (Block Plan) shall be removed in its entirety, unless otherwise agreed by the Local Planning Authority.

*Reason: To ensure that there would be no more than 1 dwelling on the site, in the interests of residential amenity and because the site lies within the countryside, where additional dwelling houses are only permitted in exceptional circumstances.*

6. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved by the local planning authority.

*Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.*

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

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

8. Prior to the flat roof terrace being used as a balcony for the purposes incidental the enjoyment of the approved dwelling house, the hereby approved glass panels shall be erected along the sides of the roof. The panels shall thereafter be retained in the approved form unless otherwise agreed by the local planning authority.

*Reason: To safeguard the privacy of neighbouring residents.*

9. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

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

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development comprising the installation of windows on the new dwelling's east and rearfacing elevations, or development comprising additions and alterations to the proposed dwelling's roof, including the proposed first floor terrace shall be carried out unless otherwise agreed with the local planning authority.

*Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining resident.*

*The meeting was adjourned for a break at 2.53 pm. It was reconvened at 3.10 pm.*

## **6 DC/19/2641/FUL - Former Council Offices, Melton Hill, Woodbridge, IP12 1AU**

The Committee received report **ES/0178** of the Head of Planning and Coastal Management, which related to planning application DC/19/2641/FUL.

Planning Permission was sought for the redevelopment of the former Suffolk Coastal District Council (SCDC) Offices site to a residential led scheme of 100 dwellings, of which 32 were proposed to be affordable housing. The proposal also included community and café space towards the site frontage, pedestrian thoroughfare through to the river and underground parking.

This was the third application for the site. The first application (reference DC/17/2840/FUL) was withdrawn at the applicant's request, following a resolution to approve by the SCDC Planning Committee in April 2018. A revised application was submitted (application reference DC/18/3424/FUL refers) for an identical scheme but seeking to utilise Vacant Building Credit (VBC) to reduce the level of affordable housing provision to 16.

That application was refused by the SCDC Planning Committee on the 26 November 2018 in accordance with the officer recommendation relating solely to the Vacant Building Credit issue, and in all other respects the scheme was the same as that previously considered. The applicants appealed the decision and formal determination of the appeal was awaited from the Planning Inspectorate and the consideration was via the written representation route.

The current application sought to make some minor amendments to the layout and appearance of the site from the previously considered schemes. The general design ethos of the development remained the same and the scheme made provision for the policy requirement affordable housing.

The Committee received a presentation on the application from the Planning Development Manager. She outlined the planning history of the site as detailed in the report's Executive Summary and notified the Committee that the decision of the Planning Inspectorate, regarding the appeal against the decision to refuse application DC/18/3424/FUL, was expected to be issued in the near future.

The Committee's attention was drawn to comments received comparing the proposed scheme against an alternative affordable housing scheme in Norwich; the Planning

Development Manager reminded the Committee that it was determining the application that was before it and not any alternative scheme suggested by commentators on the application.

Reference was made to the site visit undertaken by the Committee on 21 October 2019, which replicated the site visit undertaken by the SCDC Planning Committee in 2017.

The Planning Development Manager highlighted the changes made to the current scheme compared to previous applications, as detailed in paragraph 3.9 of the report. She described the application as being very similar to the first application on the site, that SCDC Planning Committee resolved to approve in April 2018.

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It was noted that the emerging Suffolk Coastal Local Plan, which had recently been examined by the Planning Inspectorate, had allocated the site for 100 units of housing, which was the level of housing proposed in the application.

The proposed car parking for the site remained largely unchanged. Some minor amendments had been made to the underground car parking. The Planning Development Manager highlighted that the community facility building had been reduced to a single storey building to eliminate public and private use of a single lift.

It was outlined that the landscaping at the front of the site, facing onto Melton Hill, had been updated to soften the impact of the development on to the street scene. Minor changes had been made to building elevations and Block K was now proposed to be subdivided vertically rather than horizontally to make two houses rather than two flats. The scheme also now contained additional bin storage and bicycle storage than had been proposed previously.

The site's location was outlined. The Planning Development Manager explained that the site straddled the Melton and Woodbridge boundary, with the majority of the site being located within Woodbridge. The site was adjacent to the Woodbridge Conservation area and in close proximity to several Grade II listed buildings.

The two existing buildings at the front of the site were non-designated heritage assets. An application to list the buildings had been declined.

A map of the area was displayed, highlighting the site's proximity to the Woodbridge Conservation Area, the flood zone, the Ramsar site, and a Special Protection Area. The Planning Development Manager also demonstrated on the map the locations that had been visited during the Site Visit undertaken on 21 October 2019.

The Committee was shown information supplied by the applicant which outlined walking and cycling distances from the site to key service areas in Woodbridge, which the applicant considered demonstrated the good links the development would have with education, employment, travel, and leisure.

Photographs of the site in its existing condition were displayed. It was proposed to demolish the buildings currently occupying the site and to retain and enhance existing

boundary vegetation. The Planning Development Manager highlighted the conditions that could be brought back to the Chairman and Vice-Chairman of the Committee.

Additional photographs showing the views to the site from Woodbridge towards Melton and vice versa were displayed. It was intended that existing ingress to the site would be retained for both ingress and egress and that the existing egress from the site would be removed.

Photographs were also shown which highlighted the proximity of Grade II listed dwellings to the site and the site's relationship with dwellings in Deben Road and Kingsway, as well as views of the site from river towpath looking back towards the site.

The proposed plans demonstrated the variation in the height of the proposed buildings across the site and how they related to surrounding buildings. The Planning Development Manager outlined that the inclusion of sloping roofs further sought to offer variance in heights of buildings. The tallest building was proposed to be located in the centre of the site.

Two blocks were proposed to contain the affordable housing, of 32 units. Since the previous refusal of permission, the applicant had been able to secure a Registered Provider (RP) in respect of the affordable housing so that the policy compliant level could be provided on site.

The landscaping block plan was displayed. It was confirmed that open space would be located adjacent to the east of the site in the area identified as the flood zone. The pedestrian access from the site to Deben Road would be provided to allow public access through and across the site.

The proposed landscaping plan identified where vegetation would be retained and enhanced. Detailed landscaping proposals were reserved via planning condition. The Planning Development Manager considered that the inclusion of the pedestrian access through the site from Melton Hill would open up views towards Sutton Hoo and Woodbridge which currently did not exist.

The total increase in floorspace, in comparison to existing buildings on the site, was 47%. The footprint of the proposed development would be similar to that which existed on the site but would be dispersed across the site.

Proposed plans and elevations for the frontage buildings, affordable housing blocks, the site as viewed from both Deben Road and Old Maltings Court were displayed to the Committee. The Committee was also shown sections of the site as seen from both Melton Hill and Old Maltings Court and an artist's impression of the site looking from Melton Hill towards the rear of the site. Computer-generated images of how the site would look from various different locations were made available; the Planning Development Manager noted that these images did not show the proposed additional planting proposed for the site's frontage to Melton Hill.

The Committee was advised that the access to the car park via ramp would use existing land form. It was highlighted on the elevation of the site, as seen from Deben Road, where a balcony had been removed from the proposals and where a Yew tree

would be retained. The Planning Development Manager noted that some of the properties on Deben Road were either longer or shorter than the average and that boundary planting would be bolstered in that area.

A composite image was displayed, which demonstrated the difference in height between the existing buildings on the site and the buildings being proposed, as seen from Pytches Road looking towards the front of the site.

Photographs demonstrating both the view towards the site from Sutton Hoo and from the site towards Sutton Hoo, with computer-generated imagery included in the former to show the proposed development, were shown to the Committee. It was noted that the proposed buildings would sit below the existing tree line as per the majority of roof lines in Woodbridge, punctuated only by church spires, and that the development would be set to the right, and separated from, of town's historic core.

The Committee viewed plans that detailed bin storage and bin collection areas, refuse collection routes, surfacing, landscaping, vehicle access, visitor parking, emergency vehicle routes, resident vehicle access, and public and resident pedestrian and cycle routes across the site.

At this point during the presentation, the Chairman invited questions to the Planning officers.

It was confirmed that dwellings would have either balconies and/or outdoor spaces, depending on the type of dwelling, that could be used to dry clothes.

The Planning Development Manager continued her presentation. The Committee's attention was drawn to Section 5 of the report, which detailed planning policy considerations for the application. The Planning Development Manager noted that since the last application on the site the NPPF had been updated and that the site was identified for allocation in the emerging Suffolk Coastal Local Plan.

The Planning Development Manager spoke on the planning considerations detailed in the report. She advised that the scheme proposed was virtually identical to the previous two schemes determined by the former SCDC and highlighted that in both cases, the SCDC Planning Committee had not objected to the design, layout and visual appearance of the scheme. She added that the Council had endorsed the site's allocation in the emerging Local Plan and advised that the key considerations for the current application were the changes to planning policy and a detailed consideration of the impacts of the changes to the design of the scheme since the last application was determined.

The scheme was noted to be within the settlement boundaries and was considered a sustainable location for transport links that did not rely on a private vehicle. The Planning Development Manager stated that both the additional landscaping proposed, and the design of the buildings were of high quality.

The Highways Authority had not objected to the proposal subject to several proposed conditions; parking provision had been increased as suggested by SCDC and parking

would be managed by the site's concierge. It was intended that residents would be allocated parking spaces.

The Planning Development Manager said that the pedestrian access link with Deben Road would improve permeability across the site and would be of wider benefit to the whole community and not just residents of the site.

The key issue was said to be the design, layout and visual appearance of the scheme. The Planning development Manager advised that she considered that a bold design was not necessarily inappropriate and noted that the design was endorsed by the Council's Design and Conservation Officer, whose comments in full were appended to the report.

Officers were of the view that the impact on residential amenity was acceptable and highlighted that the site visit undertaken by Members on 21 October 2019 allowed them to appreciate the impact the development would have. The Planning Development Manager highlighted the retention of the yew tree and the removal of the balcony on the site's boundary with Deben Road.

The Council's Arboriculture and Landscape Manager was content with the application and would be responsible for monitoring the discharge of conditions relating to landscaping. Reference was made to the increased landscaping proposed on Melton Hill.

The economic benefits of the development were said to be additional Community Infrastructure Levy (CIL) payments, New Homes Bonus payments, the creation of two full-time jobs, and the increased spend in the local economy that would be created.

The recommendations, as set out in the report, were outlined to the Committee.

The Chairman invited further questions to the Planning officers.

It was confirmed that details of refuse collection management would be a matter for the applicant and those managing the site. The Committee was advised that there would be a central bin marshalling area for refuse collection and that this would be managed by the site concierge.

The car parking spaces were stated to be wide enough for disabled access and spaces could be allocated as such.

The Chairman invited Mr Saggars, representing objectors to the application, to address the Committee.

Mr Saggars asked for the computer-generated birds-eye view image to be displayed. He noted that eight units of the affordable housing would be social housing and that the remaining 24 would be intermediate units which would be used for 'rent to buy' schemes. He considered that the application should fail on this test alone.

Mr Saggars also considered that the application failed due to the negative impact it would have on its surroundings; he said that the scheme did not relate well to the area

and would not enhance the Woodbridge Conservation Area. He referred to paragraph 127 of the NPPF and said that the scheme was not sympathetic to local character, history, or surroundings, despite the contrary view of Planning Officers. He added that, in his opinion, the Design and Conservation Officer's comments contrasted with the case officer and therefore should not be given significant weight when considering the proposed designs.

A more sympathetic design was considered to be possible on the site and Mr Siggers said that very few people seemed to think that the scheme would fit in to the local area. He highlighted the significant opposition from residents, Woodbridge Town Council, Melton Parish Council, Historic England, the Woodbridge Society, and the Suffolk Preservation Society. Mr Siggers asked the Committee to not make the community ashamed of the Council.

The Chairman invited questions to Mr Siggers.

Mr Siggers said he was not opposed to 100 units on the site if there was the correct proportion of affordable homes; he considered the 'Passivhaus' development in Norwich to be a more suitable form of development for the site than what was being proposed.

The Chairman invited Mr O'Nolan, Mayor of Woodbridge, to address the Committee.

Mr O'Nolan said that he was present to represent the views of Woodbridge Town Council and hoped to persuade the Committee to not approve the application. He focused on the affordable housing and compared to the existing need in the local community; Mr O'Nolan considered that the needs of Woodbridge had not been identified in the report and referred to the 2018/19 Gateway to Home Choice Report. He said that data within that report showed that the need for affordable housing in East Suffolk had decreased over the last three years and that the changes year on year reflected the variation of new affordable housing units available.

It was noted by Mr O'Nolan that social housing provided very affordable rent but that the proposed scheme included affordable units that would be shared ownership. He stated that other councils under Gateway to Home Choice allocated 80% of their housing stock to social housing and that East Suffolk did not provide this proportion of its stock on social housing. Mr O'Nolan said that the 40% of the requirement across the councils under Gateway to Home Choices could be satisfied by one-bedroom properties and highlighted that not one of the social housing units was a one-bedroom property.

Mr O'Nolan concluded by outlining the increased need for affordable housing and considered that the Committee had an opportunity to go down in history.

The Chairman invited questions to Mr O'Nolan.

Mr O'Nolan confirmed that his statement regarding housing needs being satisfied by one-bedroom properties was based on the 2018/19 Gateway to Home Choice report. He explained that his comment regarding the Committee having an

opportunity to go down in history related it being able to look carefully at the deficiencies in the application and refuse it.

*During questions to Mr O'Nolan, there was significant disturbance from the public gallery. The Chairman adjourned the meeting at 3.58 pm due to this disturbance and sought advice from the Deputy Monitoring Officer.*

The meeting was reconvened at 4.01 pm and the Chairman invited the Deputy Monitoring Officer to address all present in the Conference Room.

The Deputy Monitoring Officer referred to rules 20.1 of the Council Procedure Rules, contained within the Council's Constitution, which stated that "If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting for as long as they think necessary and may reconvene the meeting in another room.". He said it was the role of the Chairman to maintain order in the meeting and that this should be respected.

The Chairman invited further questions to Mr O'Nolan.

Mr O'Nolan confirmed that his chief concern with the application was the affordable housing element.

The Chairman invited Ms Barrington, representing Melton Parish Council, to address the Committee.

Ms Barrington advised that Melton Parish Council continued to object to the application. She noted that representatives of the parish council had spoken at length on the application in the past and that it had rejected the application on multiple occasions.

The Committee was asked to consider that the application to not comply with policy SP3 of the current Local Plan nor policies in the emerging Local Plan. Ms Barrington said that the parish council considered that the scheme did not meet the identified needs of the local community. She stated that when the application had been considered previously it had been stated that affordable housing should be delivered at the maximum possible on the site and was of the opinion that this was not the case.

Ms Barrington referred to the Council's declaration of a climate emergency and suggested that it should be looking afresh at this site in terms of reducing traffic in the area. She noted that the NPPF required net biodiversity needed to be above 10%.

Ms Barrington highlighted that, during the recent examination of the emerging Local Plan by the Planning Inspectorate, the Planning Inspector had queried the allocation of the site and that following discussion it had been agreed by the Inspector and the Council that the wording of the policy could be reconsidered. She said that the application should not be determined until the Planning Inspector issued a final response on the Local Plan.

The parking for scheme was considered to fall short of what was required, and Ms Barrington noted that the Highways Authority had commented as such and had requested that a travel plan be completed before the application was determined. Ms Barrington said that no such plan had been completed.

The applicant's consultation with the local community was described by Ms Barrington as being a masterclass in misdirection; she stated that the plans the community were consulted on were different to what had been proposed.

There being no questions to Ms Barrington the Chairman invited Mr Brown, agent for the applicant, to address the Committee. Mr Brown was accompanied by Mr Hughes, representing Active Urban Ltd (the applicant), who was present to answer any questions the Committee might have.

Mr Brown acknowledged the Planning Development Manager's comments that the scheme had been considered by SCDC on two separate occasions. He said that in both cases the SCDC Planning Committee found agreement with the design, layout and visual appearance of the scheme proposed. He was pleased to see that officers had recommended that the scheme be approved.

Mr Brown considered that the reason no scheme currently had approval related to the applicant's difficulty in securing a Registered Provider to deliver the affordable housing. He outlined that the first application, which had been approved by the SCDC Planning Committee, was withdrawn before planning permission was issued and that a second application was submitted as the applicant had been advised that Vacant Building Credit could be applied to reduce the number of affordable housing units, which was subsequently refused.

The current application had been submitted as the applicant had been able to make an agreement with a Registered Provider to deliver the affordable housing on the site. Mr Brown said that this would enable the applicant to move forward with the development. He highlighted that the applicant had engaged with 12 different Registered Providers over several months before being able to secure arrangements with one to deliver affordable housing on the site.

Mr Brown was of the opinion that the application met planning requirements and noted the additional arrangements in the recommended conditions, regarding the Construction Management Plan. The applicant was keen to make swift progress with the development should the application be approved. He concluded by noting how thorough and detailed the report was and hoped that the Committee could approve the application, as the previous refusal had been solely on the lack of affordable housing.

The Chairman invited questions to Mr Brown and Mr Hughes.

Mr Hughes sought to assure the Committee that affordable housing could be delivered on the site. He advised that terms had been agreed with a Registered Provider, the necessary legal documents had been drawn up and would likely be exchanged on 25 October 2019.

The Chairman invited Councillor Smith-Lyte, Ward Member for Melton, to address the Committee.

Councillor Smith-Lyte requested that the computer-generated image of the proposed site be displayed, as well as an image submitted by Mr O'Nolan which was an artist's impression of an alternative scheme that could be developed on the site. She acknowledged that the Committee was considering the application that was before it but wanted to demonstrate that a scheme could be placed on the site that would be more in keeping with the local area whilst still providing the same number of housing units, and would retain the existing frontage buildings.

Councillor Smith-Lyte referred to the NPPF, noting it gave greater weight to the environment and conserving and enhancing the area. She said that the site was brownfield and had a high environmental value. She also noted the air quality issues in the area and the NPPF's guidance that development should contribute towards compliance in this regard, querying how the application would meet requirements for air pollution in the existing area.

It was highlighted that the site was adjacent to a Ramsar site, the AONB, and was within the Heritage Coast. Councillor Smith-Lyte was concerned about the light pollution that would be caused by the height of the proposed buildings and the impact it would have on nature conservation in the area. She acknowledged that there would have been light pollution when the Council Offices were occupied but stated that this would have been during working hours only and not late into the evening.

