



**East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, 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 on **Tuesday, 27 April 2021 at 2:00pm**

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

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

at <https://youtu.be/-cfFcj4Butg>

An Agenda is set out below.

Part One – Open to the Public

Pages

- 1 Apologies for Absence**
To receive apologies for absence, if any.
- 2 Declarations of Interest**

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

3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 30 March 2021	1 - 37
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12	DC/21/0311/FUL - Land East of 5 and 6 St Marys Way, Westerfield, IP6 9BQ ES/0743 Report of the Head of Planning and Coastal Management	243 - 260
13	DC/21/0631/FUL - Felixstowe Rugby Club, Mill Lane, Felixstowe, IP11 2LN ES/0745	261 - 266

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Report of the Head of Planning and Coastal Management

- 14 DC/21/0647/FUL - Newlands, Boulge Road, Hasketon, IP13 6LA ES/0746** **267 - 274**

Report of the Head of Planning and Coastal Management

- 15 DC/20/4597/FUL - 148 Bucklesham Road, Purdis Farm, IP3 8TZ ES/0747** **275 - 284**

Report of the Head of Planning and Coastal Management

Part Two – Exempt/Confidential

Pages

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/speaking-at-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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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 30 March 2021** at **2:00pm**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley

Other Members present:

Councillor Peter Byatt, Councillor David Ritchie, Councillor Rachel Smith-Lyte

Officers present:

Jamie Behling (Trainee Planner), Liz Beighton (Planning Manager), Joe Blackmore (Principal Planner), Sarah Davis (Democratic Services Officer), Grant Heal (Planner), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner), Karolien Yperman (Design and Conservation Officer)

1 Apologies for Absence and Substitutions

Apologies were received from Councillors Melissa Allen, Debbie McCallum and Kay Yule.

Councillor Mark Newton substituted for Councillor McCallum and Councillor David Beavan substituted for Councillor Yule.

Councillor Tony Fryatt, Vice-Chairman of the Committee, announced that he would be acting as Chairman of the meeting in Councillor McCallum's absence.

2 Declarations of Interest

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in Item 10 of the agenda as both a member of Felixstowe Town Council and as Chairman of that authority's Planning and Environment Committee.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in Item 10 of the agenda as a member of Felixstowe Town Council.

Councillor Mark Newton declared a Local Non-Pecuniary Interest in Item 6 of the agenda as a member of the British Horse Society, owing to a bridleway being located within the application site.

Katherine Scott, Principal Planner, declared a personal and prejudicial interest in Item 6 of the agenda and advised that she would leave the meeting for the duration of the item.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Stuart Bird declared that he had been lobbied on Item 7 of the agenda; he had not responded to any correspondence received.

**4 Minutes
RESOLVED**

That the Minutes of the Meeting held on 23 February 2021 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0713** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 26 February 2021. The report detailed 14 such cases.

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

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

RESOLVED

That the report concerning Outstanding Enforcement matters up to 26 February 2021 be received and noted.

6 DC/20/1831/OUT - Land Off St Andrews Place and Waterhead Lane, St Andrews Place, Melton

Note: Katherine Scott, Principal Planner, left the meeting for the duration of this item.

The Committee received report **ES/0714** of the Head of Planning and Coastal Management, which related to planning application DC/20/1831/OUT.

The application had been made in outline form and proposed the erection of up to 55 dwellings on land off St. Andrews Place in Melton. The application site was located within the area covered by Policy MEL20 of the Melton Neighbourhood Plan which sets out proposals for a mixed-use development on a wider site.

While this application was being made independently of the remainder of the site, as the site formed part of the Neighbourhood Plan allocation it was not considered that the principle of development was objectionable. There were technical details still to be resolved in relation to ecology and drainage however once these were overcome, officers considered that the scheme should be recommended for approval. This view was contrary to that of Melton Parish Council and Suffolk County Council as Highways

Authority.

The application was therefore presented to the Referral Panel who considered that this major planning application should be determined by the Committee to enable all matters to be considered.

The Committee received a presentation from the Senior Planner, who was the case officer for the application.

The site's location was outlined. The Senior Planner demonstrated the application site's location in context to the wider site allocated for development by MEL20.

The Committee was shown photographs of the proposed access via St Andrew's Place, which demonstrated the current on-street parking situation on the proposed access route to the site.

A video of the site was played to the Committee which demonstrated views out from the centre of the site.

The indicative masterplan was displayed; the Senior Planner said that it was considered any submission at a reserved matters stage would be of a similar layout to what was indicated in this application.

The main planning considerations and key issues were summarised as compliance with MEL20, the application site being included within a site allocation, only the details of access being considered, highways, access and sustainable transport options, comprehensive/piecemeal development, flood risk and drainage, and a Habitat Regulations Assessment.

The Senior Planner highlighted that Suffolk County Council, as Lead Flood Authority, had removed its objection and that this was detailed in the update sheet that had been published prior to the meeting.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report, was outlined to the Committee. The Senior Planner highlighted the additional conditions proposed in the update sheet.

The Acting Chairman invited questions to the officers.

The Senior Planner confirmed that only one point of access was being considered as part of the application; there was potential for alternative access to the site via either the Riduna Park site or the former Carters yard, but these accesses would be subject to separate applications and the land was under separate ownership.

In response to a question regarding layout, the Senior Planner advised that layout would be considered in detail at any reserved matters stage, including how the site would link to the wider area.

It was confirmed that Riduna Park had been developed on the part of the MEL20 site

that had been allocated for B1 commercial use.

The Senior Planner highlighted that the application site was within flood risk zone 1, which was at the lowest risk of flooding. Detailed flood mitigation information would need to be submitted at any reserved matters stage. In response to a question on the maintenance of existing flood defences, the Senior Planner said that this did not form part of this application.

The Acting Chairman invited Ms Deborah Darby, who objected to the application, to address the Committee.

Ms Darby considered that the application could only be approved if the access through St Andrew's Place was granted and that this issue had always been a 'red line' to the Melton community. Ms Darby highlighted assurances given by the applicant in 2017 that access to the site would not be via St Andrew's Place and that plans had been made for alternative access.

Ms Darby considered that this information had influenced the making of the Melton Neighbourhood Plan which as a result was now fundamentally flawed. It was Ms Darby's view that the applicant had misled residents and Melton Parish Council through written correspondence that stated he was working with other landowners and had secured agreement to develop the two different sites comprehensively.

The unsuitability of St Andrew's Place as an access route was highlighted; Ms Darby described that the characteristics of the road made it impossible for construction traffic to pass through and highlighted the large number of cars parked on the road. Ms Darby noted that the majority of houses on St Andrew's Place did not have off-road parking and that the green spaces that would be lost were used as play spaces by local children.

Ms Darby suggested that the Committee visited the site before determining the application. Ms Darby described St Andrew's Place as having a mixture of family homes and bungalows for older people and people living with disabilities. Ms Darby said that there was a genuine fear amongst residents for their safety and wellbeing due to the construction traffic that would pass through the area, considering there was a high risk of an incident involving residents and their property.

Ms Darby disagreed with the statement in the report which identified this risk as short-term, as the applicant had stated that the development would take place over five years.

Ms Darby concluded by listing the various organisations and large number of residents who had objected to the application and urged the Committee to refuse planning permission.

There being no questions to Ms Darby the Chairman invited Councillor Alan Porter, Chairman of Melton Parish Council, to address the Committee.