The site could be viewed from Sutton Hoo and Councillor Smith-Lyte highlighted the concerns raised by both the National Trust and Historic England. She considered that the site would have a significant impact on the local environment.

In reference to the comments in the report relating to how much of the application site was within Melton and therefore subject to the Melton Neighbourhood Plan, Councillor Smith-Lyte said that a third of the site was within Melton and suggested that the Neighbourhood Plan therefore should be given more weight when determining the application. Councillor Smith-Lyte disagreed with the view that the non-designated heritage assets lacked architectural merit.

Councillor Smith-Lyte considered that the application did not confirm to policies in either the existing or emerging Local Plans and said that, given the lack of comments in support of the application, it seemed wrong not to give weight to the genuine concerns raised by local residents. She proposed that a competition be held to secure an alternative development.

The Chairman invited questions to Councillor Smith-Lyte.

A member of the Committee queried why an alternative scheme for the site had been referenced. The Chairman noted that the image had been submitted by Mr O'Nolan and received by officers 24 hours before the meeting as required and had so been included for presentation.

The Chairman invited Councillor Mapey, Ward Member for Woodbridge, to address the Committee.

Councillor Mapey highlighted that 215 objections had been received in relation to the application and stated that his previous comments on it were on record and contained within the third-party comments outlined in the report. He explained that he was a newly elected councillor to a newly created council and respectfully suggested that the application had not been presented to East Suffolk Council previously, but to one of its predecessor councils, and therefore less weight should be given to the principle of the design, layout and visual appearance being accepted when previous applications had been considered by the SCDC Planning Committee.

Councillor Mapey made reference to the Local Plan's statement regarding the former Suffolk Coastal area of the district being an attractive place to live and work and noted that the Melton Neighbourhood Plan identified the site being vacated and the need for 70 new dwellings there, rather than 100. He said that aspects regarding design quality were a key principle for sustainable development.

The pre-application advice given to the applicant, recommending community engagement, was highlighted by Councillor Mapey. He noted that local residents had been quoted as saying that new housing needed to feel like it was part of Woodbridge and not a separate estate. He also raised concerns about the parking arrangements on the site.

Councillor Mapey referred to Building For Life 12 which stated that local concerns should not be ignored without robust justification and said that the application should be working within the existing site, including incorporating existing features. He considered that the application fell short in this regard. He was of the view that the proposed development did not compliment the local character, form or context of the surrounding area.

The highest point of the site was said to be 27 metres and Councillor Mapey compared this against St Mary's Church Tower which was 30 metres high. He said that the layout of the site should fit in to the local area and that the height and massing of the development should be well related.

Councillor Mapey referred to the Local Plan's position on the historic environment and heritage benefits. He stated that the non-designated heritage assets at the front of the site should be protected for current and future generations and were irreplaceable, and that the Council should be pursuing a positive strategy in this respect. He highlighted that the former Council Offices had acted as the Woodbridge Registry Office for many years and had hosted the weddings of lots of married couples in the town.

The Air Quality Management Area at the junction of Market Hill and Melton Hill was noted to be one of only three required in the district; Councillor Mapey was concerned that exhaust emissions from the increased traffic from the development would be funnelled into this area. He considered the air quality report commissioned by the applicant to be out of date.

Councillor Mapey said that the closest bus stops to the site were some distance away and estimated that at maximum occupancy the development would result in another 180 cars on the road, based on the current ratio of cars to people in Woodbridge.

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

The debate was opened by a member of the Committee who was also Ward Member for Woodbridge. She acknowledged that she liked the design proposed and had done so since its inception, considering it a unique use of the site. She also considered the report to be thorough.

Following the site visit on 21 October 2019, which had concluded at Sutton Hoo to take in the view of the site from that location, the Member had taken the opportunity to remain at the site as a member of the National Trust and had sought views from visitors; she stated that no-one she had spoken to had thought that the development would detract from the view towards Woodbridge from Sutton Hoo.

The member of the Committee did have concerns about the impact of blocks G and H on Old Maltings Court relating to parking, noise, lighting, and air quality. She considered that the application had addressed the concerns regarding the site boundary with Deben Road. She stated that the Council, as owners of the site, had a duty of care to the community to deliver the maximum affordable housing and was of the view that the application did not achieve this.

Several members of the Committee spoke in favour of the application for its design, the pedestrian connectivity that the link with Deben Road would create, the mix of properties and the proportion of affordable housing proposed, and the issues that had been addressed on the boundary with Deben Road including the retention of a yew tree and the removal of a balcony that would have been overlooking houses in the area. One member of the Committee noted that the planning system did not protect the right to a private view.

The Chairman highlighted that conditions were contained in the recommendation to state that authority to approve was subject to several factors, including affordable housing and RAMS payments being received.

Several other members of the Committee expressed concern with the application noting that the affordable housing element was insufficient, the considerable level of objection from local residents, Woodbridge Town Council and Melton Parish Council and several non-statutory consultees, the arrangements for bin collections and the lack of recreational activity provision on the site.

A member of the Committee outlined the recent major changes to public transport in the area and considered that services were not as regular in the area as they once had been. He was also concerned about the additional litter that could be created by the development and the impact that this would have on the amenity of the area.

Another member of the Committee referred to Councillor Mapey's comments regarding the principle of the design, layout and visual appearance that had been

established through the determination of previous applications. He stated that it had been an evolutionary process to create East Suffolk Council to succeed its predecessor councils and that the current Local Plan, including its Core Strategy, had been established by Suffolk Coastal District Council. He also referred to the emerging Local Plan for the former Suffolk Coastal District area and the references to it in the report, highlighted by the Planning Development Manager in her presentation.

The Member considered that all aspects of the development had been covered by the report and noted that the site was allocated for housing in the emerging Local Plan. He considered that the development would not impact views from the AONB, that the design had been endorsed twice by Suffolk Coastal District Council, and that the development would not have an adverse impact on the adjacent conservation area.

Reference was made to the non-designated heritage assets at the front of the site; members of the Committee noted that applications to list the buildings had been unsuccessful. A member of the Committee said that it was important to note that planning decisions were not made by referendum but on planning merits in accordance with local and national policies. He also stated that architecture evolved over a period of time and that what was considered appropriate now may not have been approved in the past if the planning system had existed at that point.

A member of the Committee, who was acting as a Substitute, stated that she had approached the application with an open mind and had also sought the views of the Member she was acting as Substitute for. She said that she had considered the report in detail and had attended the site visit on 21 October 2019 and that her views on the application matched those of the Member she was substituting for. She appreciated the design and layout that the development would offer but felt that it was out of context for the area and was a good development in the wrong location. She stated that there was much to commend about the proposed scheme but was of the opinion that a development more in keeping with the surrounding area was required and would be voting to refuse the application.

The Chairman noted that she had voted to approve the first application and had voted to refuse the second application due to the lack of affordable housing. She said that the current application solved some of the issues with the site's relationship to dwellings on Deben Road and restored the affordable housing element to an acceptable level. She said that the applicant had assured the Committee that the affordable housing element of the development would be delivered and said that Members had to trust that the Council's officers would ensure this was guaranteed before consent was issued.

A member of the Committee stated that if the application was to be approved then a robust Construction Management Plan needed to be in place. She also sought assurance that any conditions subject to approval came before officers and Members. The Head of Planning and Coastal Management referred to page 78 of the report which detailed the recommended condition relating to a Construction Management Plan as well as the condition which required a scheme for the provision of affordable housing to be submitted and approved by the Local Planning Authority. He stated that the quantum of affordable housing met the requirements of

the Local Plan policies and hoped that this would provide the Member with confidence on delivery.

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

On the proposition of Councillor Cooper, seconded by Councillor Coulam it was by a majority vote

## **RESOLVED**

That **AUTHORITY TO APPROVE** be granted subject to the 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 not be brought into use until it has been completed in all respects strictly in accordance with the following plans;, 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. (Plans to be listed later)

*Reason: To secure a properly planned development.*

3. Samples and details of all external materials proposed, including facing bricks, roofing, eaves and guttering, openings and hard landscaping shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved samples.

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

4. No part of the development shall be commenced until details of the amended access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved 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.*

5. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number (to be added) shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

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

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

7. No dwelling shall be occupied until the access routes serving that dwelling have been constructed to at least Binder course level (or equivalent construction method) in accordance with the approved details except with the written agreement of the Local Planning Authority.

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

8. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

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

9. The areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage as shown on the approved plans shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

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

10. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 32 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable

housing provider acquires some or all of the affordable housing within a reasonable timescale.

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing, with the delivery of the affordable housing prior to the sale of the 30th open market dwelling;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*Reason: In accordance with Policy DM2 of the Core Strategy to secure the appropriate provision of affordable housing on the site*

11. The proposed link from the application site to Deben Road shown on Plan reference (to be added) shall be made available for use before any dwellings are occupied and retained in its approved scheme in perpetuity.

*Reason: To improve and retain pedestrian permeability through the site and ensure appropriate linkages to established residential areas and key services and facilities in accordance with Policy SP1 of the Local Plan.*

12. No external lighting shall be installed within the site unless details have first been submitted to and agreed in writing by the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

*Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy DM23 of the Local Plan.*

13. Prior to the development hereby approved being occupied details shall be submitted to and approved relating to the provision of public art on the site. The details submitted shall include the design and location of the art, its maintenance programme and delivery timescales. The art shall be provided and maintained in accordance with the approved details.

*Reason: To ensure the proposal is compliant with Policy DM25 of the Local Plan*

14. 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, 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.*

15. Prior to the development commencing a plan detailing the location of fire hydrants to be submitted to and approved by the Local Planning Authority. The hydrants detailed on the approved plan shall be provided before any of the dwellings hereby approved are occupied and retained as such in perpetuity.

*Reason: To ensure appropriate fire hydrant provision is made and retained on the site.*

16 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 (Phase 2 contaminated land assessment report) including,

i) The results of a number of test bores/windows samples carried out at this site, indicating the presence of any contaminants; and

ii) Where required a detailed remediation method statement RMS for the safe removal of any contaminated land and its replacement with inert fill or, alternatively, a plan of how contaminated land is to be safely encapsulated or otherwise remediated. This RMS shall be 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.

All the approved remediation measures shall be implemented in their entirety prior to the commencement of the construction of structures, the laying of services or of any infrastructure on site.

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

*Reason: To ensure that any contamination is appropriately managed*

17. The Local Planning Authority shall be notified in writing at least seven days prior to any removal, encapsulation or other remediation of any contaminants.

*Reason: To ensure that any contamination is appropriately managed*

18. The Local Planning Authority shall require written validation (Phase 3 Contaminated Land Assessment) that -

i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.

ii) All imported material is suitable for its intended use

iii) Remediation measures have been undertaken to render the site suitable for the use specified.

*Reason: To ensure that any contamination is appropriately managed*

19. Prior to the commencement of the development a Construction Management Plan shall be submitted to the Local Planning Authority for approval. This Management Plan should include details of how the site is to be developed and include mitigation measures to prevent any loss of residential amenity to any existing residents. The approved Management Plan shall be implemented in its entirety.

*Reason: In the interest of protecting residential amenity during construction and highway safety*

20. The hours of operation for all constructional activities shall be limited to;  
07:30 to 18:00 hours Monday to Friday  
08:00 to 13:00 hours Saturday and  
None on Sundays or Bank Holidays.

*Reason: In the interest of residential amenity*

21. No piling operations shall be undertaken unless the details and method of piling is previously agreed with the Local Planning Authority.

*Reason: In the interest of residential amenity*

22. Details of the location, height, design, any activity sensors and illuminance of all floodlighting used during construction works shall be agreed with the Local Planning Authority prior to the commencement of the development. Measures to limit obtrusive glare to nearby residential property and to minimise sky glow shall be incorporated in the design of all floodlighting.

*Reason: To ensure that any external lighting is acceptable in the interest of residential amenity*

23. Prior to the commencement of development details of the proposed public art to be provided within the site shall be submitted to and approved by the Local Planning Authority. The proposals will be in situ before occupation of any dwellings hereby permitted and retained in perpetuity

*Reason: In accordance with Policy DM25 of the Local Plan and promote public art within the site*

24. Prior to the commencement of the development hereby approved the applicant shall submit to the Local Planning Authority for approval a scheme for the management of all open space and communal areas within the site. The management of these areas will be undertaken in accordance with the approved details in perpetuity.

*Reason: In the interest of visual amenity*

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

- a. Run off rates shall not exceed (the below rates are brownfield rates with a 30% reduction, with the exception of the 1 in 1 + CC event);
- i. 1 in 1 + CC – 4.2 l/s;
  - ii. 1 in 30 + CC – 7.8 l/s; and
  - iii. 1 in 100 + CC – 12 l/s

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained. To ensure that betterment is provided to existing brownfield runoff rates.*

26. 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 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. The [X no of dwelling/building] 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. To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-assetregister/>*

27. 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 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:

- b. 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*

28. No development shall take place until there has been submitted to and approved, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which

shall comply with the recommendations set out in the British Standards Institute recommendation "BS5837:2012 Trees in relation to design, demolition and construction - Recommendations"

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

29. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved 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.*

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

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

31. Prior to the commencement of development details of a traffic management plan shall be submitted to and approved by the Local Planning Authority. The scheme shall include details in relation to enhancements to existing bus stops to facilitate alternative means of transport, deliveries to the site and parking controls within the site. The scheme shall be put into place before first occupation of the dwellings hereby approved and retained in perpetuity.

*Reason: To ensure that parking and traffic accessing the site is appropriately managed and controlled and alternative means of transport are enhanced in the interest of sustainability and residential amenity.*

32. Prior to the commencement of development a scheme shall be submitted to the local planning authority for approval, detailing the mitigation measures to be put in place in relation to impacts on protected landscapes arising from increased activity to these areas resulting from the approved residential scheme. The scheme shall be implemented before occupation of the first dwelling and retained in perpetuity.

*Reason: To appropriately; manage the impact on nearby protected landscapes.*

33. Prior to the commencement of the development hereby approved, a scheme to show ecological enhancements in relation to birds and bats shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Ecological Survey produced by Skilled Ecology Consultance Limited dated September 2016. The scheme shall include provision for bat and bird boxes on the newly developed buildings or retained trees to increase the potential roosting and nesting sites for local bats and birds. The enhancements as proposed shall be put in place before first occupation of any of the approved dwellings and retained in perpetuity.

*Reason: To improve the ecological potential of the site.*

The meeting concluded at 5:00 pm

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Chairman

<b>Unconfirmed</b>
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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, on **Tuesday, 26 November 2019 at 2:00 pm**

**Members of the Committee present:**

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

**Officers present:**

Liz Beighton (Planning Development Manager), Charlie Bixby (Assistant Planning and Enforcement Officer), Danielle Miller (Area Planning and Enforcement Officer), Katherine Scott (Development Management Team Leader), Natalie Webb (Area Planning and Enforcement Officer)

**1 Apologies for Absence and Substitutions**

There were no apologies for absence.

**2 Declarations of Interest**

No declaration of interests were made.

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

Councillor Fryatt declared that he had been lobbied in respect of item 5 on the agenda, when he had attended a recent meeting of Westerfield Parish Council. He said he did not engage in any discussions on the application.

Councillor Hedgley declared that he had been lobbied via email in respect of item 5 on the agenda and that he had replied neutrally.

**4 East Suffolk Enforcement Action - Case Update**

The Committee received report **ES/0195** of the Head of Planning and Coastal Management. The report was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement had been sanctioned under delegated powers up until 28 October 2019. 14 cases were outlined in the report.

The Planning Development Manager updated the Committee on ongoing enforcement action at Pine Lodge, Hinton, advising that the deadline for compliance on the site was 5pm that day and that a compliance visit would be taking place on the morning of 27 November 2019.

The case was due to be heard in the High Court on 28 November 2019 and Members would be updated once the outcome of this hearing was known.

## **RESOLVED**

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

### **5 DC/19/3662/FUL - Land Adjacent To Mallards, 5 St Mary Way, Westerfield, Ipswich, IP6 9BQ**

The Committee received report **ES/0196** of the Head of Planning and Coastal Management, which related to planning application DC/19/3662/FUL.

The application sought permission for the construction of two new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and an extension of the vehicular access driveway at Land Adjacent to Mallards 5 St Mary Way in Westerfield.

The application was before the Committee in accordance with the Council's Constitution as it was, in the opinion of the Head of Planning and Coastal Management, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect. In this instance the proposal was contrary to policies within the Development Framework.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer. She explained that an application had been made for a different scheme on the site for five dwellings which had been refused and later dismissed at appeal (Planning Ref DC/17/5215/OUT, Appeal Ref APP/J3530/W/18/3200488) and that subsequent applications on the site had either been refused or withdrawn by the applicant.

The Committee was referred to the reasons for the Planning Inspectorate's appeal decision on the original application, which were appended to the report. The Area Planning and Enforcement Officer highlighted that the Planning Inspector had agreed that the scheme did not accord with policy DM23 of the Suffolk Coastal Local Plan regarding residential amenity, due to the impact that would be caused to both 5 and 6 St Mary's Way. It was also noted that although the application was dismissed on appeal, it had established a principle of development on the site.

The new scheme proposed had been reduced to two units, which had also been reoriented, in order to minimise the impact on residential amenity to neighbouring properties.

The Committee was shown the site location plan, the existing and proposed block plans, and a site context plan which outlined the location of an adjacent site to the east, where the erection of five dwellings had been allowed on appeal.

Proposed elevations, floor plans and street scene illustrations were also displayed to the Committee. Additional landscaping was proposed and the details of this would be obtained by conditions set out in the recommendation.

Site photographs were displayed which gave views looking in to the site from the existing properties, looking back to the site from the south and the east, looking back towards the access to the site, looking back towards the rear of the site, several views looking into the site from the boundary, and looking up the access towards the site.

The key issues were summarised as being whether the applicant had overcome the remaining reason for refusal of the first application (residential amenity) and the receipt of a RAMS payment.

The Area Planning and Enforcement Officer noted that it had been agreed that permitted development rights (pdrs) would be removed via conditions.

The Area Planning and Enforcement Officer advised that the recommendation had been revised and this was displayed during the presentation.

The revised recommendation was outlined to the Committee.

The Chairman invited questions to the Planning Officers.