Councillor Porter considered that MEL20 allocated a site for a wide-ranging development that would provide additional benefits to the community and stated that

the application before the Committee was one solely for residential use. Councillor Porter said that the development would not deliver the community benefits and links required by MEL20 and also failed to meet the Suffolk Coastal Local Plan's policies on housing mix.

Councillor Porter raised concerns about the proposed access to the site and the lack of green spaces provided by the proposals.

It was Councillor Porter's view that the application failed on a number of matters, particularly on biodiversity and highway safety on the access route, and that these matters should be addressed at the outline stage and not at the reserved matters stage.

Councillor Porter concluded that the application was not policy compliant and urged the Committee to refuse planning permission.

There being no questions to Councillor Porter the Acting Chairman invited Mr Chris Dawson, the applicant, to address the Committee.

Mr Dawson noted that the site allocated in MEL20 had been planned for since 2007 with the inception of what is now Riduna Park; Mr Dawson considered that this development had not been initially welcomed but had proved to be a success, with both East Suffolk Council and Melton Parish Council occupying buildings on the site.

Mr Dawson described the application as being the next phase in developing the site allocated in MEL20 and that the scheme had been developed with input from both councils and residents. The proposals would deliver 55 houses at a low density, along with wildlife areas that would be professionally maintained and provide open spaces for everyone in Melton.

Mr Dawson wanted to see the whole site developed as allocated in full, but acknowledged that the development needed to be phased. Mr Dawson considered that phase one had been delivered at Riduna Park, as promised, and this application was a commitment to developing phase two.

It was confirmed by Mr Dawson that 18 affordable housing units would be included in the development and a Section 106 Agreement would be put in place. Mr Dawson said that it was not a national housebuilding company carrying out the development and that local tradespeople would be contracted to deliver the housing on the site.

Mr Dawson sought approval of the application to secure the principle of development on the site, ahead of a Section 106 Agreement being put in place.

There being no questions to Mr Dawson the Acting Chairman invited Councillor Rachel Smith-Lyte, Ward Member for Melton, to address the Committee.

Councillor Smith-Lyte referred to a letter from the applicant to Melton Parish Council in 2017, included in the update sheet, which had been part of the Melton Neighbourhood Plan examination process; she highlighted that the letter stated that the applicant had entered into formal agreements with other landowners regarding access to the site.

Councillor Smith-Lyte considered that this letter had misled Melton Parish Council and as a result, the Melton Neighbourhood Plan needed to be revisited.

Councillor Smith-Lyte also objected to the site's height being increased by nine metres to level the site and make it viable, as this would impinge on the dwellings on St Andrew's Place abutting the development site.

It was considered by Councillor Smith-Lyte that the proposals had already caused significant stress to residents of St Andrew's Place, who had a right to live in peace and quiet. Councillor Smith-Lyte was also concerned about the environmental impact of the development and weighed this against the climate emergency that had been declared by East Suffolk Council. Councillor Smith-Lyte highlighted the concerns of Suffolk County Council as the Highways Authority and suggested that a site visit be undertaken.

The Acting Chairman invited questions to Councillor Smith-Lyte.

A member of the Committee queried Councillor Smith-Lyte's statement that the height of the site would be increased and sought clarification on this matter; on the invitation of the Acting Chairman the Head of Planning and Coastal Management said he was not aware of any plans to raise the height of the site to level it and this was corroborated by Mr Dawson.

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

A member of the Committee commended the applicant for the inclusion of open spaces but considered that they needed to be more adventurous in terms of the access to the site and should consider reviewing the layout and/or location of dwellings at the access point. The Member said he was not against a site visit taking place, but was not proposing one.

Another member of the Committee highlighted that the application was for outline planning permission, to establish the principle of development on the site, with all other matters reserved. The Member considered that the objections raised were in relation to planning matters that would be dealt with under any reserved matters application.

It was noted by the Member that concerns had been raised about a lack of comprehensive development on the allocation site; he stated that MEL20 did not require the site be developed in such a way and that the principle of piecemeal development had been established with the development of Riduna Park.

The Member concluded that MEL20 allocated this area of the allocation site for residential development, which was what the application sought; he was in favour of the application and stated that he would be happy to approve it.

Several members of the Committee spoke on their concerns about the proposed access via St Andrew's Place. It was noted by one member that the access was part of the application being considered and was the only area of it that caused him concern,

suggesting that alternative access should be considered by the applicant. Several members of the Committee said that, due to the unsuitability of the proposed access, they could not support the application.

The Head of Planning and Coastal Management addressed the Committee regarding the proposed access; he highlighted that Suffolk County Council as the Highways Authority had not formally objected to the application but held concerns about the access during construction. The Head of Planning and Coastal Management advised the Committee that, in his view, there were no substantive grounds to refuse the application on the proposed access and asked the Senior Planner to provide further information on the highways impact of the proposals.

The Senior Planner advised that MEL20 did not require the site to be directly accessed from the A1152 and noted that the Riduna Park development was accessed from Station Road, which in turn was accessed from the A1152. The Senior Planner detailed the comments of the Highways Authority regarding access to the site and its concerns regarding construction traffic and the improvements to the Melton crossroads that would be required to mitigate the additional traffic passing through it.

There being no further debate the Acting Chairman moved to the recommendation that authority to approve the application be delegated to the Head of Planning and Coastal Management, as set out in the report and including the additional conditions proposed in the update sheet.

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

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management subject to no objections being received from Natural England and/or Suffolk County Council as Lead Local Flood Authority, a Section 106 Agreement detailing Highways Improvement works, affordable housing provision and a contribution to the Suffolk Coast RAMS and controlling conditions as detailed below.

Otherwise, **AUTHORITY TO REFUSE** be delegated to the Head of Planning and Coastal Management as contrary to National and/or Local Policy in respect of any of the above issues that cannot be overcome, as appropriate.

1. Application for approval of any reserved matters must be made within three years of the date of this outline permission and then; The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

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

2. Details relating to the layout, scale, appearance and landscaping of the site (the "reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

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

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

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

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

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

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

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

7. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multimodal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, and Policy SCLP7.1 of the East Suffolk Council - Suffolk Coastal Local Plan.

8. Before the development is commenced details of the areas to be provided for purposes of loading, unloading, manoeuvring and parking of vehicles and secure covered 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 sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

9. No part of the development shall be commenced until details of the proposed off-site highway improvements to St Andrew's Place as indicatively shown on drawing no. 4465- 0104 P05 have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be laid out and constructed in its entirety prior to the occupation of any property.

Reason: To ensure that the off-site highway works are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety

10. A Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties.

Reason: In the interest of residential amenity.

11. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (EclA) (Huckle Ecology, July 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

13. Commensurate with the first Reserved Matters application, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in

or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

14. No development shall take place (including any demolition, ground works, site clearance) until a method statement for Reptile Mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

15. Commensurate with the first Reserved Matters application a construction environmental management plan (CEMP: Biodiversity) will be submitted to and approved in writing by the local planning authority. No development shall take place (including demolition, ground works, vegetation clearance) until the CEMP (Biodiversity) has been approved. The CEMP (Biodiversity) shall be based on up to date ecological survey information and shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

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

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

16. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior any occupation of the development. The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the

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

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

17. Commensurate with the first Reserved Matters application an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

18. No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of the Suffolk Coastal Local Plan and the National Planning Policy

Framework (2019).

19. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 18 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

20. Prior to the commencement of development of the site a Management Plan shall be submitted to the Local Planning Authority for approval in writing, detailing the mechanism for maintenance of all open and communal space within the site. The management of such shall be carried out in accordance with the approved details in perpetuity.

Reason: In the interest of the visual amenity of the site and to ensure proper maintenance.

21. Concurrently with the first submission of the reserved matters, a tree survey and any tree protection measures shall be submitted to and approved in writing by the local planning authority. Any tree protection measures identified shall be implemented and retained during construction.

Reason: To ensure appropriate protection of trees during construction in accordance with BS5837.

22. The mitigation measures identified in section 5.4 of the Air Quality Report referenced 15533- SRL-RP-YQ-01-S2-P1 in relation to construction dust shall be adhered to at all times during the construction phase.

Reason: in the interest of amenity and protection of the local environment – the dust arising from development could be significant given the earthworks required.

23. Concurrently with the submission of the reserved matters, details of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The electric vehicle charge points shall be installed and made available for use prior to occupation of the dwelling to which they relate and shall be retained.

Reason: to help reduce the impact on Local Air Quality.

24. Concurrently with the submission of the reserved matters a noise survey shall be submitted to assess the suitability of locating residential dwellings on the application site and where necessary make recommendations for layout, orientation or other noise

mitigation measures to ensure that the new housing does not suffer unreasonable loss of amenity (as a result of potential noise and disturbance from Bye Engineering, Brick Kiln Lane). The survey shall be undertaken by a competent person and shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours. All residential units shall thereafter be designed so as not to exceed the noise criteria based on BS8233 2014 given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

Reason: To ensure that the new development can be integrated effectively with existing businesses such that unreasonable restrictions are not placed on existing businesses as a result of development.

25. Concurrently with the first submission of the reserved matters, a sustainable construction report shall be submitted to and approved in writing by the local planning authority. The report shall set out how the proposed development will comply with the requirements of Policy SCLP9.2. All details in the approved report shall be integrated into the development and retained in their approved form thereafter.

Reason: In the interests of mitigating climate change and to help achieve the objectives of the Suffolk Climate Action Plan

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

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

g. Details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site;

h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: 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

i. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

27. Within 28 days of practical completion of the last dwelling, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk within the county of Suffolk

Informatives:

1. The Local Planning Authority has assessed the proposal against all material

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

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

4. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

The presence of several watercourse which have not been adopted by the Board (a riparian watercourse) adjacent to the Eastern and Southern site boundaries are noted. If (at the detailed design stage) the applicant's proposals include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Note: following the conclusion of this item, the Acting Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.04pm and was reconvened at 3.10pm.

Note: Katherine Scott re-joined the meeting at the beginning of this item.

Note: during the adjournment that preceded this item, Councillor Chris Blundell lost connection to the meeting.

The Committee received report **ES/0715** of the Head of Planning and Coastal Management, which related to planning application DC/20/1521/FUL.

The application proposed a Care Village comprising an 80 bedroom care home together with 72 assisted care bungalows, cafe/club house, bowling green, car parking, open space provision with associated infrastructure and access on land Off Yarmouth Road, Melton, Woodbridge.

The site was a greenfield site within the countryside and therefore was outside of the defined Settlement Boundary of Melton Village. The proposed development was therefore contrary to national and local policy, including that within the Melton Neighbourhood Plan, which seeks to promote sustainable forms of development.

The site was considered to be not well located in relation to services and facilities and did not provide adequate links to such services which would be accessible to residents by means other than a private vehicle. Officers considered that the proposal would also result in an adverse impact on the character and appearance of the area, would not provide for affordable housing or have adequate on-site drainage, and that the benefits arising from the development would not outweigh the harm that had been identified.

Given the significant issues identified above, the application had been referred to the Committee for determination by the Head of Planning and Coastal Management.

The Committee received a presentation from the Senior Planner, who was the case officer for the application.

The site's location was outlined, along with its relationship with the Melton parish boundary.

The Committee was shown photographs of the site access and looking north along Yarmouth Road.

A video taken from the middle of the site looking out, providing a 360 degree view, was played to the Committee.

Note: Councillor Blundell was able to re-join the meeting at this point (3.15pm) and the Acting Chairman confirmed with him that he had only missed a small portion of the opening to the case officer's presentation. As Councillor Blundell had read the report prior to the meeting, and had not missed any information pertaining to the application that he was unaware of, the Acting Chairman stated that he could take part in the debate and determination of the item.

The proposed block plan was displayed and outlined to the Committee. It was noted by the Senior Planner that the former quarry on the site would be left as it was and

that a landscape buffer would be added to the western boundary of the site, which did not presently have any defining features.

The Committee was shown the proposed elevations and floor plans for the bungalows, the almshouses, the cafe/clubhouse building, and the care home.

The main considerations and key issues were summarised as the principle of development (including location and accessibility of services and facilities), the provision of specialist accommodation, design, landscape impact, and affordable housing.

The Committee was shown examples of the walking route from the site to the village of Melton; the Senior Planner highlighted the unsuitability of these routes for the age of residents proposed for the site.

The recommendation to refuse the application, as set out in the report, was outlined to the Committee. The Senior Planner identified the additional reasons for refusal, set out in the update sheet.

The Acting Chairman invited questions to the officers.

The former quarry site was described as having a steep gradient but being well shielded by vegetation; the Senior Planner considered that there was a very low risk of residents being able to accidentally fall into the former pit.

The Senior Planner highlighted the planning history on the site, as set out in paragraph 2.2 of the report.

It was confirmed that the site would be expected to provide affordable housing units.

The Acting Chairman advised that prior to the meeting the Chairman of the Planning Committee South, Councillor Debbie McCallum, had exercised her discretion to allow more than one parish council to address the Committee on the application as the proposed development was of such magnitude that it would affect both Melton and the neighbouring parish of Ufford.

The Acting Chairman invited Councillor Nigel Brown, representing Melton Parish Council, to address the Committee.

Councillor Brown noted that the site was defined as being in the countryside and outside of Melton's settlement boundary; he considered the application to be contrary to both national and local policy and highlighted that residents would be reliant on private transport to access services. Councillor Brown considered that the proposed walking routes would not be suitable for the age group the accommodation would be aimed at.

Councillor Brown said that the Ipswich and East Suffolk Clinical Commissioning Group (IESCCG) had recently raised concerns about the capacity in the local Primary Care Health Network and this development would add to that strain.

Councillor Brown concluded that the development would have an adverse impact on the area and would join up the villages of Melton and Ufford, and urged the Committee to refuse the application.

There being no questions to Councillor Brown, the Acting Chairman invited Councillor Kathryn Jones, Chair of Ufford Parish Council, to address the Committee.

Councillor Jones highlighted that both the Parish Council and many residents had objected to the application; she noted that the site was in the countryside and was contrary to national and local planning policies and approving the application would make nonsense of the work that had gone into producing these plans.

It was Councillor Jones' view that the development of an open agricultural field would urbanise the landscape and erode the green belt between Melton and Ufford, which was an area enjoyed by local residents. Councillor Jones added that residents had also raised concerns about the effect of the development on local infrastructure and services that were already at capacity.

Councillor Jones considered that the site would be heavily reliant on private transport, both for residents and those visiting the site, and that the transport assessment submitted by the applicant grossly underestimated the traffic that would be generated by the site, in particular the impact on the approach to the A12 via Ufford and the Melton crossroads.

Councillor Jones highlighted that care provision in the area was said to be sufficient and noted the IESCCG had stated that the Primary Care Health Network would not be able to take on the additional residents on the site.