It was confirmed that officers were comfortable that the appeal decision had established principle of development and that although the Council was obliged to advertise the application as a departure from policy it was considered that the principle established superseded that.

In response to a question on how the site would be accessed, the Area Planning and Enforcement Officer displayed the proposed block plan which displayed the proposed access.

The Area Planning and Enforcement Officer confirmed that 10 letters of objection had been received and apologised for the typographical error in the report, which omitted the number of letters.

The Chairman invited Mr Macdonald, who objected to the application, to address the Committee.

Mr Macdonald advised that he was representing a group of individuals who objected to the application. He stated that he had asked the Area Planning and Enforcement Officer to engage with the case officer for the original application to ensure consistency, as it had been that officer's view that it would be difficult to envisage an application that would be suitable for the site.

Mr Macdonald said that those who opposed the application did so with well-considered thought. He noted the garden to the rear of 6 St Mary's Way would be 10 feet below one of the proposed dwellings and that this would cause severe overlooking, adding that the proposed planting to mitigate this would take time to mature and would also be overbearing when fully grown.

Mr Macdonald noted that the proposed planting would not provide any mitigation during the winter months. He also raised concerns about loss of light and the risk of tree roots causing subsidence.

The erection of a two-metre high fence was considered by Mr Macdonald to cause an overbearing drop in height and he stated that even one dwelling on the site would be overbearing to neighbouring properties. It was noted that residents already had difficulty accessing St Mary's Way during school drop-off and collection and that bin lorries had to reverse into the road to collect refuse.

Mr Macdonald drew the Committee's attention to the Landscape Manager's comments on the initial application and considered them to be material to the objections raised. He added that the site was a haven for a variety of wildlife and was of the view that developing it would have impact on future generations. He also noted the land to the north of the site and was unclear on the applicant's intention for it, suggesting that the current application could be a "trojan horse" to secure planning permission there at a later date.

The Chairman invited questions to Mr Macdonald.

A member of the Committee sought further information regarding Mr Macdonald's comments regarding the case officer on the original application. Mr Macdonald reiterated the views given by that officer stating he had considered it would be difficult to see a suitable application for the site, stating the information was detailed in the original application file.

The Chairman invited Mr Caird, Clerk to Westerfield Parish Council, to address the Committee.

Mr Caird considered that there needed to be a very good reason to be flexible on planning policies in cases such as the one before the Committee, stating that respect needed to be shown to the process that had created the policies. He said that Westerfield had been a willing partner with the Council to develop appropriate housing in the village.

It was noted that if sites allocated in the current Suffolk Coastal Local Plan were developed, the size of the village would increase by 50%. Mr Caird was of the opinion that Westerfield had contributed to new housing in East Suffolk. He added that the emerging Suffolk Coastal Local Plan stated that no housing over and above what was already identified for the village was required.

Mr Caird highlighted that the application site was outside of the Westerfield physical limits boundary and that there needed to be compelling reasons to allow new dwellings in the countryside. He considered that the proposed scheme did not meet an identified housing need. He also noted the parcel of the land to the north of the site, owned by the applicant, which would be landlocked by the development and rendered unusable for any purpose.

Mr Caird asked the Committee to demonstrate that residents' views matter and said that approval of the application would confirm the cynical view that their views do not matter.

The Chairman invited questions to Mr Caird.

Mr Caird confirmed that Westerfield did not have a Neighbourhood Plan but was considering undertaking the process to develop one.

The Chairman invited the Planning Development Manager to comment on the working relationships between officers. She advised that there was an ethos of a team approach within the Planning Service and that officers routinely liaised with one another to obtain feedback on cases. She noted that the case officer on the original application had not provided any formal comments on the current application, but that the Area Planning and Enforcement Officer would have discussed the case with him and other peers.

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

Several members of the Committee sympathised with the views of objectors to the application. It was noted that a principle of development had been established by the appeal decision but considered that the current application did not overcome the concerns regarding residential amenity, which had been the reason for the previous application being refused and then dismissed at appeal. Several members considered the proposals to be backfill and overdevelopment on the site, and concerns were also raised about the overlooking that would occur on existing neighbouring properties and the fact that the site was outside of Westerfield's physical limits boundary.

Another member of the Committee noted that the site was beyond the physical limits boundary but was of the view that as a principle of development had been established and was a material planning consideration, refusing the application would run contrary to the appeal decision and the principle that it had established. He did not consider that the proposed development was overdevelopment or that it would significantly impact residential amenity, noting that the concerns regarding parking and bin lorries accessing the site were not material considerations. The Member concluded by stating that the need to build new housing was greater than it had been in decades and said that he would be supporting the application.

In response to comments regarding the current and emerging Local Plans, the Planning Development Manager advised the Committee that it needed to give weight to the policies of the existing Local Plan. She stated that the emerging Local Plan could be considered but until it was adopted could not be given weight; the emerging Local Plan had been examined by the Planning Inspectorate, but the conclusion of this process had been delayed by the impending General Election. It was also noted that previous decisions made about schemes on the site had been made against policies in the existing Local Plan.

A member of the Committee accepted that the proposed scheme could be considered as backfill but stated that the application needed to be considered in full and asked if there would be a strong defence to any decision to refuse. The Chairman considered

that a robust reason for refusal was required if the Committee was minded to refuse and suggested that policy DM23 of the Local Plan, regarding residential amenity, was the strongest reason for refusal. Another member of the Committee suggested policies DM3 (Housing in the Countryside) and DM19 (Parking Standards) of the Local Plan as reasons for refusal.

The Chairman invited the Planning Development Manager to provide advice on possible reasons for refusal.

The Planning Development Manager acknowledged the views expressed in debate, particularly about the site being outside of the physical limits boundary and therefore in the countryside. She said that it was clear that a principle of development had been established by the appeal decision and considered that a refusal of this application would be difficult to defend at any future appeal.

The Committee was advised that the main concerns for the original application had related to residential amenity and compliance with policy DM23. Officers were of the view that the reduction of the number of dwellings and the size, along with their reorientation, meant that the scheme was now acceptable. Overlooking to 6 Mt Mary's Way would now be oblique, due to the reorientation proposed.

The Planning Development Manager added that the Arboriculture and Landscape Manager had not objected to the new scheme. She acknowledged that the scheme was contrary to policy DM23 but noted that this had been superseded by the appeal decision that had established a principle of development.

The Chairman referred to the Planning Inspector's comments in the appeal decision regarding the overlooking to the rear gardens and windows of neighbouring properties, that he had observed on his visit to the site. She also noted the suggestion made by the Planning Inspector regarding the orientation to any property located to the rear of 5 St Mary's Way and asked if this was what was being proposed in the current application.

The Area Planning and Enforcement Officer stated that this was the case and noted the re-positioning of a window on the relevant proposed dwelling, adding that landscaping would be controlled through conditions.

The Chairman considered that although the Planning Inspector had agreed that there was some possibility for development, he had not concluded this definitively.

The Vice-Chairman was of the view that the conclusion of the Planning Inspector, that a development would be detrimental to the residential amenity of 6 St Mary's Way, was also applicable for the current application. The Planning Development Manager advised that the refused scheme consisted of properties facing directly in to neighbouring dwellings and that the reorientation of the new scheme limited this overlooking.

It was confirmed that the distance from the rear facade of 5 St Mary's Way to the application site boundary was 23 metres, the back to back distances from Carlfield was 77 metres, and the distance between the two proposed dwellings was 22 metres.

The Chairman moved to the revised recommendation for authority to approve, as set out in the presentation.

The recommendation was proposed, seconded and by a majority vote **FAILED**.

The Chairman sought a new recommendation to refuse the application, suggesting that any reason should concentrate on the scheme being contrary to policy DM23 of the Local Plan.

Following advice from Officers, a new recommendation was formulated to refuse the application as the proposed scheme would be detrimental to the residential amenity of both 5 and 6 St Mary's Way, by causing significant overlooking, and was therefore contrary to policy DM23 of the Suffolk Coastal Local Plan.

The Chairman moved to the new recommendation.

On the proposition of Councillor McCallum, seconded by Councillor Deacon it was by a majority vote

#### **RESOLVED**

That the application be **REFUSED** as the proposed scheme would be detrimental to the residential amenity of both 5 and 6 St Mary's Way, by causing significant overlooking, and was therefore contrary to policy DM23 of the Suffolk Coastal Local Plan.

*The meeting was adjourned for a short break following the conclusion of this item (2.52 pm) and was reconvened at 2.54 pm.*

#### **6 DC/19/3489/VOC - 1 Hill Farm Cottages, Hill Farm Road, Playford, IP6 9DT**

The Committee received report **ES/0197** of the Head of Planning and Coastal Management, which related to planning application DC/19/3489/VOC.

The application sought a variation of condition 2 of application E/6694 to remove the agricultural occupancy from 1 Hill Farm Cottages. The other cottage granted under E/3394 was proposed to retain the occupancy condition.

The removal of this condition would be contrary to planning policy and therefore the application was before the Committee for determination.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer.

The Committee was shown the site location plan along with site photographs of the two dwellings in question.

The key issue was summarised as the removal of the condition which would create an unrestricted dwelling in the countryside.

The Committee was advised of the fallback position which was the granting of the certificate of lawfulness.

The Area Planning and Enforcement Officer advised that the recommendation had been revised and this was displayed during the presentation.

The revised recommendation was outlined to the Committee.

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

There being no debate, the Chairman then moved to the revised recommendation for authority to approve, set out in the presentation.

On the proposition of Councillor Yule, seconded by Councillor Hedgley it was unanimously

### **RESOLVED**

That **AUTHORITY TO APPROVE** be granted subject to the consideration of any additional material planning considerations being raised during the consultation process, and subject to controlling condition:

The occupation of the dwellings shall be limited to persons solely or mainly working, or last working, in the locality in agricultural or in forester, or a widow or widowers of such persons, and to any resident dependents with the exception of Number 1 (one) Hill Farm Cottages.

### **7 DC/19/3882/FUL - Haresfield, Badingham Road, Framlingham, IP13 9HS**

The Committee received report **ES/0198** of the Head of Planning and Coastal Management, which related to planning application DC/19/3882/FUL.

The proposal was for a detached two bay cart lodge with storage space above and the application and as the applicant was directly related to a member of staff, the item was therefore required to be determined by the Committee. The proposal would not adversely affect visual or residential amenity and accorded with planning policy.

The Committee received a presentation on the application from the Assistant Planning and Enforcement Officer. The Committee was shown the site location plan along with photographs of the existing double garage on the site, the large parking area, and the site's relationship with a nearby holiday let. The site was described as being well back from the street scene. The proposed block and floor plans were also displayed.

The key issues were summarised as visual amenity and residential amenity.

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

The Chairman invited questions to the Planning officers.

It was confirmed that the development would be in line with the principal elevation of the neighbouring holiday let.

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

There being no debate, the Chairman moved to the recommendation to approve.

On the proposition of Councillor Allen, seconded by Councillor Cooper it was unanimously

**RESOLVED**

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

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Proposed All Plans & Site Plan received 11/10/19 & 15/10/19, 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*

The meeting concluded at 3:00 pm

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Chairman



## PLANNING COMMITTEE

**Title of Report:**

East Suffolk Enforcement Action– Case Update

**Meeting Date**

17 December 2019

**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 2 December 2019. At present there are 15 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 2 December 2019 be received and noted.

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

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

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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> <li>• <b>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</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> </ul>	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 - Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement</li> </ul>	29/02/2020

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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> <li>• 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019</li> <li>• 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020.</li> </ul>	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>• 16/11/2017 – Authorisation given to serve EN.</li> <li>• 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>• Appeal submitted. Awaiting Start date</li> <li>• Appeal started, final comments due by 08/02/2019.</li> <li>• Waiting for decision from Planning Inspectorate.</li> </ul>	17/02/2020 13/04/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</li> <li>• <b>13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</b></li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with</li> </ul>	29/02/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> </ul>	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served</li> <li>• Application received to Discharge Conditions</li> <li>• Application pending decision</li> </ul>	31/12/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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><b>Start date now received by the Council, Statements due by 12/12/2019</b></li> </ul>	29/02/2020
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 pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>Appeal has been submitted. Awaiting Start date.</li> </ul>	29/02/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>Breach of Condition Notice served 01/08/2019.</li> </ul>	01/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> <li>Enforcement Notice served 16/08/2019.</li> <li>Appeal submitted, awaiting start letter.</li> </ul>	29/02/2020
ENF/2019/0391 /SEC215	26/11/2019	North a	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>Notice served 26/11/2019</li> </ul>	27/03/2019

**Committee Report**

**Planning Committee - 26 November 2019**

**Application no DC/19/2666/FUL**

**Location**

Kesgrave Quarry  
Sinks Pit  
Kesgrave  
Suffolk  
IP5 2PE

**Expiry date** 1 October 2019

**Application type** Full Application

**Applicant** TRU7 Group

**Parish** Little Bealings

**Proposal** Construction of two No. new buildings and use of land for vehicle and plant hire operator(s) comprising offices, workshops, associated parking, drainage infrastructure etc to allow for the hire, storage, sale, maintenance and servicing of vehicles, plant, machinery and equipment

**Case Officer** Katherine Scott  
(01394) 444503  
[katherine.scott@eastsuffolk.gov.uk](mailto:katherine.scott@eastsuffolk.gov.uk)

**1. Summary**

- 1.1. Planning Permission is sought for the erection of a new headquarters building for a vehicular hire business. The building is proposed to contain offices, a workshop for the vehicles and storage. The site lies towards the western end of the former gravel extraction pit, on an area of land to the west of building and associated land operated by Tru7group (granted under DC/15/4908/FUL).
- 1.2. The current application site was approved for the 'Fork Rent' Headquarters Building in February 2014 (DC/13/3408/FUL). That consent was not implemented and has now lapsed.
- 1.3. This application has come before members because it has been advertised as a Departure, due to its proposed non-rural related employment and its location outside

any physical limits boundary in the countryside and outside any designated employment site.

- 1.4. Little Bealings Parish Council raise no objections subject to the building of an acoustic barrier on the northern edge of the site, limitation on noise levels, prohibition of reversing beepers, air and light surveys being undertaken and hours remaining as currently permitted. Playford Parish Council endorse the views of Little Bealings Parish Council. Kesgrave Town Council support the proposal subject to hours and activity conditions being as per the previous consent.
- 1.5. The design of the building is appropriate for its location, and subject to appropriate conditions, there is no significant or demonstrable harm to the amenities of nearby residents or wider environment, and there is no objection on highway grounds. The proposal would also create new employment and economic investment on an area of 'previously developed land'.
- 1.6. The proposal is recommended for Authority to Approve subject to the removal of an objection from Natural England, the consideration of any material planning considerations during the current reconsultation period and subject to suitable controlling conditions.

## **2. Site description**

- 2.1. The application site is part of the western end of the former Sinks Gravel Pit and also includes the access road, which provides vehicular access on to the A1214 at a roundabout.
- 2.2. The current application site is located predominately within the Parish of Little Bealings, but is accessed via an existing access road, which runs northwards from the eastern roundabout on the A1214, in Kesgrave. There is no direct vehicular access to the site from the parishes of Playford or Little Bealings.
- 2.3. The Parish boundary between Little Bealings and Kesgrave runs east-west across the access road, close to the southern boundary of the gravel pit. There is also a Parish boundary with Playford to the west of the application site.
- 2.4. The site lies outside the defined physical limits of any settlement and is therefore within the countryside. The site also lies outside but adjacent to the boundary of a Special Landscape Area. The area to the east of the access road and south of the eastern part of the gravel pit is covered by this designation.
- 2.5. A Public Right of Way (public footpath, no 2) runs in a northerly direction up the western side of the access road. Close to the entrance to the pit, the Right of Way turns in a north-easterly direction, changes Right of Way number to no 13 and runs along the northern edge of the woodland area, away from the application site.
- 2.6. To the east of the access road there is an area of woodland. This area of woodland, to the south-east of the pit and to the east of the access road, is covered by Tree Preservation Order (SCDC/50/00020).

- 2.7. The application site lies within a Minerals Consultation Area. Therefore, the Local Waste and Minerals Authority have been consulted.
- 2.8. The northern section of the wooded area and the area containing the lakes either side of the northern end of the access road is designated as Sinks Pit Site of Special Scientific Interest (SSSI).
- 2.9. The nearest residential dwelling is 230 Main Road, Kesgrave, which lies to the west of the access road. At the closest point, the dwelling is approximately 40m from the access road. Directly to the west of this dwelling lies Kesgrave High School.
- 2.10. At the closest point the red line of the main part of the application site (the area in the pit) is more than 200m from the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be more than 200m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).

#### Relevant Planning History

- 2.11. Various Minerals and Waste Consents for mineral extraction, concrete plant and similar operations from 1950's onwards have been granted across the wider quarry site. The most relevant is C/97/1501, which was granted for
 

*"Extraction & importation of aggregates, restoration of land; retention of processing, asphaltting, concreting & recycling facilities; formation of a 5m high amenity bund between permanent operations"*
- 2.12. This consent included a 10m high (above pit floor) bund and vegetated area to the north and north west of the current application site, along the edge of the former quarry.
- 2.13. Following the granting of the above consent, a variation of condition was permitted in February 2000, to allow an extended period for mineral extraction and completion of Phase A until June 2000 (reference C/00/0176).
- 2.14. The mineral extraction has now ceased on the application site. The restoration scheme has been implemented and related to the land to the north and north-west of the application site. It includes the area of the existing bund and associated vegetation. There were no restoration works for the area within the current application site.
- 2.15. Planning Permission has previously been granted on the area of the current application site, towards the western end of the former extraction pit for:
 

*"Erection of new headquarters building for vehicle and plant hire operator, comprising workshop, offices, associated vehicle parking, drainage infrastructure and landscaping to allow for the hire, storage and sale of vehicle, plant and machinery."*
- 2.16. That consent was granted in February 2014 (reference DC/13/3408/FUL). It was never implemented and has now lapsed.