Councillor Jones stated that the site's isolation was contrary to AgeUK's guidance on residential site location, which said that such sites should be close to services and better integrated with the community. Councillor Jones asked the Committee to refuse the application.

There being no questions to Councillor Jones the Acting Chairman invited Mr Richard Brown, agent for the applicant, to address the Committee.

Mr Brown noted that the report set out the various reasons that officers considered the proposals to be contrary to planning policies and said that he sought to address these. Mr Brown said that the proposals responded to an acute need for care home accommodation as identified in the Suffolk Coastal Local Plan, which had been endorsed by East Suffolk Council. Mr Brown considered that as the Suffolk Coastal Local Plan did not contain an allocation for such accommodation, substantial weight should be given to the proposals in the planning balance.

Mr Brown challenged the statements made about the capacity of the Primary Care Health Network and said that the applicant had consulted with local surgeries, who were all accepting new patients.

With regard to transport, Mr Brown said that the age limit for residents would be 75 years old and it was intended that residents would use the local bus service or a

minibus service (to be provided by the site operator) to access local services. Mr Brown said that affordable housing units would be provided on the site, contrary to what was stated in the report.

Mr Brown noted that Mr Anthony Prendergast, representing the applicant, was also in attendance to answer any questions the Committee had, and highlighted that the applicant operated a successful facility in Carlton Colville.

The Acting Chairman invited questions to Mr Brown and Mr Prendergast.

Mr Brown cited paragraph 5.42 of the Suffolk Coastal Local Plan as identifying the need for older persons accommodation, in particular noting the number of retirement homes set out in table 5.2. Mr Brown also highlighted that if surgeries in the area were full, there was a process set out in the NHS handbook that they were required to follow. In response, the Head of Planning and Coastal Management highlighted that paragraph 5.43 of the Local Plan set out that this type of accommodation should be delivered on allocated sites as opposed to greenfield sites.

In response to a question from a member of the Committee, the Head of Planning and Coastal Management acknowledged that although local surgeries may be taking on new patients this did not mean there was not a capacity issue in the Primary Care Health Network.

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

Councillor Smith-Lyte said that she had visited the site in the winter, as well as speaking to the farmer currently tending to the land, and had identified that there had been significant flooding issues on the site during the winter. Councillor Smith-Lyte considered that the development of the site would exacerbate the issue.

It was noted by Councillor Smith-Lyte that the nearby St Audrys Lane and Lodge Farm Lane were both about to be designated as Quiet Lanes and that any construction traffic in the area would be at odds with this.

Councillor Smith-Lyte stressed the need for growing land, given that the UK currently imports 45% of its food, and noted that the site was greenfield and not allocated for development in the Melton Neighbourhood Plan.

Councillor Smith-Lyte was concerned about the impact of tree felling for wildlife on the site along with the lack of infrastructure and links to services. Councillor Smith-Lyte considered that residents would not want to remain on the site all the time and highlighted that services were not in walking distance.

There being no questions to Councillor Smith-Lyte, the Acting Chairman invited the Committee to debate the application that was before it.

A member of the Committee spoke at length on the application, noting that although there was a need for the type of accommodation proposed at both the national and local level, this was not a valid reason to take the application out of context to planning

policy. The Member acknowledged that there were, on occasion, reasons to depart from planning policy when rational and plausible to do so, but did not consider it to be the case in this instance.

The Member summarised that the application was contrary to national and local policies for a variety of reasons, including its location in the countryside, not meeting exception criteria for development outside the settlement boundary and being isolated from local services.

Several other members of the Committee concurred that the application was contrary to several policies in the Suffolk Coastal Local Plan and could not support it.

There being no further debate the Acting Chairman moved to the recommendation to refuse the application, as set out in the report and including the additional reasons for refusal contained in the update sheet.

On the proposition of Councillor Deacon, seconded by Councillor Beavan it was by unanimous vote

RESOLVED

That the application be **REFUSED** for the following reasons:

1. The application proposes the development of a care home and 72 assisted care bungalows with associated infrastructure falling within Class C2 of the Town and Country Planning (Use Classes) Order (1987). The site is located within the Parish of Melton, approximately 750 metres north of the defined physical limits boundary.

The application site is therefore located in the countryside. Policy MEL1 of the Melton Neighbourhood Plan (made January 2018) seeks to focus development within the defined physical limits boundary and does not support development outside of this unless the development would be in accordance with a Local Plan Policy relating to appropriate uses within the countryside or where it proposes necessary utility infrastructure. The Local Plan supports this position aiming to deliver development that reflects the character of the area and contributes towards sustainable development.

The location of the application site, outside of and detached from the defined physical limits boundary of Melton is therefore contrary to Policy MEL1 of the Melton Neighbourhood Plan and SCLP3.2 and SCLP3.3 of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020).

2. The location of the application site, detached from the centre of Melton and therefore the services and facilities provided within the settlement results in an unsustainable location for development. This is due to the distance from these services and facilities in Melton village and the undesirable connections to the site for pedestrians and cyclists. The footpath connection between the site and village is narrow and uneven with limited lighting and pedestrians would be forced to cross Yarmouth Road with no crossing facilities. These factors make it particularly undesirable for vulnerable road users. For cyclists, the unlit route and hill would make the journey difficult and undesirable. The Local Plan seeks to encourage development

in locations where people can easily access services and facilities and where there is a choice of transport modes including walking, cycling and public transport.

The proposal is therefore contrary to paragraphs 108 and 110 of the National Planning Policy Framework which seeks to ensure appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location, give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport. It is also contrary to Policy SCLP7.1 of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) which requires development to provide safe pedestrian and cycle access to services and facilities.

3. The proposed development would be located on an undeveloped site that falls within the Ancient Rolling Farmlands, which recommends that planning for future village expansion should carefully aim to retain character and settlement patterns. The site, and surrounding farmland around the east and north of Woodbridge is identified as having a pleasant rural character. Development of the site for a care home and associated bungalows would result in a major adverse effect on landscape character in the local area, result in the erosion of the valued rural separation of Melton and Ufford and that which provides a rural setting to the parkland element of the Melton Conservation Area and erode visual amenity for visual receptors on the Public Rights of Way network around the site. The proposed development is therefore contrary to East Suffolk Council - East Suffolk Council Local Plan policies SCLP10.4: Landscape Character and SCLP10.5: Settlement Coalescence.

4. The application proposes residential development in the form of bungalows and Almshouses. Policy SCLP5.10 of the East Suffolk Council - Suffolk Coastal Local Plan requires that applications for residential development with capacity for ten units or more will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people. The proposal does not make provision for any of the 72 units to be provided in an affordable form and therefore the proposal is contrary to SCLP5.10.

5. The development does not propose any one-bedroomed extra-care dwellings, despite the Suffolk Coastal Local Plan evidence (Table 5.2) showing that this is the predominant need and that SCLP5.8 stating that extra-care accommodation will be supported where it incorporates a mix of tenures and sizes. The proposal also does not ensure that all the extra-care accommodation would be delivered to accessible and adaptable standards (under Part M4(2) of the Building Regulations). The proposal is therefore contrary to SCLP5.8 (Housing Mix) of the Suffolk Coastal Local Plan (2020).