- 2.17. Subsequent to the granting of the above planning permission, the land at the western end of the pit forming the current application site was granted planning permission by Suffolk County Council (SCC) as Local Minerals and Waste Authority for:
- "Laying of block paved hard standing (retrospective) increase in height of the screen bund, erection of flood lighting, and temporary stockpiling of aggregate material to assist in reorganisation of stockpiling. (Re submission of DC/16/0404/CCC Withdrawn)"*
- 2.18. This case was logged our reference DC/16/2365/CCC, (SCC reference SCC\0086\16C). This consent was implemented. Since that that consent was granted the time in which the stockpiles needed to be removed and land levels restored was extended until 13 December 2019 (our reference DC/18/0111/CCC, SCC Reference SCC\0235\17c) .
- 2.19. Directly to the east of the current application site, there is a large building with associated external areas used for parking and turning etc. It comprises a headquarters building for a vehicle hire operator comprising workshop and offices, for the hire, storage, workshop and sales of vehicles and machinery. It is currently operated by the Tru7group.
- 2.20. The use of that part of the former gravel extraction pit, for the erection of a building and for this use was initially granted in planning permission in March 2015 under reference DC/14/4251/FUL, with revised schemes consented in July 2015 (reference DC/15/2107/FUL) and March 2016 (reference DC/15/4908/FUL). Additional associated parking and turning areas for that use were granted Planning Permission in February 2016 (reference DC/15/5055/FUL).
- 2.21. To the east of the tru7group building, the remaining area of the former gravel pit, SCC, as the Local Minerals and Waste Authority granted planning permission for *"Retrospective application for the retention of soil bund constructed along southern edge and boundary of Sinks Pit and screening of recycled washing plant."* (our reference DC/18/2187/CCC, SCC reference SCC0058). That consent is still live.
- 2.22. Since the current application was submitted, a separate planning application has been submitted to Suffolk County Council for "Erection of a noise attenuation fence with associated recontouring along northern boundary bund." (SCC reference SCC/0071/19SC, ESC reference DC/19/4371/CCC). This was submitted to and will be determined by SCC as the Local Minerals and Waste Authority.
- 2.23. This proposal involves the erection of a 3m high acoustic along the top of the bund on the northern side of the former quarry. The district council raised no objections to this proposal, but recommended that taller growing native shrubs are planted alongside the fence in order to reduce its visual impact. At the time of drafting this report, the application was pending a decision.

### **3. Proposal**

- 3.1. This application seeks full planning permission for the construction of two buildings, and the use of land around them, for the purposes of vehicle and plant hire business(es), which would seek to allow for the hire, storage, scale, maintenance and serving of

vehicles, plant, machinery and equipment. The site is proposed to be enclosed by a 2.4m high palisade galvanised steel fence.

3.2. The buildings are proposed to include offices and workshops, with the land around totalling 2.1 hectares, being used for parking, and associated features including drainage. They would have a combined floorspace of 2994sqm, and be supported by:

- 104 car parking spaces,
- 10 spaces for light goods/public carrier vehicles,
- 4 spaces for motorcycles  
And
- 28 spaces for bicycles.

3.3. The proposed development would provide employment for 40 full time and 10 part-time employees.

3.4. The proposed development would be similar in character to the building and land to the east of the application site, which is operated by the tru7group (Granted Planning Permission under DC/15/4908/FUL).

3.5. The proposed finished ground and roof levels are proposed to approximately match the established Tru7 building at 20.65m and 28.95m above Ordnance Datum (AOD). The bund to the north is approximately 31-33m AOD.

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

4.1. Three letters of objection (from two addresses) have been received raising the following material planning considerations:

- Hours of operation and Noise Nuisance:
  - There is no noise assessment of the likely impact from construction and operation of this proposed development, which was advised as being required by Environmental Protection in response to DC/19/2389/SCO and has been requested by consultees on this application.
  - There have been noise issues generated within the industrial area of sinks pit for decades and needs thorough consideration with the proposed additional activity which will generate more noise adding to the existing problem. The current operations continue to generate intrusive intermittent noise.
  - Concerned that the hours of operation stated in the application 05:30 to 19:00 Monday to Friday, 06:00 to 13:00 on Saturdays, would be longer than those previously consented, resulting in noise nuisance. Believe they should be application 07:00 to 17:30 Monday to Friday, 07:00 to 13:00 on Saturdays.
  - Starting at 05:30 is unreasonable. The site has permission to start at 7am and this should continue to be the case. Also concerned that these are longer than British Standard BS5228 which sets daytime as no earlier than 7am. Noise is currently generated at or shortly before 7am which disturbs local residents sleeping.
  - DC/13/3108/FUL applied restrictions upon specific activities that could be undertaken within the working hours and the number and type of vehicular

movements permitted within certain operation times of the day (1. No more 12 HGV movements shall be permitted between the hours of 05:30 and 07:00 unless otherwise agreed in writing with the Local Planning Authority and 2. There shall be no outside working between the hours of 05:30 and 07:00 unless otherwise agreed in writing with the Local Planning Authority.) . The same limitations should be applied here.

- Reasonable measures are required to limit noise created on this site from spreading out beyond the site boundary, in order to protect local residents, which are:
  - Maintenance and servicing of vehicles/equipment to be undertaken within the buildings with the doors shut.
  - Washing down areas, where power washers are used to be screened.
  - Reversing alarms on all vehicles based in Sink’s Pit to be fitted with white noise mechanisms rather than shrill reversing beepers.
  - Piling during construction needs to be undertaken with measures to help limit the noise level generated, and it would help if this is not done early in the morning.
  
- Light Pollution
  - Since security lighting was installed there has been a problem of light pollution. Strict measures need to be specified and monitored to avoid extra light pollution
  
- Impact upon Water Course and flooding:
  - Believe the site is within 20m of a water course, and within a flood zone. Highlight that in connect with DC/13/2408/FUL the SCC Floods team highlighted that the site is subject to pluvial flooding risk, the eastern pond adjacent to the site is within EA Flood Zone 3 and the ground is deep and well drained. Question the statement on the current application form that the site is not at risk of flooding.

4.2. The third-party comments make reference to and quote consultation responses which were received in connection with DC/13/2408/FUL on this site. Those comments submitted on the previous application would have been based upon the application submitted and legislative framework that existed at that time, rather than the current proposals and current legislative framework and planning policies.

4.3. Therefore, it is the comments received in connect with the current application that must be considered in the determination of the current application, as those comments will be based upon the current submission and the current legislative and policy framework.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	11 July 2019	29 July 2019

*"The PC considered the application at a recent meeting and resolved that there was no objection to the application subject to:*

- o the building of the acoustic barrier on the northern boundary of the site before any other development was commenced,*
- o noise levels at the site being limited by the standard set by BS4142:2014,*
- o the use of reversing beepers, including by visiting vehicles, not being permitted,*
- o surveys regarding air and light pollution being undertaken and satisfactory to ESC Environmental Health Officers*
- o the operating hours remaining as at present, i.e. 7am to 7.30pm Monday to Friday and 7am to 1pm on Saturdays only"*

Consultee	Date consulted	Date reply received
Playford Parish Council	11 July 2019	1 August 2019

*"It was resolved to endorse the view of Little Bealings PC on this application and to support their recommendations of imposed conditions".*

Consultee	Date consulted	Date reply received
Kesgrave Town Council	11 July 2019	1 August 2019

*"Approve. However, the Committee would like to see the same conditions as stated in previous applications;*

*The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 7am and 7pm Monday to Friday and between 9am and 1pm on Saturdays; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed in writing by the local planning authority.*

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

*6. All machinery and vehicle repairs shall only take place within the hereby approved building(s). There shall be no outside working relating to vehicle and machinery repairs (except for vehicle washing in designated areas, in accordance with condition 11).*

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

*All cleaning and washing operations should be carried out in designated areas isolated from the surface water system and draining to the foul sewer (with the approval of the sewerage undertaker). The area should be clearly marked and kerb surround is recommended. Full details of the drainage and disposal from these areas should form part of the surface water strategy in condition 8.*

*Reason: To protect and prevent the pollution of controlled waters (particularly groundwater associated with the Principle Aquifer underlying the site and adjacent surface water from potential pollutants associated with current and previous land uses), in line with National Planning Policy Framework (NPPF; Paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater protection; Principles and practice (GP3) 2013 position statements."*

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 July 2019	31 July 2019

Summary of comments:

Recommend conditions relating to:

- the provision of space for loading, unloading, manoeuvring and parking of vehicles,
- submission and implementation of details for secure covered cycle storage.

(Comments from Rights of Way Team included within same letter.)

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	11 July 2019	No response

Summary of comments:

No response received

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	11 July 2019	1 August 2019

Summary of comments:

Raise No Objections.

Highlight requirements of circular 1/09 in the consideration of public rights of way in planning applications.

Highlight that Kesgrave Footpath 002 and Little Bealilngs Footpath 014 are recorded through/adjacent to the/along the access to the application site, and their routes can be viewed on the Definitive Map.

Include a series of informative notes highlighting the obligations to the applicants and any future owners in relation to the Public Rights of Way.

(On same letter as SCC Highways Comments)

Consultee	Date consulted	Date reply received
Natural England	11 July 2019	13 August 2019

Summary of comments:

Responded stating insufficient information has been provided to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Additional information required:

- No assessment has been provided of the potential impacts the proposal make have upon the Sinks Valley SSSI, which supports features associated with groundwater flows into the valley from a series of springs.
- A survey of the groundwater and surface water flows reaching the SSSI from the development site, including the quantity and quality of the water inputs to the SSSI and an assessment of likely changes resulting from the proposals.
- A strategy for mitigating any identified impacts from the development of the site is also required.

A full 21 reconsultation will be required once the above information is submitted.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	11 July 2019	29 July 2019
Summary of comments: Initial Response - Holding Objection, seeking additional information in relation to infiltration, surface water drainage design to meet set criteria, surface materials throughout the site, treatment of surface water pollution, maintenance of SUDs, details of rainwater surfacing.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 July 2019	31 July 2019
Summary of comments: No Objections raised. Recommend conditions relating to: - Groundwater and Contaminated Land (including remediation strategy, site investigation scheme, risk assessment and verification), and - Surface water Infiltration (SuDs, including risks to controlled waters) Also highlight the potential needs for permits from the EA.		

Consultee	Date consulted	Date reply received
Network Rail	11 July 2019	30 July 2019
Summary of comments: No observations to make		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 July 2019	24 July 2019
Summary of comments: No Objections. Comments relating to Building Regulation requirements, need for suitable hardstanding for fire appliances, water supplies and recommendation to install sprinkler system.		

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

Consultee	Date consulted	Date reply received
Ipswich Borough Council	11 July 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk County - Minerals And Waste	11 July 2019	31 August 2019
Summary of comments: No Objection, highlighting: <ul style="list-style-type: none"> <li>- the site lies immediately south of a closed landfill site which currently has ongoing landfill gas and leachate management systems.</li> <li>- the eastern part quarry contains an aggregate recycling/processing operation</li> <li>- the south-east part of the quarry contains an operational concrete batching plant</li> <li>- land to the west has recently had an application refused by Suffolk County Council</li> <li>- consideration should be given by the applicant to the laying of hardstanding and construction of buildings next to closed landfill (and associated gases).</li> <li>- appropriate noise conditions should be imposed,</li> <li>- hours should be restricted to those permitted for the building in the middle of the quarry.</li> <li>- the affects of noise &amp; air quality should be addressed to protect the residents to the north of the site.</li> </ul>		

Consultee	Date consulted	Date reply received
Waste Management Services	11 July 2019	No response

Summary of comments: No response received
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Consultee	Date consulted	Date reply received
Economic Services (SCDC)	11 July 2019	30 July 2019

<p>Summary of comments: The Economic Development Team Support</p> <p>They seek to support proposals that clearly support the economic growth and regeneration of the economy within the district.</p> <p>They recognise the economic value of the proposal in terms of providing additional employment space.</p>
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Consultee	Date consulted	Date reply received
Mr Nick Newton	11 July 2019	7 August 2019

Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section
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Consultee	Date consulted	Date reply received
Disability Forum	11 July 2019	22 July 2019

<p>Summary of comments: No Objections/Comments - State it is good that the application states disabled parking will be provided and that the new buildings will have an accessible toilet and platform lift access to the upper floor.</p>
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Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	11 July 2019	No response

Summary of comments: No response received
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Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	11 July 2019	No response

Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section
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Consultee	Date consulted	Date reply received
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SCC Ecology	11 July 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
SCDC Enforcement Team	11 July 2019	No response
Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section		

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	11 July 2019	31 July 2019
Summary of comments: Internal Planning Services Consultee, comments included within planning considerations section		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 July 2019	5 September 2019
Summary of comments: Raise no objections, recommending conditions relating to: <ul style="list-style-type: none"> <li>- submission of noise assessment prior to installation of fixed plant and other machinery (e.g. heat pumps, power tools, compressors, extractor systems, fans, pumps, air conditioning or refrigeration plant)</li> <li>- working hours should be limited to 07:00 until 18:00 Monday to Saturday, with no working on Sundays and Bank Holidays</li> <li>- submission and agreement of a construction management plan.</li> <li>- phase 2 contaminated land study,</li> <li>- contamination remediation method statement to be agreed,</li> <li>- implementation of contamination remediation,</li> <li>- validation report to confirm contamination remediation has been undertaken,</li> <li>- requirements if unexpected contamination is found on site.</li> </ul>		

### First Reconsultation

Following receipt of additional/revised surface water drainage details, the following parties were reconsulted, with a consultation period 14 October 2019 to 28 October 2019.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	14 October 2019	28 October 2019

Summary of comments:

Advice that they have reviewed the new and revised documentation, which relate to their recommended condition 4, which stated that no drainage systems for the infiltration of surface water to the ground are permitted, unless supported by an assessment of the risks to controlled waters. They advise that the purpose is to ensure water infiltration does not leach contaminants into the aquifer, and due to the soil investigation report being 6 years old, the possibility that the area proposed for soakaways has been contaminated since then can not be discounted. No investigation was carried out into potential contamination during the soakage tests. The proposed soakaway proposal only allows for 1m of unsaturated soils to attenuate any contamination. The EA preference is for 2m to perform this function.

They highlight that “Section 1.3 of the Flood Risk and SUDS Assessment specifically states that, “the revised drainage strategy responds to the LLFA’s objection point 1...” as such it does not address the Environment Agencies’ concerns.”

They also advise that they maintain their position regarding conditions 1-3 that they previously recommended.

Consultee	Date consulted	Date reply received
Natural England	14 October 2019	No response

Summary of comments:

No response

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	14 October 2019	No response

Summary of comments:

No response

Consultee	Date consulted	Date reply received
SCC Flooding Authority	14 October 2019	23 October 2019

Summary of comments:

Holding Objection, an acceptable drainage strategy has not been presented. No the Environment Agencies previous consultation response restricting the use of infiltration. These two approaches are conflicting and currently leave the site without a feasible drainage strategy. See two possible solutions, either the site would require remediation to ensure infiltration is acceptable or an alternative drainage strategy will need to be provided. Seeking a strategy of both forms to ensure if the Environment Agency do not agree to infiltration in the future or if remediation is not acceptable/feasible that the site will still have a feasible drainage strategy.

## Second Reconsultation

Following receipt of additional/revised surface water drainage details, the following parties were reconsulted, with a consultation period of 4 November to 18 November 2019.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	4 November 2019	22 November 2019
Summary of comments: Request an extension of time until 6 December 2019		

Consultee	Date consulted	Date reply received
Natural England	4 November 2019	18 November 2019
Summary of comments: Requesting an extension of time, of a week as been advised that new papers are available.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	4 November 2019	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	4 November 2019	12 November 2019
Summary of comments: Holding objection is because the calculations indicate an increase in off site flood risk.		

## Third Reconsultation

Following receipt of additional/revised surface water drainage details, the following parties were reconsulted, with a consultation period of **(25 November to 10 December 2019)**

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	26 November 2019	No response at time of report drafting
Summary of comments: No response at time of report drafting		

Consultee	Date consulted	Date reply received
Natural England	25 November 2019	No response at time of report drafting
Summary of comments: No response at time of report drafting		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	25 November 2019	25 November 2019
Summary of comments: Recommend Approval subject to conditions, relating to: <ul style="list-style-type: none"> <li>• The submission and approval of the strategy for the disposal of surface water,</li> <li>• The submission and approval of details on the implementation, maintenance and management of the strategy for the disposal of surface water</li> <li>• Submission of details of all sustainable drainage components and piped networks have been submitted and approved.</li> <li>• The submission and approval of a construction surface water management plan</li> </ul>		

Any additional comments received prior to 2pm on Monday 16 December 2019 (24 hours prior to the meeting) will be included on the members update sheet.

## 5. Publicity

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

Category	Published	Expiry	Publication
May Affect Archaeological Site, Major Application, In the Vicinity of Public Right of Way, Tree Preservation Order, Contrary to Development Plan	25 July 2019	15 August 2019	East Anglian Daily Times

### Site notices

General Site Notice

Reason for site notice:

- May Affect Archaeological Site,
- Major Application,
- In the Vicinity of Public Right of Way,
- Tree Preservation Order,
- Contrary to Development Plan

Date posted: 15 July 2019

Expiry date: 5 August 2019

## 6. Planning policy

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- The Suffolk Minerals Core Strategy (Adopted September 2008),
  - The Suffolk Minerals Specific Site Allocation Development Plan Document (Adopted September 2009)
  - East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
  - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
- and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- 6.4. The Suffolk Minerals Core Strategy document was adopted in September 2008 and forms part of the Local Development Plan. Section 9.9 and Policy DC7 relate to reclamation, restoration and after-use. The policy states:
- "An outline strategy should be submitted for aftercare of the land to a condition suitable for an appropriate after-use. Preference will be given to after-uses that promote the creation and management of priority habitats listed in the Suffolk BAP and/or that conserve geological and geomorphological resources."*
- 6.5. However, this section of the document and the policy primarily relates to new sites for mineral extraction, rather than new applications for alternative uses, following the end of mineral extraction on pre-existing sites.
- 6.6. The Suffolk Minerals Specific Allocations document was adopted in September 2009. It forms part of the Local Development Plan and allocates site across Suffolk for Mineral Extraction. The current application site is not included within this document. It has not been allocated for further mineral extraction.

6.7. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

- 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))
- SP5 - Employment Land (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP7 - Economic Development in the Rural Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP11 - Accessibility (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP12 - Climate Change (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP21 - Felixstowe with Walton and the Trimley Villages (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))

- DM11 - Warehousing and Storage (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM20 - Travel Plans (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))
- DM24 - Sustainable Construction (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM26 - Lighting (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

6.8. The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document are:

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

- SSP38 - Special Landscape Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))
- 6.9. The following 'Saved' Policies of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations, as saved upon adoption of the 2013 document) are relevant to the consideration of this application:
- AP212 - Ipswich Fringe: Open Character of Land between Settlements ('Saved' Policy of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations))
- 6.10. The following East Suffolk Council Suffolk Coastal District Local Plan - Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:
- SPG 5 - Nature conservation (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)
- 6.11. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link:  
[www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) .
- 6.12. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable:
- 6.13. At this stage in the Plan Making process, the policies which received little objection (or no representations) can be given more weight in decision making if required, as outlined under paragraph 48 of the NPPF. The policies below are relevant to this proposal and are considered to now have some weight in determining applications:
- Appendix F – Criteria for identification of Non-Designated Heritage Assets
  - Appendix H – Landscape Character Area Maps
- 6.14. Other policies of the emerging Local Plan, which are relevant to this proposal, that were the subject of objections, and thus can only be given very limited weight are:
- Policy SCLP2.1: Growth in the Ipswich Strategic Planning Area
  - Policy SCLP3.1: Strategy for Growth in Suffolk Coastal District
  - Policy SCLP3.3: Settlement Boundaries
  - Policy SCLP4.2: New Employment Development
  - Policy SCLP4.3: Expansion and Intensification of Employment Sites
  - Policy SCLP4.5: Economic Development in Rural Areas
  - Policy SCLP7.1: Sustainable Transport
  - Policy SCLP7.2: Parking Proposals and Standards
  - Policy SCLP9.2: Sustainable Construction

- Policy SCLP9.5: Flood Risk
- Policy SCLP9.6: Sustainable Drainage Systems
- Policy SCLP9.7: Holistic Water Management
- Policy SCLP10.1: Biodiversity and Geodiversity
- Policy SCLP10.3: Environmental Quality
- Policy SCLP10.4: Landscape Character
- Policy SCLP10.5: Settlement Coalescence
- Policy SCLP11.1: Design Quality
- Policy SCLP11.2: Residential Amenity
- Policy SCLP11.3: Historic Environment
- Policy SCLP11.6: Non-Designated Heritage Assets
- Policy SCLP11.7: Archaeology
- Policy SCLP12.18: Strategy for Communities surrounding Ipswich

6.15. The access road to the proposed development lies within the Parish of Kesgrave, where a neighbourhood plan is currently under production. The Neighbourhood Plan Area follows the parish boundary. Consultation on the emerging Kesgrave Neighbourhood Plan was undertaken 4 July 2019 to 2 September 2016. It is yet to undergo Independent Examination and Referendum, so can be given very limited status at this time. Therefore, whilst the following policies are of some relevance, they can only be given very limited material weight in the determination of the current application:

- Policy KE3: Maintaining Kesgrave's Identity

## **7. Planning considerations**

7.1. This section of the report is structured in the following order:

- Principle and Sustainable Development,
- Employment and Economic Considerations,
- Transport, Highway Safety and Parking Provision,
- Potential for Noise and Disturbance,
- External Appearance and Visual Impact upon Landscape,
- External Lighting,
- Impact upon trees,
- Ecology, Biodiversity and Geodiversity,
- Heritage,
- Land Contamination, drainage and preventing pollution to the water environment,
- Community Infrastructure Levy (CIL),  
and
- The Planning Balance.

### Principle and Sustainable Development

7.2. The principle of this type of use on this site was previously considered acceptable through the granting of DC/13/3408/FUL. However, that consent has now lapsed, and therefore limited weight can be afforded to it in the determination of the current application.

7.3. The site is also adjacent to an operational business which has a similar use to the current proposal (the Tru7group building and service yard). Therefore, the principle of this type of use in this location has been established.

7.4. The application site lies outside of the defined physical limits of any settlement and therefore is countryside for the purposes of planning policy. However, it is well related to Kesgrave, which is defined as part of a Major Centre. The site also meets the definition of "Previously Developed Land", and the scheme would enable means to prevent contamination from the site entering the wider environment. It therefore whilst it is outside the physical limits boundary of Kesgrave, the reuse of this site with the associated works, is broadly supported by the aims of Paragraph 118 of the NPPF, which states:

*"118. Planning policies and decisions should:*

*.....c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*

*....."*

7.5. This site meets the definition of 'Previously Developed Land' Annex 2 of the NPPF, as this area of the former quarry site did not form part of the land that had provision for the restoration through the planning permissions granted for the mineral extraction. The definition of 'Previously Developed Land' states:

***"Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. "*

7.6. The application site lies outside the areas of restoration defined in C97/1501 and C00/0176, is therefore classed as Previous Developed Land. Therefore, its reuse should be encouraged in accordance with the above elements of the NPPF, subject to the environmental considerations, which are explored later in this report.

7.7. Although this site lies outside the defined physical limits, the site is in a sustainable location. The application site is well related to Kesgrave, which is defined in the Core Strategy and Development Management DPD as part of the 'Area East of Ipswich Major Centre' (Policies SP19 and SP20, Table 4.1). The junction between the access road and the A1214 is on the opposite site of the road to the physical limits of Kesgrave. It is therefore well related to a large area of residential development, in which potential employees could potentially reside.

- 7.8. Although the main part of the site (the area within the pit) lies within the parish of Little Bealings, the vehicular access is via the parish of Kesgrave. There is no direct vehicular access from the site to the village of Little Bealings.
- 7.9. The site is also well related to public transport. This issue is explored further in the Transport, Traffic and Highway Safety section later in this report.
- 7.10. As explained above the site is well related to Kesgrave, which is part of the wider 'Area East of Ipswich Major Centre'. The 'Area East of Ipswich Major Centre' is classed as the most sustainable type within the Settlement Hierarchy (Policy SP19), a 'sub-regional centre for commercial and social facilities' and an area where major housing development is expected to be allocated in accordance with Policy SP20.
- 7.11. These aims and objectives are being taken forward within the emerging Local Plan Policies, including Policy SCLP12.18 (Strategy for Communities surrounding Ipswich). Although this policy has limited weight at present because it was the subject of objections and the Inspectors decision on the examination is yet to be received, it demonstrates the intended direction of travel in terms of seeking to secure economic development such as the current proposal within this part of the district.
- 7.12. However, as set out in paragraph 8 of the NPPF, sustainable development is more than just location. In order to be classed as sustainable, it is expected to meet three dimensions of sustainable development:
- An economic role,
  - A social role,
- and
- An environmental role.
- 7.13. The economic role is explored in the Economic and Employment Considerations section below.
- 7.14. In terms of the social role, although this proposal does not seek to provide health, social or cultural facilities, it would be support the wellbeing of the local community by providing locally accessible employment. The design aspects and accessibility are explored in greater detail in the 'Transport, Traffic and Highway Safety' and 'External Appearance and Visual Impact upon Landscape' sections of this report.
- 7.15. The environmental role is also explored in various later sections of this report.

#### Employment and Economic Considerations

- 7.16. This proposal would reuse previously developed (i.e. brownfield) land and provide significant employment. The application form indicates the proposal is intended to result in 40 full time employees and 10 part time employees.
- 7.17. As explained in the consultation section of this report, this proposal is supported by the Economic Development Team. They recognise the economic value of the development in terms of the additional employment opportunity for the area.

7.18. Sections 1 and 3 and the Core Principles of NPPF, and Policies SP5 (Employment Land), SP7 (Economic Development in Rural Areas), DM11 (Warehousing and Storage) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) seek to support and encourage economic growth, and job creation.

7.19. Paragraph 80 of the NPPF is also relevant. It states that

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

7.20. Technically this proposal is contrary to Policy SP7 (Economic Development in Rural Areas) because the proposed use is not related to agriculture or a similar rural enterprise. However, despite its countryside location, the application site is undoubtedly in a sustainable location and extremely well related to the Major Centre and a number of services and facilities and a residential area. It is accessed directly from A1214, rather than being along a country lane, meaning it has a closer relationship to the Major Centre than the wider rural countryside in terms of accessibility. The proposal would provide a significant number of jobs and re-use a brownfield site. Therefore, it is considered appropriate to permit an exception to Policy SP7 in this particular case.

7.21. This approach would accord with paragraphs 83 and 84 of the NPPF which state:

*"Supporting a prosperous rural economy*

*83. 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;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

*84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances 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). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

- 7.22. Although not adopted as a Planning Policy Document, the East Suffolk Economic Growth Plan, 2018-2023 is relevant to the consideration of this proposal. This document is aligned with the Norfolk and Suffolk Economic Strategy (published by the New Anglia LEP in October 2017) and the BEIS 'Industrial Strategy White Paper'. This document seeks to support and encourage growth in the local economy in a number of ways, including the providing scope for business to expand and provide additional jobs.
- 7.23. The current proposal would accord with this aim because it seeks to provide expansion for an existing Suffolk based business, which will enable it to expand and provide a greater number of jobs. This would be beneficial to the local economy.
- 7.24. Therefore, this proposal would result in additional job creation, benefit the local economy and accord with general Economic Policy. The principle should therefore be supported.
- 7.25. Policy SCLP4.2 (New Employment Development) was a policy which received objections during the pre-submission consultation and therefore can only be given very limited weight in the determination of this application. However, the general aims and objectives of this policy reflect those of the adopted Local Plan and the East Suffolk Economic Growth Plan. It seeks to allow for new employment development (use classes B1, B2 and B8) outside of existing employment areas and physical limits, but only where a need for additional employment development has been demonstrated or where there is no sequentially preferable location adjacent to existing employment areas or within settlement boundaries.
- 7.26. Given the nature of the proposed use, which utilises large construction related vehicles, and is related to the existing use of the adjacent land, and that the proposal would be on previously developed land, it is considered that there are unlikely to be sequentially preferable sites elsewhere within the area surrounding Ipswich, and given that the area east of Ipswich is proposed for significant housing growth it is logical to locate this construction related use within this part of the district.
- 7.27. Policy SCLP12.18 (Strategy for Communities surrounding Ipswich) of the emerging East Suffolk Council – Suffolk Coastal Local Plan, was also a policy which received objections during the pre-submission consultation and therefore can only be given very limited weight in the determination of this application. However, it also has similar aims and objectives as policies of the existing adopted Local Plan and the East Suffolk Economic Growth Plan, in that it seeks to maintain and support economic growth in this area.
- 7.28. Therefore, whilst this site is located outside a designated employment area, within the countryside, and not for a rural related employment use (e.g. agricultural, forestry etc) and as such contrary to adopted planning policy, it would accord with the Council's Economic Growth Plan and the general aims of the emerging planning policy in terms of supporting economic growth.

#### Transport, Highway Safety and Parking Provision

- 7.29. The site is located in a sustainable location, close to bus routes and bus stops. There are bus stops on the northern side of the A1214 to the east of the roundabout (450m from

the pit entrance) and on the southern side of the A1214 to the west of the roundabout. The site is therefore easily accessible via bus.

- 7.30. The site is also readily accessible by bicycle and on foot. There are traffic-free cycle paths on the southern side of the A1214, and within the Grange Farm development to the south. These paths connect up to the National Cycle Route, which runs westwards to Ipswich and eastwards to Martlesham. The section in Penzance Road is on-road, but the remainder of this route within Kesgrave is traffic free.
- 7.31. As explained in the site description section of this report there is a public footpath running along the access road to the site. This path connects with the pavement alongside the northern side of the A1214. There is a pedestrian crossing a short distance westward along the A1214, in front of Kesgrave High School. This crossing connects to the pavement on the southern side of the A1214, which in turn connects to the wider pedestrian road network within Kesgrave and the adjacent parishes.
- 7.32. The other end of this public footpath connects to other public rights of way, which lead to Hall Road, Playford Road and the wider Public Right of Way Network.
- 7.33. Therefore, the proposal is accessible to pedestrians, cyclists and those using public transport, which in turn makes it a sustainable location.
- 7.34. The proposal therefore accords with Policy SP11 (Accessibility) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013), which seeks to maximise the opportunities for local journeys to be made by means other than the private motor car. The proposal also accords with Section 4 (Sustainable Transport) of the NPPF, which seeks to support the use of sustainable modes of transport and encourage people to minimise journey lengths.
- 7.35. Policy DM20 (Travel Plans) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) states that proposals for new employment sites employing over 10 people or more should be accompanied by a 'green travel plan' and a condition or legal agreement will be imposed to ensure implementation of the travel plan.
- 7.36. However, in this instance the County Council, as Local Highway Authority has not recommended the creation of a travel plan, as a requirement to make the scheme acceptable. On that basis and the fact that the previously consented schemes on this and the adjacent sites have not included travel plans, and the close proximity of this site to public transport, footways and cycle paths which provide connectivity with the residential area to the south of Main Road and those further afield, it is considered that a travel plan cannot be reasonably be required in this instance.
- 7.37. The scheme looks to provide:
- 104 car parking spaces,
  - 10 spaces for light goods/public carrier vehicles,
  - 4 spaces for motorcycles,
  - 4 disability spaces,
- And

- 28 spaces for bicycles.

7.38. As set out in the consultation section of this report, the Local Highway Authority has raised no objections to the proposed parking provision, simply recommending conditions relating to the provision of these parking spaces, and the submission of details of secure cycle storage with their subsequent implementation. Therefore, subject to appropriately worded conditions, the proposed parking provision on this site is considered appropriate. The condition relating to cycle storage recommended by the Local Highway Authority is drafted as a pre-commencement condition, but in the view of planning officers, it is not necessary pre-commencement, but would be necessary pre-occupation. Therefore, the relevant condition listed in the recommendation at the end of this report has been amended to require submission and implementation pre-occupation.

7.39. Policy DM22 (Design: Function) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) requires new development to include:

- safe and convenient access for people with disabilities,
- make adequate provision for access to public transport, cars, cycling, parking areas, access ways, footways,
- include turning areas for emergency vehicles and the collection of waste,
- take account of the need for crime prevention, by incorporating features such as natural surveillance, adequate lighting and visibility.

7.40. As set out above this site would have access to public transport, footpaths and cycle paths. It is also proposed to include sufficient parking and turning areas within the site, for both employees and customers arriving by private vehicle and these would also be suitable for emergency vehicles. In terms of natural surveillance, the buildings would have openings on multiple sides and the parking/turning areas surround them, providing surveillance. External lighting could be provided, but it would need to be appropriately designed in order to safeguard ecological considerations (see external lighting section of this report).

7.41. The proposal would meet these requirements and accords with Policy DM22. The site layout and parking provision has considered disabled access and includes the provision of disabled parking bays. The site is located in close proximity to public transport routes, the classified road network, cycle ways and footpaths. It would incorporate significant areas for parking and manoeuvring large vehicles, including emergency and waste collection vehicles. The buildings are proposed to be located in the middle of the site, meaning there would be good levels of natural surveillance within the site, although due to the existing bunding, trees and vegetation, natural surveillance from outside the site would be limited.

#### Potential for Noise and Disturbance

7.42. The key policy for considering the impacts of potential noise and disturbance is Policy DM23 (Residential Amenity) of the Suffolk Coastal Core Strategy. This policy seeks to safeguard the amenity of adjoining or future occupiers of the development.

- 7.43. There are no residential properties immediately abutting the redline of the application site, except for 230 Main Road, Kesgrave, which lies approximately 40m to the west of the access road. This property was sent a consultation letter, but to date no response has been received. However, irrespective of the lack of response the potential impacts upon the amenity to this property should still be appropriately considered.
- 7.44. The objections relating to noise and disturbance and impacts upon residential amenity have been received from residents of two properties fronting Playford Road. As explained previously the nearest residential property with a postal address of Playford Road is Pine Hills which more than 200m metres from the application site, and the nearest residential property with a postal address of Hall Road is Bealings Hoo, which is also more than 200 metres from the application site. Both of those properties were consulted by letter on this application and neither has responded. The area between both properties and the application site contains vegetation and bunded land.
- 7.45. Therefore, the potential noise and disturbance to the residents of dwelling to the north and east of the application site, is likely to be significantly less than it would be if the dwellings shared a direct boundary with the application site. Their concerns regarding the potential noise and disturbance from vehicle movements to, from and within the site and the associated reversing beepers are understandable because in many situations the volume and pitch of such noises can be heard over normal background noise.
- 7.46. A number of the Objectors, and Little Bealings Parish Council have stated that a noise assessment should be required before the determination of the application, and noise level limits should be set and regularly monitored. The Planning Application is valid without such a statement and the Head of Environmental Health has not requested a noise impact assessment prior to determination. Therefore, the Local Planning Authority cannot reasonably insist upon such an assessment prior to determining the application.
- 7.47. The previous proposal on the adjacent site to the east was also considered valid and subsequently approved without a noise assessment or any such conditions. There is no significant material change in circumstances between the proposed uses/applications which would justify insisting on a noise assessment for the current application.
- 7.48. It is also important to note that there is also already an industrial use in the eastern side of the pit, outside the current application site, which has an extant Planning Permission for on-going industrial processing activities in the open air, such as asphalt and concrete production. Therefore, existing noise levels would not be as low as normally expected within the 'countryside'.
- 7.49. The maintenance of vehicles should be conditioned to take place within the proposed building rather than in the open air. This will mean that the noise generated by such activities will be more contained and controlled than that which can be generated by the existing authorised industrial processes.
- 7.50. Due to the nature of the use of the workshop for vehicle repairs the proposed building is likely to require some means of mechanical ventilation to remove vehicle fumes from the enclosed space. A means of air conditioning within the office space may also be required in the warmer summer months. There are no details of such features within the application, and such plant/equipment can be potentially noisy, especially if left on

overnight. Although the nearest residential properties would be a significant distance from the proposed building, it may be beneficial to include a condition requiring the submission of details of any such equipment and hours of use, to minimise any potential future impacts.