6. The development falls within the recreational disturbance Zone of Influence for the following Habitats Sites (European designated sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Deben Estuary SPA and Ramsar, Sandlings SPA, Alde-Ore Estuary SPA and Ramsar, Alde, Ore and Butley Estuaries Special Area of Conservation (SAC) and Orfordness-Shingle Street SAC. Local Plan policy SCLP10.1 seeks to support regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) where

proposals that would cause a direct or indirect adverse effect on the integrity of Habitats Sites (either alone or in-combination with other plans or projects) will not be permitted.

The application does not secure the required contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or, alternatively, provide information to demonstrate that the proposal will not result in an adverse effect on the integrity of Habitats Sites, arising from the potential disturbance caused by additional visitors to them, without this mitigation. It therefore cannot be concluded that the development will not result in an adverse effect on the integrity of Habitats Sites and therefore the proposals are considered contrary to Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (covering the former Suffolk Coastal Local Planning Authority area) policy SCLP10.1 and Section 15 of the NPPF.

7. The proposal fails to make adequate provision/contributions (and/or agreement to provide) for facilities/services for the occupants. The applicant has not entered into the necessary legal agreement, which is required to ensure the following necessary mitigation and policy requirement are secured:

- The provision of a third of the dwellings as affordable housing (Policy SCLP5.10 of the Local Plan)
- On site provision of appropriate recreation space and financial contribution towards the Recreational Avoidance Mitigation Strategy.
- Delivery and management of open space and communal areas
- Care package/occupation restrictions
- Potential requirement for financial contribution to CCG.

Note: Councillor Smith-Lyte left the meeting at the conclusion of this item.

8 DC/20/4519/FUL - Land to the South of 47 Oxford Drive, Woodbridge, IP12 4EH

The Committee received report **ES/0716** of the Head of Planning and Coastal Management, which related to planning application DC/20/4519/FUL.

The application sought full planning permission for the erection of a pair of semi-detached two-storey market dwellings and associated works on land forming part of the curtilage of 47 Oxford Drive, Woodbridge.

The site benefitted from extant permission (DC/19/1646/OUT: Outline Application with All Matters Reserved) for the construction of two market dwellings.

The referral process was triggered in accordance with the Council's Scheme of Delegation, set out in the East Suffolk Council Constitution, as the 'minded to' decision of the Planner was contrary to Woodbridge Town Council's recommendation to refuse due to concerns relating to parking and highway safety.

The application was therefore presented to the Referral Panel on Tuesday 23 February 2021 where Members considered that the potential impacts resulting from the loss of green space on the character of the area warranted debate at Committee.

The Committee received a presentation from the Planner, who was the case officer for

the application.

The site's location was outlined, and an aerial view of the site was displayed. The site was currently used as private amenity land for the host dwelling.

Photographs were displayed that demonstrated views towards the host dwelling, views along Christchurch Drive and a view from the rear of the site.

The proposed block plan, elevations and floor plans were shown to the Committee.

The Planner detailed the extant consent on the site and displayed the corresponding block plan. The new application was described as a notable improvement, in that it would provide two additional parking spaces to the rear of both the existing and proposed dwellings, thus making the scheme policy compliant in this regard.

The main considerations and key issues were summarised as two additional three-bedroom dwellings within the settlement boundary, a compliant level of parking provision for both the existing and proposed dwellings, the loss of private amenity land, and the visual impact on the street scene and local character.

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

The Chairman invited questions to the officers.

The Committee was shown drawings that demonstrated where private amenity land would be retained on the site.

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

A member of the Committee considered that the application appeared to be a cramped form of development and queried why two dwellings were being proposed for the site.

Another member of the Committee highlighted the extant consent on the site and was of the view that if the new application was an improvement it should be approved.

It was noted by a member of the Committee that both the existing and new dwellings would have sufficient amenity land, would be parking policy compliant; he considered that the development would not adversely impact on the street scene.

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

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

RESOLVED

That the application be **APPROVED** with appropriate planning conditions, as set out below.

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).

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

- 01 Rev PL1 (Location plan);
- 02 Rev PL1 (Floor plans as proposed);
- 03 Rev PL1 (Elevations as proposed);
- 05 Rev PL3 (Site plan as proposed);
- 04 Rev PL1 (Site plan as existing).

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. 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.

5. The areas to be provided for storage of Refuse/Recycling bins as shown on approved drawing no. '05 Rev PL3' shall be provided in their 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. The use shall not commence until the area(s) within the site on approved drawing no. '05 Rev PL3' for the purposes of Loading, Unloading, manoeuvring and parking of vehicles and cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

7. The use shall not commence until details of the infrastructure to be provided for electric vehicle charging points has been 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 promote sustainable transport choices.

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

9 DC/20/5045/FUL - Land at Manor Farm, The Manor House Estate, Bawdsey, IP12 3AL

The Committee received report **ES/0717** of the Head of Planning and Coastal Management, which related to planning application DC/20/5045/FUL.

The application proposed the erection of three, detached dwellings. The application site is located outside of the defined settlement boundary of Bawdsey and therefore in the countryside.

The application was before the Committee as the application was advertised as a departure from policy. Both Bawdsey Parish Council and Councillor James Mallinder, the Ward Member, had objected to the proposal.

The Committee received a presentation from the Senior Planner, who was the case officer for the application.

The site's location was outlined, and the Committee was shown its relationship to the Bawdsey settlement boundary. The Senior Planner highlighted the site being part of a built-up settlement in the countryside.

Photographs were displayed demonstrating views along The Street, views into the site, and a view of how the site would link to neighbouring development via an existing pathway.

The layout plan, proposed elevations and floor plans and the proposed street scene were displayed.

The main considerations and key issues were summarised as the principle of residential development in the countryside, the design and visual impact, the impact on residential amenity, and highways.

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

The Acting Chairman invited questions to the officers.

The Senior Planner confirmed that although the landowner of the site and the neighbouring development was one and the same, the developer was not the same for this application. It was noted that the development was not being used to make the affordable housing of the neighbouring development viable.

The Senior Planner clarified the standard conditions recommended by Suffolk County Council as the Highways Authority.

The Acting Chairman invited Mr Peter Wells, agent for the applicant, to address the Committee.

Mr Wells advised that he had worked with the landowner and applicant for the neighbouring development on what was considered the first two phases of development in the area, which was providing 15 affordable housing units. Mr Wells considered that the application before the Committee was a reasonable development of leftover land adjacent to the site.

Mr Wells acknowledged the comments of Bawdsey Parish Council and confirmed that Orwell Housing were aware of the development and did not object to it. The dwellings would meet building regulations and be installed with environmentally friendly heating solutions, and the site would link well with the wider area.

It was Mr Wells' view that the site could not be used as agricultural land and was already linked to the neighbouring development via an existing footpath. Mr Wells considered that the proposed scheme would be a positive addition of three open market houses, complete the street scene and provide more housing in the area. Mr Wells welcomed the recommendation to approve the application.

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

A member of the Committee considered that the application was a good example of a situation where it was prudent to depart from planning policy and agreed with the argument for approval made by the Senior Planner in the report. The Member noted that this would provide three open market dwellings in the area to go alongside the affordable housing and would form a cohesive street scene.

Another member of the Committee expressed reservations about the application, as it was development in the countryside. The Member acknowledged how the site would link to existing development but considered continued development in the countryside would erode it and that this development could set a precedent for further construction in the area.

The Senior Planner clarified that, although similar, the development was not considered to be within an existing cluster of existing housing in the countryside, as defined by policy SCLP5.3 of the Suffolk Coastal Local Plan, as part of the housing fell within the settlement boundary of Bawdsey. The Senior Planner considered that the proposed development would be infill and would not further extend development into the countryside.

A member of the Committee was satisfied with the proposal, given its relationship to the existing development.

There being no further debate the Acting Chairman moved to the recommendation to

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

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

RESOLVED

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management subject to the receipt of a contribution to the Suffolk Coast RAMS and controlling conditions.

Otherwise, **AUTHORITY TO REFUSE** be delegated to the Head of Planning and Coastal Management as contrary to policy SCLP10.1 of the Suffolk Coastal Local Plan.

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).

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. PL04, PL05A and PL06A and Phase 1 Environmental Report, Ecology Report and Design and Access Statement received 9 December 2020 and drawing nos. PL01B, PL02B and PL03B and Heritage Impact Assessment received 6 January 2021, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Liz Lord Ecology, October 2020).

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

5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there

are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

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

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

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

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

7. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

8. Prior to the commencement of development, a copy of the Heritage Impact Assessment shall be deposited with the Suffolk County Council Historic Environment Record. Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

Reason: To ensure that the non-designated heritage asset is recorded.

9. Should contamination which has not already been identified to the Local Planning Authority (LPA) be 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. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM01; and with an entrance width of 4.5 metres and been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

11. Prior to the dwellings hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway and shall be retained

in this form thereafter.

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

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

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

13. Before the access is first used visibility splays shall be provided as shown on Drawing No. PW1107_PL03 Rev. B and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

14. The use shall not commence until the area within the site on dwg. no. PW1107_PL03 Rev. B for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

15. Before any of the dwellings hereby permitted are occupied, details of the areas 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 promote sustainable transport choices.

16. Within 6 months 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.

17. 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.

18. The pill box, as shown on drawing no. PL03B shall be retained undisturbed.

Reason: In the interest of preserving the historic structure: it has been identified as a nondesignated heritage asset.

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructurelevy/5.

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

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

4. 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: 0345 6066171.

Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

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.

5. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.

10 DC/20/5119/FUL - 175 Grange Road, Felixstowe, IP11 2PZ

The Committee received report **ES/0718** of the Head of Planning and Coastal Management, which related to planning application DC/20/5119/FUL.

The application sought permission to erect a part two-storey, part single storey rear extension and create a roof light for a sun tube.

The referral process was triggered in accordance with the Council's Scheme of Delegation, as set out in the East Suffolk Council Constitution, as the 'minded to' decision of the Planning Officer was contrary to Felixstowe Town Council's recommendation to refuse due to concerns relating to design and residential amenity.

The application was therefore presented to the Referral Panel on Tuesday 16 February 2021 where Members considered that the appearance of the dwelling may appear out of character to the area and there may also be possible impacts to residential amenity, and referred the application to the Committee for determination.

The Committee received a presentation from the Trainee Planner, who was the case officer for the application.

The site's location was outlined, and the Committee was shown aerial views of the site.

The proposed block plans and floor plans, along with the existing and proposed elevations, were displayed.

The Committee was shown computer-generated images of the proposed development which detailed the render wall finish that would be used.

Photographs demonstrating views in to and out of the site, highlighting its relationship to neighbouring properties, were displayed.

The main considerations and key issues were summarised as the design and residential amenity.

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

The Acting Chairman invited questions to the officers.

The Trainee Planner advised that there would be minimal impact on light to neighbouring properties; at most there would be a minor impact between 1pm and 2pm.

The Acting Chairman invited Mr Massimo Farina, the applicant, to address the Committee.

Mr Farina acknowledged that he had previously focused on the design of the build and not the finish; he considered that he had responded to the concerns raised by Felixstowe Town Council and had removed the cladding originally proposed and had worked to improve the proposed scheme.

Mr Farina confirmed that he made amendments to the height and massing of the extension, as recommended by Planning officers, and had taken into consideration the size of the extension in relation to neighbouring properties. Mr Farina considered that he had interpreted the planning guidance he had been provided.

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

A member of the Committee, who was also Ward Member for Western Felixstowe, addressed the concerns raised by Felixstowe Town Council. He noted that the cladding had been removed and accepted the outcome of the light survey contained in the report, but remained concerned about the height and massing of the proposed development.

The Member considered that the proposals were contrary to policies SCLP11.1 and SCLP11.2 of the Suffolk Coastal Local Plan, regarding design quality and residential amenity; he was of the view that development would be incongruous to the area and, although he remained open minded, acknowledged this could form a reason for refusal.

Several other members of the Committee expressed concerns about the height and massing of the proposed development; one Member said that if he was a neighbour he would not like what was being proposed.

Another member of the Committee remained concerned about the potential light loss that would be caused to neighbouring properties and that the massing of the extension would set a precedent.

It was proposed by Councillor Bird that the application be refused on the grounds that the scale and massing proposed is contrary to policies SCLP11.1 (sub-paragraph c, sub-point 3) and SCLP11.2 (sub-paragraph e) of the Suffolk Coastal Local Plan, regarding design quality and residential amenity.

Councillor Bird's recommendation to refuse the application was seconded by Councillor Beavan.

The recommendation to refuse the application was put to the vote and it was by a majority vote

RESOLVED

That the application be **REFUSED** on the grounds that the scale and massing proposed is contrary to policies SCLP11.1 (sub-paragraph c, sub-point 3) and SCLP11.2 (sub-paragraph e) of the Suffolk Coastal Local Plan, regarding design quality and residential amenity.

Note: Councillor Beavan left the meeting at the conclusion of this item.

11 Quality of Place Awards 2020

Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, introduced a short presentation on the 2020 Quality of Place Awards.

Councillor Ritchie outlined that the awards were split into four categories:

- Community
- Landscape
- Conservation
- Design

Councillor Ritchie, as Chairman of the judges of the awards, thanked Peter Hill, Pat Shepard, Tony Redmond and John Lamont for giving their time as judges of the awards.

Councillor Ritchie also thanked both the Planning Quality Outcomes Officer and the Design and Conservation Officer for organising the awards and invited the Design and Conservation Officer to give a short presentation to the Committee on the awards.

The Committee received a presentation that outlined the award winners and developments that had been commended, as detailed below:

COMMUNITY

Highly Commended - St Michael's Church, Beccles
Winner - Westleton Village Hall, Westleton

LANDSCAPE

Winner - Sibton Park, Sibton

CONSERVATION

Highly Commended - Moot Hall, Aldeburgh
Highly Commended - Stanaway Farmhouse, Otley
Winner - Wingfield House, Saxmundham

DESIGN

Highly Commended - CEFAS, Lowestoft
Joint Winner - Gainsborough House, Nacton
Joint Winner - Pightle House, Ufford

The Design and Conservation Officer advised that nominations for the 2021 Quality of Place Awards would open in early April 2021.

The Acting Chairman invited questions to Councillor Ritchie and the officers.

Councillor Ritchie stated that it would be helpful if Members could promote the Quality of Place Awards in their Wards to assist in generating more community projects being nominated in that category.

The Acting Chairman thanked Councillor Ritchie and the officers for their presentation.