- 7.51. Whilst acknowledging the concerns of some local residents, with appropriate conditions, any harm is not significant or demonstrate enough to withhold Planning Permission.
- 7.52. Therefore, provided the conditions referred to by the Head of Environmental Health and those relating to mechanical ventilation are included on any consent, the proposal would be acceptable in terms of residential amenity and accord with policy DM23 (Residential Amenity).
- 7.53. Appropriate conditions would include controlling the type of uses that can take place within and outside the buildings, and the hours of operation.
- 7.54. The proposed use would be similar in nature to that which operates on the site to the east (the Tru7group building and associated vehicular areas), in that it would relate to the hiring out of large vehicles and machinery (primarily related to the construction industry).
- 7.55. On the application form, the applicants requested opening hours of:
- Monday to Friday 05:30 until 19:00,
  - Saturdays 06:00 until 13:00,
  - No opening on Sundays and Bank holidays.
- 7.56. As set out earlier in this report, the initial response from Environmental Protection on this current application, included a recommendation for shorter terms of working hours for the proposed development of:
- Monday to Friday 07:00 until 18:00 hours
  - Saturdays 07:00 until 18:00 hours (midday)
  - Sundays & Bank Holidays none
- 7.57. Clarification was sought from Environmental Protection regarding the 18:00 (midday) reference on Saturdays. They responded explaining that 18:00 would be acceptable but they would prefer 13:00.
- 7.58. The unit to the east, which operates a very similar use to the current proposal (operated by the applicants, the tru7group) is also permitted to wider hours than those suggested by Environmental Protection, but shorter than those the applicant is seeking. It was permitted under DC/15/4908/FUL, which includes a condition that limits the hours to:
- Monday to Friday 07:00 and 19:30,
  - Saturdays between 07:00 and 13:00
  - No work shall be carried out on Sundays, or Bank Holidays

7.59. Here is a summary of the hours currently proposed and permitted:

	<b>Monday to Friday</b>	<b>Saturdays</b>	<b>Sundays and Bank Holidays</b>
<b>Requested by applicants on this application</b>	05:30 to 19:00	06:00 to 13:00	No working on Sundays and Bank holidays.
<b>Recommended by Environmental Health</b>	07:00 to 18:00	07:00 to 18:00 (preferring until 13:00)	No working on Sundays and Bank holidays.
<b>Granted previously on this site under DC/13/3408/FUL</b>	07:00 to 19:30 for outside working  05:30 to 19:30 for HGV movements (with a restriction on HGV numbers early morning, see below)	07:00 to 13:00 for outside working  06:00 to 13:00 for HGV movements (with a restriction on HGV numbers early morning, see below)	No working on Sundays and Bank holidays.
<b>Hours permitted on building to the east (under DC/15/4908/FUL)</b>	07:00 to 19:30	07:00 to 13:00	No opening on Sundays and Bank holidays.
<b>Hours for aggregate use granted by SCC on current application site DC/16/2365/CCC (SCC reference SCC\0086\16C)</b>	No restriction on working hours, but flood lighting hours limited to 07:00 to 18:00	No restriction on working hours, but flood lighting hours limited to 07:00 to 13:00	No lighting on Sundays, Bank Holidays or National Holidays

7.60. As set out in the Site Description section of this report, the currently proposed unit would be further from the nearest residential properties than the existing Tru7group operation. Therefore, the Local Planning Authority cannot reasonably seek to impose shorter working hours than the existing unit, as they cannot be justified on the grounds of safeguarding residential amenity.

7.61. The application does not include an appropriate noise assessment to justify or demonstrate that an earlier outside working time than 7am would not adversely affect residential amenity. Therefore, it is recommended the outside working hours are limited by condition to match those on the existing unit, so they would be:

Monday to Friday: 07:00 to 18:00  
 Saturdays 07:00 to 13:00  
 Sundays and Bank Holidays – No working

- 7.62. The previous consent for this site included a condition relating to HGV movements including hours (conditions 5 and 6 on DC/13/3408/FUL). These conditions stated:
5. *"No more than 12 Heavy Good Vehicle (HGV) movements shall take place on Monday to Friday during the hours of 5:30am and 7:00am or between 6:00am to 7:00 am on Saturdays (a maximum of 12 movements each day), unless otherwise agreed in writing with the Local Planning Authority. Between 7am and the close of the HGV working hours set out condition 6, there is no restriction on the maximum number of HGV movements that can take place.  
Reason: In the interests of residential amenity. "*
  6. *"Heavy Good Vehicle (HGV) movements shall only take place between the hours of 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with no HGV movements on Sundays or Bank Holidays (subject to the numbers restriction during early mornings outlined in condition 5), unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of residential amenity"*
- 7.63. Since that decision there have been some key material changes, comprising of the granting of planning permission for and construction of the commercial site to the east, the use of the current application site for aggregate storage, changes to national planning policy in terms of revisions to the NPPF, and changes to local planning policy through the adoption of the site allocations document in 2017.
- 7.64. The commercial use to the east establishes the principle of a use of this nature, with the above outside working hours, and that unit is located closer to the residential units to the north, than currently proposed. The aggregate use has been operating on this site will large machinery, with its hours controlled through the hours of floodlighting rather a specific restriction on the hours of use. The changes to national and local planning policy do not alter the way in which noise and residential amenity are to be considered.
- 7.65. Given the limited material planning change since the 2013 consent, in the view of officers it is considered appropriate to include conditions restricting the timing of HGV movements, for the same hours as that consent. There is insufficient material planning justification to support a change in permitted hours from that previously granted.
- 7.66. It would also be reasonable for the Local Planning Authority to seek to control the use of plant and equipment in a similar manner to the existing Tru7group site.
- 7.67. The consent for that building included the following conditions limiting the use of plant and equipment:
21. *"Prior to the installation of air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.  
Reason: In the interests of residential amenity and protection of the local environment."*

22. *"Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. They shall be switched off at all other times including overnight, and on Sundays and Bank Holidays, when the site is not operational, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of residential amenity and protection of the local environment."*

- 7.68. Similar conditions were also included on the previous consent for the current site (DC/13/3408/FUL, conditions 26 and 27).
- 7.69. In the view of officers, it appears the intention of these conditions was to ensure that the potential noise from equipment could be controlled and that the air conditioning etc would not be left on all night. It would be appropriate to impose similar conditions on the current scheme in order to safeguard residential amenity and protect the local environment.
- 7.70. It is noted that objectors to the application have suggested that vehicles should be fitted with white noise sounds rather than conventional reversing beepers. It is accepted that this was a requirement on the consent for the aggregate storage consented by SCC on this site. However, it was not a requirement on the 2013 consent for the site, or a requirement on the 2015 for the adjacent site, which operates a similar use to the current proposal.
- 7.71. Given that the vehicles are to be hired from the application site to go elsewhere, where such restrictions will not generally exist, and that there is no such requirement on the adjacent site which is closer to the objectors in the residential units to the north, a condition of this nature would be unreasonable and therefore fail the condition tests defined in paragraph 55 of the NPPF.
- 7.72. It is accepted that there will be noise generated during the construction of the buildings and associated features. However, the site is a considerable distance from the nearest residential properties, the site has been used for aggregate storage, so involved tipping of large volumes of aggregate material which can be noisy, and in terms of time scale the construction period will be a relatively short period in terms of the lifetime of the development. There was also no requirement for a construction management plan on either the 2013 or 2015 consents. Therefore, in the view of officers it would not be appropriate to require the submission of a construction management plan relating to hours of works.
- 7.73. The potential for noise from the site to reach the residential properties to the north may also be reduced if the fence currently proposed under planning application SCC/0071/19SC is permitted and erected. However, limited weight can be given to that proposal at present, as the application is yet to be determined, and East Suffolk Council as the Local Planning Authority for this application is not the determining authority for the bund and fence works, so it cannot require that application to be determined prior to the determination of this application for the commercial buildings.

- 7.74. The current application has to be determined on the basis of the existing situation and scheme proposed. Subject to appropriate conditions such as those relating to the type of activities taking place and hours of operation, the scheme is acceptable in terms of potential impacts in terms of noise and disturbance.

#### External Appearance and Visual Impact upon Landscape

- 7.75. The application submission includes a Landscape and Visual Impact Assessment (LVIA), which identifies the application site has being well contained within the wider landscape. Officers agree with this assessment. The woodland to the south and the changes in ground level around the quarry including the existing bunding shield the site from views in the wider landscape.
- 7.76. The proposed finished ground and roof levels are proposed to approximately match the established Tru7 building at 20.65m and 28.95m above Ordnance Datum (AOD). The bund to the north is approximately 31-33m AOD.
- 7.77. Therefore, the highest parts of the buildings would be lower than the bund to the north, and thus not have a significant impact outside the former quarry site.
- 7.78. 'Saved' Local Plan Policy AP212 (Ipswich Fringe - open character of land between settlements) are relevant to the consideration of this proposal. It seeks to retain gaps between settlements, prevent coalescence and safeguard the character of the Area. Policy SP15 (Landscape and Townscape) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) and Section 15 of the NPPF are also relevant to the consideration of the proposal upon the wider landscape. They seek to ensure proposals are of good design, well related to their context and protect important landscape character areas.
- 7.79. The proposal would be visible from the public vantage points along the public footpath but due to the existing bunding to the north and northwest, and the trees to the south and south-east, the proposal would be well screened and have very limited visual impact upon the wider landscape, including that of the nearby Special Landscape Area . It would therefore accord with Policies AP212, SP15, SSP38 and Section 15 of the NPPF.
- 7.80. The existing Tru7Plant Building has the following external materials:
- trapezoidal profiled panel roofing in Goosewing Grey (RAL 080 70 05),
  - Jet black roof flashings, rainwater goods, external doors, windows and vehicle access doors (RAL 9005),
  - pedestrian/fire exit doors in Anthracite (RAL 7016),
  - Escape spiral staircase with a galvanised finish,
- and
- microrib profiled insulated walls with the office sections finished in Anthracite (RAL 7016), and the workshop sections finished in Goosewing Grey (RAL 080 70 05).
- 7.81. The new buildings are proposed to have:
- trapezoidal profiled panel roofing in Goosewing Grey (RAL 080 70 05),
  - Jet black roof flashings, rainwater goods, external doors, windows and vehicle access doors (RAL 9005),

- pedestrian/fire exit doors in Anthracite (RAL 7016),
- Escape spiral staircase with a galvanised finish,  
and
- microrib profiled insulated walls with the office sections finished in Anthracite (RAL 7016), and the workshop sections finished in Goosewing Grey (RAL 080 70 05).

- 7.82. Therefore, the proposed external materials on the new buildings would be identical to those on the existing building which lies to the east. The new buildings are also proposed to be similar in scale and form to the existing building. They would therefore be in character with the locality.
- 7.83. For the reasons outlined above, the scheme is considered acceptable in terms of external appearance and visual impact upon the landscape, and compliant with adopted planning policies SP15 (landscape and Townscape) and DM21: Design: Aesthetics.
- 7.84. As explained in the policies section of this report, the policies of the emerging Kesgrave Neighbourhood Plan can be given little weight in the determination of this application, as the document is yet to go through the referendum and examination stages, and therefore not close to adoption. This document also only relates to the area with the Kesgrave Parish Boundary, and therefore only the access road lies within the relevant area. However, the aims of those policies can be acknowledged and are explored below.
- 7.85. Emerging Neighbourhood Plan Policy KE3 (Maintaining Kesgrave's Identity) seeks to ensure that development would not compromise the appreciation of the key landscape that give Kesgrave its identity, increase coalescence with adjoining settlement or have a detrimental impact on the key views specified on Policy Map No 1. The views identified on that map do not include the current application site. As explained above this site is well contained and therefore it is considered that the proposed development would not compromise the appreciation of the key landscape that gives Kesgrave its identity or lead to coalescence with adjacent settlements.
- 7.86. Emerging Neighbourhood Plan Policy KE5 (Local Green Spaces) identifies areas designed as Local Green Spaces. These designations do not include the current site (including the access road).
- 7.87. The plans submitted with the application include an indication of how difference areas could be surfaced with permeable and impermeable surfaces, and where additional planting is proposed beyond the site boundary on land under the applicant's control. The additional planting plan indicates additional grass/ heathland scrub and woodland planting.
- 7.88. These appear to be visually acceptable in principle. However, their precise location, layout and materials/plants is likely to be dependent upon the design of the surface water drainage system. Within the 'Landscape Framework Plan' there is also limited detail on some aspects of the proposed landscaping including the hard surfacing. Therefore, in the interests of visual amenity it would be appropriate to condition the submission and implementation of a landscaping scheme.

### External Lighting

- 7.89. The application proposal includes vehicle parking areas and pedestrian routes which it is likely will be used after dusk, particularly during the winter months, when the sunsets before the end of a normal working day. Therefore, some means of external lighting going to be required for safety and security purposes.
- 7.90. Policies DM26 (Lighting) and DM23 (Residential Amenity) of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Development Plan Document (July 2013) seek to minimise light pollution.
- 7.91. There are also potential implications for ecology (see section below). Therefore, the submission and implementation of an external lighting strategy is proposed to be secured by condition.

### Impact upon Trees

- 7.92. The area of trees to the east of the access road, known as 'Kesgrave Wood' are protected by Tree Preservation Order SCDC/50/00020. This is a Woodland Order and therefore protects/covers the woodland area from cutting down, topping, lopping and wilful damage.
- 7.93. A number of the trees within SCDC/50/00020 overhang the access road, but not the area within the pit, where the building and associate features are proposed. There are no works proposed to these trees, and HGVs already use the access road in connection with the other authorised uses within the pit, so there should be sufficient clearance beneath their canopies to allow for large vehicles during both the construction and operational phases of this development.

### Ecology Biodiversity and Geodiversity

- 7.94. The site is within 13km of European Designated Sites, including the Deben Special Protection Area. However, this scheme is not for residential development, and therefore it does not need to accord within the Recreation Avoidance Mitigation Strategy (RAMS).
- 7.95. To the south of the application site, the northern section of the wooded area and the area containing the lakes either side of the northern end of the access road is designated as Sinks Pit Site of Special Scientific Interest (SSSI). There is a gap between the northern boundary of the SSSI and the current application site, which is not proposed to be altered as part of this application, but is under the applicants ownership.
- 7.96. There is a bund and vegetated area to the north and north west of the application site, and the site on which Fork Rent was permitted, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 and is not proposed to be altered as part of the current application.

7.97. POLICY KE6: WILDLIFE CONSERVATION of the emerging Kesgrave Neighbourhood Plan, states:

*“Development proposals are required to contribute positively towards the biodiversity of Kesgrave by providing wildlife-friendly features as part of the design of new buildings and open spaces.”*

7.98. This reflects the aims of East Suffolk Council – Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document Policies SP14 and DM27, and section 15 of the NPPF, which seek to protect and enhance biodiversity, by ensuring that were development proposals could cause an adverse effect (alone or in combination with other proposals) to matters of ecological importance, prevention, mitigation and where appropriate mitigation measures will be required.

7.99. The Council’s Ecologist has advised that they are satisfied with the conclusions of the submitted ‘Preliminary Ecological Appraisal’, advising that the implementation of the recommendations of that report should be secured by condition, in particular the submission and implementation of an external lighting strategy (for both construction and operation), to prevent light spill outside the boundaries of the site. Appropriately worded conditions to cover these aspects are included within the recommendation.

7.100. As explained earlier in this report, Natural England have been consulted on the latest drainage strategy details. The concerns raised in their holding objection related to a requirement to ensure that the drainage scheme would not result in adverse impacts upon the SSSI. In the view of officers, it is potentially possible to overcome their holding objection, subject to the drainage scheme being appropriate, and appropriate conditions being included on any consent.

7.101. Therefore, subject to the requirements of Natural England being satisfied and subject to appropriate conditions, this scheme will accord with planning policy and be acceptable in terms of ecological considerations in relation ecological considerations on and within the immediate vicinity of the site.

#### Heritage

7.102. The NPPF and The Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990, both require heritage assets to be considered in the determination of applications.

7.103. Due to the scale of development, the Local Archaeological Service were consulted on the application. As set out earlier in this report, they did not respond to the consultation. However, on previous applications within this area, they advised that as the site is a former sand and gravel extraction pit, it is considered likely that any archaeological deposits will have been damaged or destroyed by the previous quarrying operations.

7.104. The emerging Kesgrave Neighbourhood Plan has identified 'The Pump House', to the south-east of the application site, between the pond to the south and the access road, as a Non-Designated Heritage Asset, through emerging policy KE7 (Non-Designated Heritage Assets (NDHA)). This policy whilst of limited weight at present, refers to the requirements

within the NPPF in terms of the conservation and enhancement of such features including their setting.

7.105. The draft Neighbourhood Plan describes 'The Pump House' as:

*"This mural is painted on the wall of a pump house next to a fishing pond down Sinks Pit, a lane North from the A1214 in Kesgrave built by the Jolly family. During the war their home, Bracken Hall, was used as a recovery home for US Army Air Force airmen. Mr Jolly's great aunt, Mrs Lucy Rope, originally thought of the mural in memory of her husband, Squadron Leader Michael Rope, who was tragically killed in the R101 Airship Disaster in October 1930. She asked an American serviceman from the 356th Fighter Group at Martlesham, Sergeant Irving Smith, recovering from injuries, to paint St Francis – as an Apostle for peace. Smith was a keen Catholic and former Commercial artist from Washington. It was a far cry from the work that Irving usually did – painting roundels and sharks teeth on American aircraft.*

*Reason for listing:*

- *Artistic interest – Aesthetic value*
- *Historic interest – Association"*

7.106. 'The Pump House' is located adjacent to the access road which serves the former quarry site, including the existing Tru7group building, the Cemex Concrete Batching Plant and other uses to the east. There would be no direct physical impacts arising from the proposal directly on this NDHA. There would also be a significant separation distance between the new buildings and this structure, and the proposal would not be dissimilar to the existing uses on the wider site. Therefore, in the view of officers there would be no significant impact upon the NDHA or its setting.

7.107. The next nearest heritage asset is Kesgrave Hall, which is a Grade II Listed Building. It is located approximately 480m from the eastern boundary of the current application site. Views between the Listed Building and the current proposal would be prevented due to the woodland that exists between the edge of the former quarry and the western elevation of the Listed Building. This visual separation in combination with the existing nature of the application site, leads officers to conclude that there would be limited impact upon the setting of the Listed Building, and any potential impacts would either preserve or enhance the setting of the Listed Building. Therefore, the requirements of The Town and Country Planning Act (Listed Buildings and Conservation Areas) Act 1990 would be met.

#### Land Contamination, Drainage and potential pollution to the water environment.

7.108. Since the 1950's, the application site and the adjacent area within the pit and the area beyond have been used for various activities including gravel and sand extraction, waste disposal and the production of asphalt and concrete. Therefore, it appears there is the high potential for contaminants within the vicinity, and this is a material planning consideration in the determination of this application.

7.109. Contrary to some of the third-party comments, the application site is entirely within Flood Zone 1, and therefore not at risk from fluvial or tidal flooding. However, land

adjacent to the wider former mineral extraction site does lie within an area at risk of flooding (around the ponds to the south-east).

- 7.110. However, due to the scale of development (more than 1 hectare) a Flood Risk Assessment was required and submitted with the application. This assessment and the associated proposed drainage strategy aim to ensure that there is no increase in site run-off and that contaminants from the site do not enter the ground water or the adjacent SSSI.
- 7.111. There is a mixture of permeable and impermeable surfaces on the application site and surrounding land. Due to the nature of the physical development and the proposed use including a significant number of vehicles and their maintenance and the overall size of the site an appropriate surface water drainage strategy is required. This needs to include a scheme to manage flow rates and prevent pollutants from entering the wider environment, including the adjacent SSSI.
- 7.112. When the 2013 scheme was considered on this site, following consultation with the relevant statutory consultees (the Environment Agency and Natural England) it was considered appropriate to condition the submission of a surface water drainage scheme and its subsequent implementation. However, considerations relating to surface water flooding have altered since that application was determined. The statutory surface water flooding function has moved from the Environment Agency to the Local Flood Authority (part of Suffolk County Council). Therefore, as set out in the consultation section of this report, all three consultees have been consulted in relation to surface water flooding and contamination.
- 7.113. Whilst the Environment Agency raised no objections, recommending conditions in relation to drainage and contamination, Holding Objections were received from the Local Flood Authority and Natural England. Therefore, during the course of this current application discussion has taken place between the applicants engineer and the Local Flood Authority, with the submission of further details to the Local Planning Authority in relation to surface water drainage, with the aim of achieving a suitable drainage strategy.
- 7.114. The latest documentation relating to surface water drainage is currently out to consultation with the relevant statutory consultees (Natural England, Environment Agency and SCC as Local Flood Authority). Due to the revisions being undertaken following discussions, and the withdrawal of the objection from SCC as Flood Authority, it is expected that the latest version of the surface water strategy will overcome the holding objection from Natural England.
- 7.115. If/when the holding objection is withdrawn, the surface water drainage strategy will be acceptable, subject to appropriate conditions relating to implementation of the strategy.

#### Environmental Impact Assessment (EIA)

- 7.116. Prior to the submission of this planning application, a EIA Scoping Assessment was sought by the applicants from the Local Planning Authority (DC/19/1289/EIA). The scoping assessment provided by the Local Planning Authority advised that the development did not require an Environmental Impact Assessment.

- 7.117. As part of the current planning application, the scheme has been reassessed under the EIA Regulations. It was concluded that this proposal does not constitute EIA development, and therefore an Environmental Impact Assessment is not required.

#### Community Infrastructure Levy (CIL)

- 7.118. The proposal is not for residential development or A1: convenience retail. Therefore, it is not CIL Liable.

#### Planning Balance

- 7.119. The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material planning considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- 7.120. Due to the location of this site within the countryside, the principle of this non-countryside related employment use is contrary to Local Plan Policies SP7 (Economic Development in the Rural Areas) and SP29 (Countryside), and thus contrary to the Development Plan. However, there are material planning considerations which indicate that an exception to the Development Plan should be made in this instance.
- 7.121. This proposal would use previously developed land, in a location that is physically well related to existing settlements, which is advocated by the NPPF (paragraph 84). It would be accessible via public transport, cycle and pedestrian links.
- 7.122. It would also enable the expansion of an existing group of businesses providing employment close to Kesgrave, which is defined as part of a Major Centre, within the Settlement Hierarchy, thus providing employment close to an existing significant area of homes, and wider economic benefits.
- 7.123. It would have limited visual impact upon the surrounding countryside and landscape, due to the changes in ground level surrounding the site to the east, north and west, and the location of a significant area of trees to the south.
- 7.124. The potential harm to residential amenity can also be prevented, through the control of appropriate conditions relating to the use, hours of operation and ventilation equipment.
- 7.125. External lighting to safeguard amenity and ecology can be controlled by condition.
- 7.126. Subject to appropriate conditions, the ecological harm would be appropriately mitigated, with some enhancement.
- 7.127. There would be no significant adverse harm upon matters of heritage.
- 7.128. Provided the surface water management and related land contamination issues are resolved, the remain potential harm arising from this development would be that to the application of planning policy in the future.

- 7.129. The adverse impacts of permitting this scheme would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Therefore this scheme should be approved subject the resolution of the surface water issues and the imposition of appropriate controlling conditions.
- 7.130. There are a limited number of pre-commencement conditions. Appropriate notice has been given to the agent in accordance with the requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Any response to this notice will be provided on the update sheet.

## **8. Conclusion**

- 8.1. As explored in the Planning Considerations section, this proposal meets all the relevant material and planning policy considerations, with the exception of Policies SP7 and SP29, due its location within the countryside.
- 8.2. This proposal would be a sustainable form of development, on a brownfield site, well related to a 'Major Centre', public transport, cycle routes and pedestrian paths.
- 8.3. It would also provide additional employment within the locality, and subject to a suitable drainage strategy and suitable controlling conditions, the proposal would be acceptable in terms of its potential impacts upon the local ecological and hydrological environment and residential amenity.
- 8.4. The benefits are not outweighed by the harm. Therefore, authority for approval is sought, subject to the consideration of the withdrawal of the objection from Natural England, the consideration of any additional material planning considerations raised by Natural England, Suffolk County Council as the Local Flood Authority and the Environment Agency and the inclusion of appropriate conditions.

## **9. Recommendation**

- 9.1. Delegate to the Head of Planning Services, with Authority to Approve subject to:
- the withdrawal of the holding objection from Natural England,
  - the consideration of any additional material planning considerations raised by Natural England, Suffolk County Council as the Local Flood Authority and the Environment Agency and
  - the inclusion of the following conditions on the planning permission:

### **Conditions:**

#### Time limit

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

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

### Plans/drawings

2. The development hereby permitted shall not be carried out other than in complete accordance with:

Documents received 3 July 2019:

- Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan – Project no 4780
- Transport Statement – Project no 49809
- Preliminary Ecological Appraisal
- Planning Statement Ref: 4578-PS1 Rev P1
- Phase One Desk Study Report & Data Review – Project no 49809
- Materials Schedule Ref: 4578-PS1 Rev P1
- Landscape & Visual Assessment for Proposed Commercial Development
- Existing & Proposed Site Plan – Drawing No 7480-D-AIA,
- Block Plan – Drawing No 4578-PL1 Rev P3
- Unit 1 Floor Plans – Drawing No 4578-PL2 Rev P2
- Unit 2 Floor Plans – Drawing No 4578-PL3 Rev P2
- Unit 1 Elevations – Drawing No 4578-PL4 Rev P2
- Unit 2 Elevations – Drawing No 4578-PL5 Rev P2
- Typical Coloured Elevations – Drawing No 4578-PL6 Rev P2
- Unit 1 Roof Plan – Drawing No 4578-PL7 Rev P2
- Unit 2 Roof Plan – Drawing No 4578-PL8 Rev P2
- Design and Access Statement

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

***Note – the above condition will need to be amended to also refer to the approved drainage documents (dependant upon the drainage conditions and consultation responses, see section relating to surface water drainage conditions below.***

### External Materials

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

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

### Use

4. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply and hire or plant and equipment, heavy machinery, diggers and vans etc as a single planning unit and for no other purpose (including any other purposes in Class B1 (Offices), B2 (General Industry) or B8 (Warehousing and Distribution)

of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended), or any order revoking or re-enacting the said Order.

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

5. All machinery and vehicle repairs shall only take place within the hereby approved building(s). There shall be no outside working relating to vehicle and machinery repairs, apart from the washing of vehicles.

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

***Note - If specific washing down areas are required as part of the drainage conditions, the wording of this condition is to be amended to include an exception for vehicle washing in designated areas, in accordance with condition XX, (Number to be inserted once drainage conditions drafted).***

#### Working Hours & Plant/equipment

6. The working hours in connection with the use/buildings hereby permitted, shall not be other than between 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed by the local planning authority.

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

7. No more than 12 Heavy Good Vehicle (HGV) movements shall take place on Monday to Friday during the hours of 5:30am and 7:00am or between 6:00am to 7:00 am on Saturdays (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 7am and the close of the HGV working hours set out condition 6, there is no restriction on the maximum number of HGV movements that can take place.

Reason: In the interests of residential amenity.

8. Heavy Good Vehicle (HGV) movements shall only take place between the hours of 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with no HGV movements on Sundays or Bank Holidays (subject to the numbers restriction during early mornings outlined in condition 5), unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of residential amenity

9. Prior to the installation of air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.

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

10. Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. They

shall be switched off at all other times including overnight, and on Sundays and Bank Holidays, when the site is not operational, unless otherwise agreed by the Local Planning Authority.

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

#### Highways related conditions

11. The use shall not commence until the area(s) within the site on Drawing Number 4578-PL1 Rev P3 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 there are adequate parking facilities to serve the development. To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

12. Prior to either of the hereby approved buildings being first occupied, full and precise details of the areas/structures to be provided for secure covered cycle storage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in its entirety before either of the hereby approved buildings are brought into use. The secure cycle storage shall be retained thereafter and used for no other purpose.

Reason: To enable employees and visitors to have access to safe and secure storage for cycles in the interest of assisting in the use of this sustainable form of transport.

#### Landscaping

13. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

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

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

#### Ecology

15. The mitigation measures outlined in the hereby approved "Preliminary Ecological Appraisal (Applied Ecology, June 2019)" shall be implemented in their entirety.

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

#### External lighting

16. Prior to the commencement of development details of an external lighting scheme for the construction phase (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, the luminance levels, and hours of use) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed, apart from that agreed under condition 17.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

17. Prior to the use commencing, details of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, the luminance levels and hours of use) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

#### Surface water drainage

***In addition to the conditions listed above, appropriate conditions are to be included in relation to the provision and implementation of a suitable surface water strategy. The precise wording of these conditions is to be determined once additional comments are received from Natural England and the Environment Agency as there is expected to be some cross over with those recommended by Suffolk County Council at Local Flood Authority.***

#### **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. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before

development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

3. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.
4. The applicant is advised that a public right of way crosses the application site or adjoins the application site (Footpaths 2 and 14) and nothing in this permission shall authorise the stopping up, diversion or obstruction of that right of way. The applicants should apply to Suffolk Coastal District Council if they want the public right of way to be diverted or stopped up. It is an offence under the Highways Act 1980 to obstruct the route or damage/alter the surface of the right of way without the prior written consent of the Highway Authority, either during the construction of the development or beyond. If any development work conflicts with the safe passage of pedestrians or other users of the right of way, the applicants will need to apply to the Highway Authority for a temporary closure of the right of way. In that event you are advised to contact the East Area Rights of Way Officer, Environment & Transport, County Buildings, Street Farm Road, Saxmundham, Suffolk, IP17 1AL. Tel: 01728 403079
5. 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.

6. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)
7. The trees adjacent to and overhanging the access road are protected by Tree Preservation Order ESCC No 20 (1950). It is an offence to undertake works to the trees without prior written consent from the Local Planning Authority. Consent is required prior to the trees

being lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed, damaged or removed.

8. It is recommended that the operators of the site, seek to direct all drivers eastwards from the site along the A1214 to join the main road network, and only direct west along the A1214 if they are travelling to sites in East Ipswich, Kesgrave or Rushmere St Andrew.
9. It is requested that the operators of the site encourage staff to car share, use public transport, cycling and walking to get to the site, wherever possible in order to improve the sustainability of the site and its impact upon greenhouse gas production.
10. The applicant's attention is drawn to the comments in Fire and Rescue Service Letter regarding Fire Hydrant Provision, sprinkler systems, hardstanding for appliances, and requirements of building Regulations, and these features are incorporated where possible.
11. The applicant is advised that the application site lies in close proximity to the Sinks Pit Site of Special Scientific Interest (SSSI). Care should be taken during construction to ensure that machinery and materials do not enter that area.
12. The applicant is advised that fascia advertisements fixed to the building and any other advertisements on and/or around the premises may require advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) (as amended). Informal guidance on the possible need for consent can be sought via the 'Interactive Terrace' at [https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission](https://www.planningportal.co.uk/info/200125/do_you_need_permission) or from the Local Planning Authority by submitting an application for 'pre-application advice', details of which can be obtained via <http://www.eastsuffolk.gov.uk/planning/planning-applications/pre-application-planning-advice/>
13. The applicant is advised that the bunding and vegetation which lie to the north and northwest of the application were required as part of the restoration works on a previous planning permission relating to Sinks Pit and were controlled by conditions on that consent (C97/1501). These areas lie beyond the boundaries of the current application site and therefore this consent does not authorise any works to those areas.
14. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
15. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
16. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

### **Background information**

See current application reference DC/19/2666/FUL at:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PU2MVFQXL2L00>

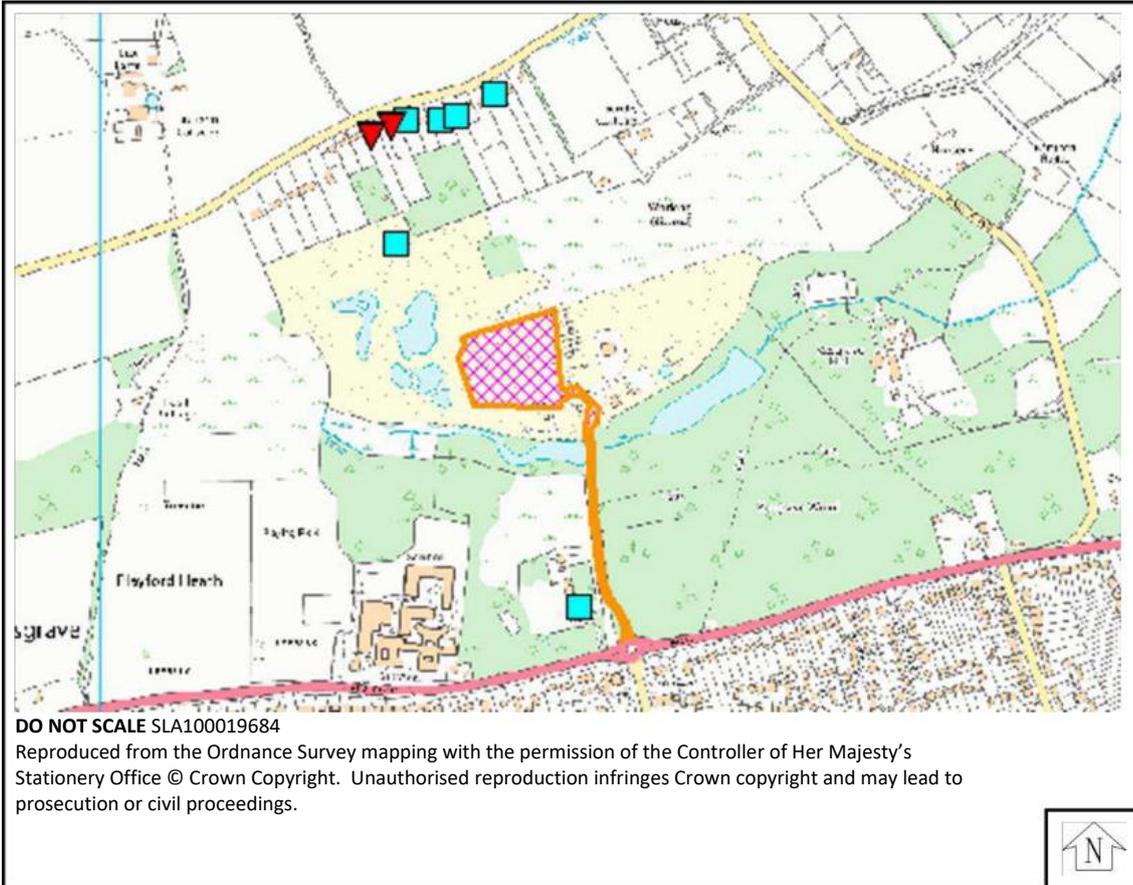
See previous application reference DC/13/3408/FUL at:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MWB0ZCQX06000>

See previous application reference DC/15/4908/FUL at

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NYVKP1QXG7500>

# Map



## Key

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

## **Committee Report**

<b>Planning Committee</b>	Tuesday 17 December 2019
<b>Application number</b>	DC/19/3650/FUL
<b>Location</b>	59 - 61 College Road, Framlingham, Suffolk, IP13 9EU
<b>Expiry date</b>	Wednesday 18 December 2019
<b>Application type</b>	Full application
<b>Applicant</b>	Mr P & M Morgan & Noe
<b>Parish</b>	Framlingham
<b>Proposal</b>	Change of use and conversion of part of existing building, formally used as offices to create a new two bedroom flat - plus minor alterations to the remaining building.
<b>Case officer</b>	Rachel Lambert (01394) 444574 <a href="mailto:rachel.lambert@eastsoffolk.gov.uk">rachel.lambert@eastsoffolk.gov.uk</a>

### **1. Summary**

- 1.1. Planning permission is sought for the change of use and alterations to facilitate the conversion in part of an existing building formally used as an office associated with the existing residential units within the remainder of the building. The ancillary office suite was formally used by a housing association for the management of the existing residential units on site and elsewhere. It is proposed to provide a two-bedroom residential unit.
- 1.2. As the 'minded to' decision of the planning officer is contrary to the comments received (within the 21-day consultation period) from Framlingham Town Council, the above application was referred to the planning referral panel on Tuesday 19 November. The outcome of the panel was for the application to be decided at planning committee as concerns were raised regarding the departure from the car parking standards and the subsequent pressure on parking within the town.
- 1.3. The scheme would provide an additional smaller residential unit within a sustainable location and accords with all other planning policies and material planning considerations. It is therefore recommended for approval subject to conditions.