The meeting concluded at 4:53pm

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Chairman



PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

27 April 2021

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 25 March 2021. At present there are 13 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 25 March 2021 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	30/04/2021

					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 	
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					<ul style="list-style-type: none"> • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. 	
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					<ul style="list-style-type: none"> • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019. • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. 	
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					<ul style="list-style-type: none"> • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 • Site visited. Case currently with the Council's Legal Team for assessment. • Charging orders have been placed on the land to recover costs. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months • 11/07/2014 – Final compliance date • 05/09/2014 – Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>to further action.</p> <ul style="list-style-type: none"> • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 – Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served 	24/05/2021

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"> • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 – PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>following advice from Counsel.</p> <ul style="list-style-type: none"> • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. • Start date has now been received, Statements are due by 12/12/2019. • Awaiting Planning Inspectorate Decision • Appeal Dismissed with variations. Compliance by 20 January 2021 • Site visit due at end of January 2021. • 24/02/2021 – Visit conducted, some compliance, extension agreed until 24/05/2021 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date Appeal started, final comments due by 08/02/2019. Waiting for decision from Planning Inspectorate. 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued 	31/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>as soon as possible, Notice relating to the operational development was upheld with an amendment.</p> <ul style="list-style-type: none"> • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 • Site visit to be undertaken after 11/12/20 • Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. • Further visit to be done on 25/03/2021. 	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance 	31/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed and amended. Compliance with both Notices by 13/08/2020 • Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020. • Further extension of time given until 30/11/20. • 03/12/2020 – Site visited. MCU Notice has been complied with and Operational Development Notice partially complied with. Final steps are not required for completed until 31st March 2021. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 • Awaiting date of hearing from Planning Inspectorate. • Hearing date set for 02/02/2021. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 	30/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> • Notice served 26/11/2019 • Compliance visit to be conducted when possible. • Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step. • Enquires being made to take direct action. • Contractors arranged to undertake the required work. • Owner arranged for workers to undertake required work in place of Council Contractors. • Site visit due to check compliance. • Notice not complied with in full. Internal discussions being held to decide the next step. • Contractors being contacted to complete work. • Contractors undertook garden clearance on 13th January 2021. Will return at later date to complete outstanding 	28/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>work.</p> <ul style="list-style-type: none"> • Work has been completed on property to fulfil the notice. • Costs are being collated to bill the owner for the work. 	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> • Enforcement Notice served 10/12/2019 • Awaiting site visit to check on compliance • Site visit undertaken, summer house still in situ. Further action to be considered. • Property has now changed hands. Contact with new owner to be established. • Officers are now in contact with the new owners and are discussing a way forward. • Six weeks given for summerhouse, decking and steps to be removed. • New planning application has been submitted. Case on hold until determined. • Planning permission has been granted for retention of the 	10/06/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					decking element. Removal of summerhouse and steps have been conditioned.	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> • 17/01/2020 – Enforcement Notice served. • Appeal received. Statements due by 27/04/2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted. • Judicial review dismissed. Compliance date 23/03/2021 • Site visit to be undertaken on 25/03/2021 to check for compliance. 	30/04/2021
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> • 30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date. • Appeal started. Final comments by 09/11/20 • Awaiting Planning Inspector Decision. 	25/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Appeal dismissed. Compliance due by 25/03/2021 	
ENF/2020/0049 /DEV	12/01/2021	South	17 Saxonfields, Snape	Installation of a replacement roof on conservatory	<ul style="list-style-type: none"> Enforcement Notice served. Comes into effect on 15/02/2021 	15/06/2021

Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/1010/VOC

Location

Kesgrave Quarry
Main Road
Kesgrave
Suffolk

Expiry date 26 April 2021

Application type Variation of Conditions

Applicant Nicholls Ltd T/A Tippers R Us

Parish Little Bealings

Proposal Variation of Condition No(s) 3 on application DC/15/5055/FUL -
Change of use in Kesgrave Quarry from mineral use to associated parking
and access routes for adjacent Trucks R Us Headquarters.

Case Officer Katherine Scott
07867 155568
katherine.scott@eastsoffolk.gov.uk

1. Summary

- 1.1. This application is the first of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on this Planning Committee Agenda for determination.
- 1.2. This application relates to the area of land to the west and north-east of the large building used for large scale vehicle and plant hire. which located towards the centre of the former Kesgrave Quarry, also known as Sinks Pit.
- 1.3. The land which is the subject of this /application was granted planning permission to be used for additional parking and turning associated with the existing Headquarters Building under reference DC/15/5055/FUL. A copy of the planning permission is included as Appendix A.

- 1.4. This application seeks to vary condition 3 on Planning Permission, which currently limits activities and HGV movements to the hours of 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays.
- 1.5. The application seeks to vary the hours of operation, to increase the main operating hours to 6am - 7:30pm Monday to Saturday and add restrictions on HGV movements between the hours of 5:30am and 6:00am Monday to Friday or between 5:30am to 6:00 am on Saturdays.
- 1.6. The proposed variations outlined above would align with the hours sought through the other current variation of condition applications for the other areas of the wider site.
- 1.7. The site itself is within the parish of Little Bealings and the access is via an access driveway from Main Road, Kesgrave. Little Bealings Parish Council has Objected to the application. Kesgrave Town Council are in Support.
- 1.8. The Local Ward member (Cllr Hedgely) has commented on this application raising concerns regarding the impacts upon the health and wellbeing of his constituents and advising he intends to speak at the meeting. His comments are included in full within the report below.
- 1.9. The consultation process on this application ran from 15 March 2021 and expired on 31 March 2021.

Reason for Planning Committee

- 1.10. The application has been referred to Planning Committee by the Head of Planning Services and Coastal Management due to the consideration of previous applications relating to this site at Planning Committee, and due to the level of public interest in this application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC.

Recommendation

- 1.11. The application is recommended for approval subject to appropriate conditions as listed in the report.

2. Site description

- 2.1. This application relates to the area of land to the west and north-east of the large building used for large scale vehicle and plant hire located towards the centre of the former Kesgrave Quarry, also known as Sinks Pit.
- 2.2. This site was formerly a minerals extraction quarry, which appears to have commenced following the granting of Planning Permission for "Use of land for the extraction and working of sand and ballast (South of Laundry Cottage)" in 1951 (case reference E1660).
- 2.3. Over the following decades various applications were submitted and planning permissions were granted for various mineral extraction, waste deposits, concrete and tarmac production, and associated activities including:

- Asphalt plants/production in 1958, 1963, 1968, 1970, 1974, 1977, 1982, 1987, 1992 and 1997 (references E1660/7, E1660/7a, , E1660/7c, E1660/7d, C141, C141/1, C141/2, C141, C/92/0996 and C/97/1501),
- concrete plants/production in 1966, 1986 , 1986, 1992 and 1997 (E1660/10, C1400/11, C/89/1949, C/92/1237 and C/97/1501),
- a vehicular workshop in 1966 (E1660/11) with an extension in 1972 (E1660/17),
- tipping of domestic and trade refuse, and associated works in 1969, 1970, 1975, 1978, 1985, 1986, 1988, 1991 (E1660/12, E1660/15, C1400, C1400/3, C1400/7, C1400/13, C88/0015 and C/91/1578),

and

- extensions to the mineral workings in 1955, 1960, 1961, 1963, 1970, 1971, 1975, 1976, 1978, 1979, 1981, 1986, 1987, 1988, and 1997 (references E1660/2, E1660/3, E1660/8A, E1660/8B, E1660/9, E1660/13, E1660/13A, C1400/1, C1400/2, C1400/4, C1400/5, C1400/6, C1400/8, C1400/10, C1400/12, C1400/13, C/88/1549 and C/97/1501.