## 2. Site description

- 2.1. The application site is located at the junction of College Road and Mount Pleasant Road, in the market town of Framlingham. It currently comprises a two-storey building (with elements of single storeys) located to the southern extent of the site, with a parking area to the north, and vehicle access to the north east. The site is located within the settlement boundary.
- 2.2. The immediate environment is predominately residential in nature, with dwellings bordering all aspects of the site, with those to the rear (Norfolk Crescent) located at a significantly higher ground level than the subject site . The ground floor level rooms of the properties in Norfolk Crescent are akin to the first floor levels within the building on the application site. A pedestrian access leads from the western extent of the site to Norfolk Crescent. There are no known environmental constraints on site.
- 2.3. The building is currently unoccupied and provides the following:
- Ground floor
- Office space, including kitchen, storage and WC; and
  - Three one-bedroom residential units – accessed from the rear.
- First floor
- One studio residential unit;
  - One one-bedroom unit; and
  - One two-bedroom unit.
- 2.4. It is advised that the property was last used when the building was let and managed by the previous owner, Flagship Group, for the purpose of providing sheltered and/or social housing.
- 2.5. The following planning history is deemed relevant in this instance:
- C/95/1428: Conversion of building to six secure self-contained flats and area office for Suffolk Heritage Housing Association – Permitted.
  - DC/17/5420/FUL: Demolition of existing 'Foyer' building, and erection of 3no. 2 bedroomed properties for social rental, and associated works – Permitted.
- 2.6. The office area which is proposed to be converted in to a dwelling, through the current application was granted under C/95/1428.
- 2.7. The latter of the above consents (DC/17/5420/FUL) established the principle of a redevelopment of the site for entirely residential purposes. This consent was granted 16 May 2018, and therefore remains extant.

### 3. Proposal

- 3.1. As detailed within the submitted design and access statement, the application seeks permission for the change of use and conversion of an office suite, which forms part of the existing building, to provide a two-bedroom flat.
- 3.2. Internal alterations are also proposed and comprise new internal partition arrangements, and reconfiguration at the first-floor level, with the studio unit becoming a one-bedroom unit and the two-bedroom becoming a one-bedroom unit.
- 3.3. Overall, the development would comprise seven units:

#### Ground floor

- Two two-bedroom units; and
- Two one-bedroom units.

#### First floor

- Three one-bedroom units.

- 3.4. External alterations and provisions include the following:

- Removal of existing ground floor windows on the front elevation – to be replaced with two windows and a painted rendered finish to the elevation, with black painted brickwork.
- New charcoal uPVC windows throughout the development.
- Removal of one large window on first floor of north west elevation and replacement with two new windows.
- Removal of one large window on first floor of elevation B – B (as shown on drawing 19152 2A) and replacement with two new windows.
- Removal of lintels on south west elevation and installation of new fenestration.
- New painted render on the south-west elevation.
- Reconfiguration of parking to comprise eight car parking spaces (including one visitor space), fenced refuse bin enclosure, and cycle storage areas.

### 4. Consultations/comments

- 4.1. There have been no third comments received.

#### **Town Council**

Consultee	Date consulted	Date reply received
Framlingham Town Council	20 September 2019	08 October 2019
<i>“The Town Council OBJECTS to this application as there is insufficient parking. There are 8 spaces in total for this site, but there is also a covenant on the site providing a neighbour with permanent use of one space, and thus only 7 spaces are available. The flats in this building including this proposed conversion will require a minimum of 10 spaces (9 spaces plus 1 visitor space). As a result, there is shortfall of 3 spaces. This is contrary to the Suffolk County Council parking guidelines, which are also specified in policy FRAM17 of</i>		

*the Framlingham Neighbourhood Plan. The streets in this vicinity (College Road and Mount Pleasant) already result in traffic obstructions and hazards from inappropriate on-street parking, and this proposal will result in increased on-street parking. Parking provision in central Framlingham is severely limited and public transport links are poor, and so the parking provision allocation, per dwelling, within the “Suffolk Guidance for Parking” need to be adhered to.”*

### Statutory consultees

Consultee	Date consulted	Date reply received
Cllr Maurice Cook (Ward Member)	20 September 2019	Not applicable.
No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Council – Highways Authority	20 September 2019	27 October 2019
No objection subject to conditions.		

## 5. Publicity

- 5.1. The application has not been subject to any press advertisement.

### Site notices

General site notice	Reason for site notice: <ul style="list-style-type: none"> <li>• General site notice</li> </ul> Date posted: 07 October 2019 Expiry date: 28 October 2019
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## 6. Planning policy

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (Part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council – therefore, any policy documents listed below referring to “Suffolk Coastal District Council” continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the local planning authority’s ‘development plan’, unless material considerations indicate otherwise.
- 6.3. East Suffolk Council’s development plan, as relevant to this proposal, consists of:

- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
- East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
- The ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

6.4. The relevant policies of the *Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013)* are:

- 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))
- SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM10 - Protection of Employment Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- DM23 – Design: 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))
- 6.5. The relevant policies of the *East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document* are:
- SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013)).
- 6.6. The new local plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) .
- 6.7. Presently, only those emerging policies that have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable.
- 6.8. The *Framlingham Neighbourhood Plan* was prepared by Framlingham Town Council following extensive consultation with the local community and sets out its vision for development to 2031. The plan was formally ‘made’ by Suffolk Coastal District Council on 23 March 2017 [minute ref 23/03/2017(8)], and now forms part of the local development plan for the district. The relevant policies are:
- FRAM1: Framlingham Town physical limits boundary (Framlingham Neighbourhood Plan (March 2017))
  - FRAM3: Housing mix (Framlingham Neighbourhood Plan (March 2017))
  - FRAM11: General employment areas (Framlingham Neighbourhood Plan (March 2017))
  - FRAM14: Pedestrian walkway routes (Framlingham Neighbourhood Plan (March 2017))
  - FRAM17: Parking standards (Framlingham Neighbourhood Plan (March 2017))

## **7. Planning considerations**

7.1. This section of the report is structured in the following order:

- Principle;
- Housing mix;
- Loss of office space;
- Aesthetics;
- Residential amenity;
- Parking standards;
- Pedestrian walkway routes; and
- Biodiversity and geodiversity.

### Principle

- 7.2. The site is located within the defined physical limits of Framlingham, where development is considered acceptable, subject to the provisions of respective policies – as set out below.
- 7.3. The principle of using the subject building for residential use was established under planning permission C/95/1428, where the conversion of building to six secure self-contained flats and area office for Suffolk Heritage Housing Association was permitted.
- 7.4. Planning Permission DC/17/5420/FUL, for “Demolition of existing 'Foyer' building, and erection of 3no. 2 bedroomed properties for social rental, and associated works” also remains extant and could be implemented (expires 16 May 2021).

### Housing mix

- 7.5. As noted in the Framlingham Neighbourhood Plan (2017), the housing mix in terms of dwelling size is an important issue in Framlingham - analysis has shown, the parish has a falling proportion of its population aged 25-44 (i.e. in the first-time buyer category for housing). This suggests that access to housing is an issue locally because of affordability. As such, provision of smaller properties is needed – a component of this the predominant demand is for for 1- and 2-bed units. The housing register (in July 2015) showed that 64 per cent of Framlingham residents on the register need one-bedroom accommodation and 85 per cent either one or two-bedroom accommodation.
- 7.6. Overall, the application for the refurbishment and provision of seven small residential units is supported by Policy FRAM3 of the Framlingham Neighbourhood Plan (2017).

### Loss of office space

- 7.7. The office space that is subject to change was permitted under the aforementioned planning permission (C/95/1428). Its use by the Suffolk Heritage Housing Association as an area office could be deemed ancillary to the residential use. However, there are no conditions imposed on the decision notice to restrict its use to that associated with the residential units.

- 7.8. The office space is deemed as an 'employment site', can only secure policy support where the applicant has clearly demonstrated that there is no current or long-term demand for the retention of all or part of the site for employment use. There has been no such evidence submitted in association with the application to determine whether the office is still a viable use. As such, it cannot be determined whether the site is in accordance with the respective policy – Policy DM10, which seeks to protect employment sites within the district.
- 7.9. Nonetheless, due to the formation of the building and with the office use previously being in association with the wider residential scheme, it is considered appropriate that there is greater planning benefit by converting the whole building to a residential use. Furthermore, the town of Framlingham directs and provides support for office use within the defined general employment areas (Policy FRAM11), located at Station Road Industrial Estate; Woodbridge Road Industrial Estate; and land between Fairfield Road and Station Road.
- 7.10. The loss of the ancillary office use, and redevelopment of the site for entirely residential purposes has also already been established through the granting of DC/17/5420/FUL.
- 7.11. It is on this basis that officers do not feel that marketing is appropriate, or that the principle of development could be resisted. It will though be up to the decision maker as to the weight to be attached to the other issues.

#### Aesthetics

- 7.12. The most obvious external change would be to the front projection on the eastern elevation of the building. This is currently dominated by unfortunate uPVC glazing. This is proposed to be altered so it would be predominantly rendered walls, with two smaller openings positioned in line with the dormer windows above. This would be a positive enhancement to the appearance of the building from public vantage points.
- 7.13. The other exterior changes would be the replacement of a wide first floor level window on the rear elevation with two smaller openings, similar alterations on the elevation facing towards the parking area, and on the elevation facing into the court yard area, and the rendering of the existing two-storey rear projection. These would have limited positive impact upon the appearance of the building; however, this would not result in visual harm to the wider amenity of the area.
- 7.14. Overall, the proposed design changes to the external elevations are minimal and are considered to result in an improvement to the overall street scene, particularly with the removal of the large areas of glazing on the ground floor of the principal elevation. The proposed internal changes are deemed acceptable in planning terms and would have no adverse visual impact upon exterior of the building. As such, the application is deemed in accordance with Policy DM21 (Design: Aesthetics) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

### Residential amenity

- 7.15. As there are no proposed changes to the location of fenestration, and with the use established in principle, it is considered that the application would not result in adverse residential amenity impacts to neighbouring properties.
- 7.16. The internal reconfiguration at the first-floor level would result the replacement of a studio dwelling with a one-bedroom unit – this would result in a unit with greater daylight/sunlight access and outlook, a much-preferred utilisation of space within the building.
- 7.17. The alterations to the front of the building are minimal and will not alter the scale or form of the building. As a result, it is considered that there would be no impact to the residential amenity to neighbouring properties. The property to the south (57 College Road) shares a party wall, however, this relationship would not change and there are no additional windows proposed to face that property.
- 7.18. To ensure that the rear of the site and access to the walkway is accessible and safe, a condition of consent will apply requesting details of an appropriate lighting scheme to illuminate the car parking area and walkway steps.
- 7.19. Overall, the proposal would not cause adverse residential amenity effects on neighbouring properties and is, therefore, deemed in accordance with Policy DM23 (Design: Residential Amenity) of the East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

### Parking standards

- 7.20. The proposal provides for a revised parking layout for the provision of eight car parking spaces, bin storage area, and bicycle parking. As stated under Policy FRAM17, development proposals should be designed to meet the parking standards contained in the Suffolk Advisory Parking Guidance, or any subsequent document; this includes the provision of unallocated/visitor parking spaces and cycle parking spaces.
- 7.21. In this instance, the proposal falls short of the required minimum advisory parking standards by one space (relating to the per dwelling guide), and 1.75 spaces (relating to visitor space requirements). As noted by Framlingham Town Council, this is reduced further by a covenant that requires one space in association with a neighbouring property.
- 7.22. However, it is acknowledged that occupants living within the two-bedroom apartments may not require two spaces, and the conversion of the office space to residential is not considered to cause an increase in parking demand compared to that of the existing use. Furthermore, no concerns were raised by the highways authority, subject to conditions.
- 7.23. Although there is cycle parking areas proposed, it is unclear whether they are large enough to provide the required spaces (14 – at two per dwelling). To ensure that there is adequate space for this provision, a condition of consent will apply – unallocated cycle parking for residents to be provided in a secure and covered enclosure located in easily accessible locations throughout the development.

- 7.24. A condition of consent will also apply to ensure that the proposed parking and turning areas are provided, subject to the submission, agreement and implementation of more precise details including details demonstrating the location, size, form, surfacing, drainage for surface water run-off and any ground level changes/excavation required and any works to the associated retaining walls.

#### Pedestrian walkway routes

- 7.25. To help ensure that residents can walk safely to Framlingham town centre, public transport facilities, schools and other important facilities serving the community of Framlingham, 'walkway route' have been indicated on the policy map. All new developments must ensure safe pedestrian access to link up with existing pavements that directly connect with the designated routes.
- 7.26. The pedestrian access that leads across the site from Norfolk Crescent, is identified as a 'walkway route'. In this instance, the proposal will still allow for the retention of this access route and will not have any detrimental impact on the route. As such, the application is deemed to be in accordance with Policy FRAM14 of the Framlingham Neighbourhood Plan (2017).

#### Biodiversity and geodiversity

- 7.27. The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution is required to fund the Suffolk RAMS.
- 7.28. A planning obligation has been submitted with the application to deliver this financial contribution and, therefore, the local planning authority can conclude 'no likely significant effects' from the development proposal on the designated site(s). The proposal is, therefore, in accordance with the objectives of Policy SP14 and Policy DM27 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013), which seek to protect designated sites in accordance with The Conservation of Habitats and Species Regulations (2017).

## **8. Conclusion**

- 8.1. Overall, the proposal to convert the office space at the front of the site to residential use, as well as minor alterations to the fenestration and internal unit arrangement is supported in principle.
- 8.2. The provision of an additional two-bedroom unit, within the residential area of Framlingham is supported by policy and would not result in adverse effects on residential amenity, townscape aesthetics, existing walking routes or the wider environment. Moreover, the external alteration to the façade including the reduction to some of the existing fenestration would be a beneficial change to the street scene.

- 8.3. Despite the proposal not meeting the required parking standards, the development would allow for one car parking space per unit as well as sufficient on-site cycle parking, a bin store enclosure, retention of access to the walkway, and one space reserved by a covenant (noted by the Town Council). The proposed arrangements are not deemed to cause detrimental effects to highways safety.

## 9. Recommendation

- 9.1. Approve subject to conditions.

### Conditions:

1. The development hereby permitted shall begin no later than three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings, received on 18 September 2019:

- Site location plan (19152 5);
- Proposed block plan (19152 4); and
- Proposed ground floor and first floor plans (19152 1D).

Reason: For 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 by the local planning authority.

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

4. Before the development is commenced details of the area to be provided for the 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 that the minimum cycle storage provision outlined within Suffolk Guidance for Parking (2019) is achieved and to promote sustainable transport.

5. The use shall not commence until the area within the site shown on Drawing No. 1952 4 for the purposes of manoeuvring and parking of vehicles, and secure cycle storage, has been provided and thereafter that area 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. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No.1952 4 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

7. Appropriate lighting should be provided to illuminate the car parking area and walkway steps, the precise details of which shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be installed within one month of occupation of the residential units.

Reason: In the interests on residential amenity and highways safety.

8. Within three month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

#### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development will require approval under Building Regulations (2010). Any amendments to the hereby permitted scheme that may be necessary to comply with Building Regulations (2010) must also be approved in writing by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
3. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

Note: The Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

4. The development included (or appears to include) one or more of the following:

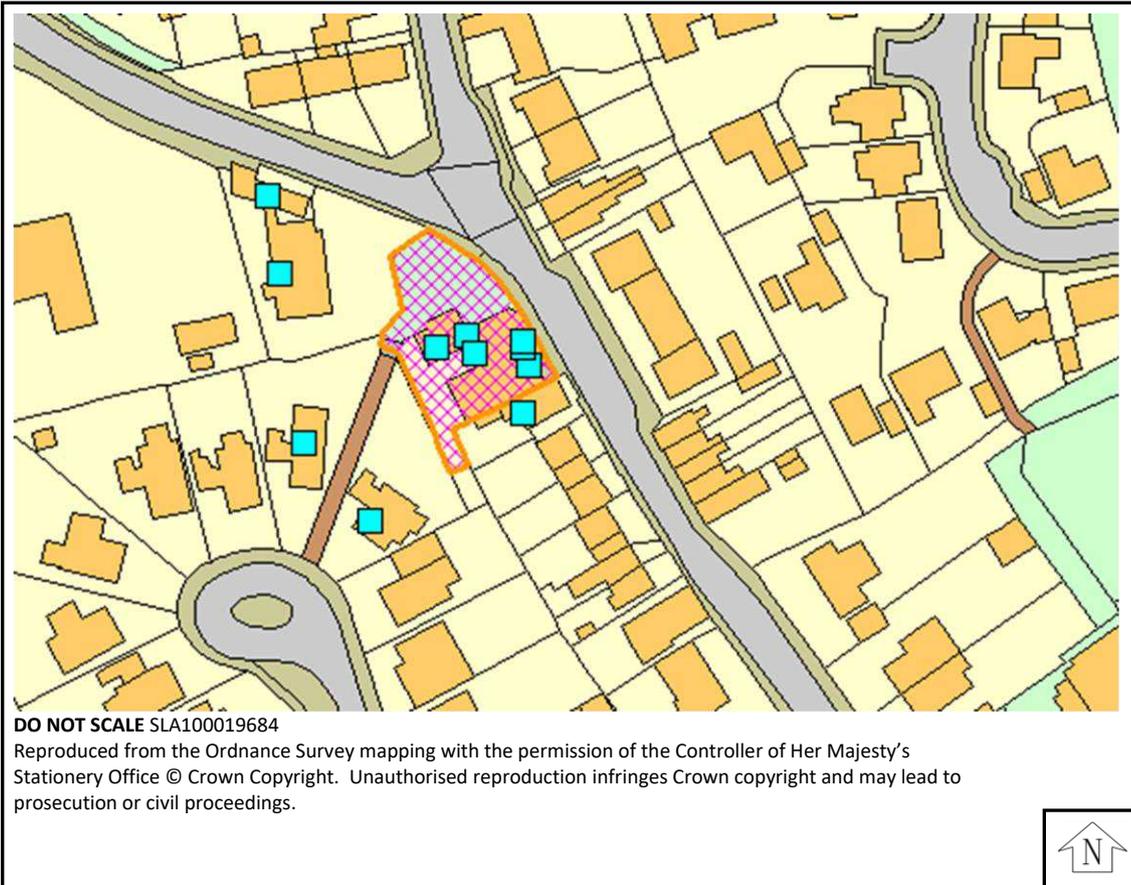
- a. Works to an existing wall or structure shared with another property;
- b. The construction of a wall or building on or close to a property boundary; and/or
- c. Excavations near a neighbouring building.

You are advised that the provision of the Party Wall Act (1996) may apply to this development. An explanatory booklet concerning the implications of this Act is available from the Department for Communities and Local Government - [www.gov.uk/party-wall-etc-act-1996-guidance](http://www.gov.uk/party-wall-etc-act-1996-guidance).

### **Background information**

See application reference DC/19/3650/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXZEPQX0H800>

## Map



## Key



Notified, no comments received



Objection



Representation



Support