2.4. In addition to the above there are various applications to Suffolk County Council (SCC) as the Local Minerals and Waste Planning Authority from 1992 onwards for a variety of proposals relating to minerals extraction, the manufacture of ready mixed concrete and asphalt, and the deposition of waste material. Unfortunately, SCC as determining authority, hold the decision notices and copies of the decisions and associated documents are not all currently available to East Suffolk Council (ESC), as they are not accessible via the SCC website. Therefore, ESC is currently unable to confirm if planning permission was granted or refused for many of those application proposals, so they are not included in the list above. However, these consents do not have a direct bearing on the current variation of condition application, this application relates to a Planning Permission granted by ESC, not SCC, and the consents granted by SCC predominantly relate to areas of land beyond the current application site boundary.

2.5. In 2014, Planning Permission was granted towards the western end of the quarry/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." (reference DC/13/3408/FUL).

2.6. That consent was never implemented and has since expired, but included conditions permitting hours akin to those currently proposed on weekdays (limited HGV movements 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with outside working hours and hours of use of ventilation equipment between 7:00am and 7:30pm Monday to Friday, and between the hours of 7:00am and 1:00pm on Saturdays. The Head of Environmental Services and Port Health did not object to that application. Accordingly, ESC considered that those hours of operation were acceptable in this location.

- 2.7. The current plant hire building and associated land, which lies to the east of the land referred to in the paragraph above was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL. The land which is the subject of this /application was granted planning permission to be used for parking under reference DC/15/5055/FUL.
- 2.8. Vehicular access to the site is via an access road, which provides vehicular access on to the A1214 at a roundabout. The 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.
- 2.9. 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 former gravel extraction pit. The site lies outside the defined physical limits of any settlement and is therefore within the countryside. Therefore, all three Parish Councils have been consulted on this application.
- 2.10. 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.
- 2.11. 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).
- 2.12. 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).
- 2.13. The nearest residential dwelling to the access road 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.
- 2.14. At the closest point the red line of the main part of the application site (the area in the pit) is approximately 170m from the outside wall of the nearest dwelling to the north (Bealings Hoo, Hall Road, granted Planning Permission E339/3 in 1975). The application site would also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road, granted Planning Permission C/97/1394, in 1998).
- 2.15. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.16. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.

- 2.17. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.18. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by SCC as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.19. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc granted have been requested from SCC as the Local Minerals and Waste Planning Authority. These are still awaited.
- 2.20. 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).
- 2.21. 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. At the closest point the red line of the main part of the application site (the area in the pit) is approximately 184m from the outside wall of the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).
- 2.22. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.23. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.
- 2.24. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.25. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by Suffolk County Council as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.26. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc

granted have been requested from Suffolk County Council as the Local Minerals and Waste Planning Authority. These are still awaited.

- 2.27. However, the enforcement investigation process in relation to the other uses/structures on the wider site and the determine of the current variation of condition applications are not dependent upon on another. Therefore, the three current applications are bought before Planning Committee for determination.

3. Proposal

- 3.1. The Planning Permission to which this Variation of Condition application relates to is DC/15/5055/FUL which relates to the area of land to the west and east of existing the Headquarters building. It was determined at officer level and was granted on 8 February 2016, for "*Change of use in Kesgrave Quarry from mineral use to associated parking and access routes for adjacent Trucks R Us Headquarters.*"

- 3.2. The condition proposed to be varied (no 3 on DC/15/5055/FUL) states:

"No activities or HGV movements shall be carried out on the site other than between the hours of 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 in writing by the local planning authority.

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

- 3.3. The application seeks to vary the hours of operation, to increase the main operating hours to 6am - 7:30pm Monday to Saturday and add the following into the condition:

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

- 3.4. There are also two other Variation of Condition application currently under consideration and on this Planning Committee Agenda. They seek to vary the permitted hours on the wider site to align with those sought through the application which is the subject of this report.
- 3.5. Application DC/21/1079/VOC seeks to increase the hours set in conditions 6, 7, 8 & 10 of DC/19/2666/FUL, so that they line up with those currently proposed on this variation of condition application (6am - 7:30pm Monday to Saturday) with restrictions on the number of HGVs between (5:30am and 6:00am or between 5:30am to 6:00 am on Saturdays).
- 3.6. The third variation of condition application DC/21/1471/VOC relates to the existing Headquarters building and associated land which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry. That variation of condition application seeks:

"Variation of Conditions 4 and 22 of DC/15/4908/FUL- Erection of new headquarters building for vehicle hire operator comprising workshop, offices, associated parking, drainage infrastructure and landscaping to allow for the hire, storage, workshop and sales of vehicles and machinery (revised scheme to DC/15/2107/FUL and DC/14/4251/FUL) - Variation to operating hours."

- 3.7. Condition 4 relates to the permitted working hours, which are limited to 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays. It is proposed to be varied to extend the permitted working hours to 6am and 7:30pm Monday to Saturday.
- 3.8. Condition 10 relates to the hours during which ventilation, air conditioning and similar plant can be operated. The condition currently limits the hours to 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. The hours are proposed to be extended to be 6am to 7:30pm Monday to Saturday.
- 3.9. The proposed variations outlined above align with one another so the hours sought through all three of the current variation of condition applications, if permitted would result in the same working hours and hours relating to ventilation and similar plant, across the wider site.

4. Consultations/comments

- 4.1. The consultation process on this application ran from 15 March 2021 and expired on 31 March 2021.
- 4.2. There have been 16 letters of Objection (from 10 different properties) to this application from residents to the north of the site, raising the following material planning considerations:
 - Noise and Disturbance:
 - Increased hours will add to the existing problems of noise pollution and disturbance to local residents, which has already increased over the past 11 months due to increased activity/development and is audible within 'Longacre', a double glazed house.
 - The noise and rumblings of the lorries during increased hours will create increased nuisance, to residents using their gardens.
 - The increased hours in the mornings to 6am will be detrimental to the sleep quality, health and quality of live of those who live nearby.
 - Saturday afternoons and evenings are currently a release from the annoyance. This would be lost with the proposed increase in hours of 18 hours per week would result in ix 14 hour days per week. The Saturday working should be prevented completely.
 - Policy SCLP11.2 states that the Council shall have regard to the impact of noise pollution on residential amenity.
 - NPPF paragraph 180a states that development should "mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life."

- The Noise Policy Statement for England requires that development mitigate and minimise the adverse effect of noise.
- Dust Pollution:
 - Increased hours will add to the existing problems of dust pollution to local residents.
- Light pollution:
 - The lights from the quarry are on from 5:30am until 6:15pm shining into neighbouring properties. Concerned the increased hours will lead to more light pollution in the winter.
- Other/general:
 - Believe the use is inappropriate for this residential environment, and rural area. Such activities should be undertaken away from residential areas.
 - The extension of hours by 20% should not be permitted whilst there are ongoing enforcement investigations by Environment Agency, Suffolk County Council and East Suffolk Council into noise, pollution and out of hours working at Sinks Pit.
 - The additional traffic on the A1214 at very early hours should be of concern to those using, living or working along that road.
 - Concerned that the new conditions will not be enforceable due to activities taking place beyond the currently permitted house.
 - Noise, dust and light pollution reports are under investigation and no extension should be considered until effective action has been taken to eradicate these.
 - This scheme should be subject of an EIA.

4.3. A number of the objections received also raised matters which are not material planning considerations, and therefore can not be considered in the determination of this application. The matters which are not material planning considerations include:

- Personal comments regarding their relationship with the applicant.
- The number of complaints against the activities of the applicant across the Sinks Pit site over the past five years.
- Believe the applicant has made the applications to be awkward because they have complained about the crushing, which should not have been allowed to operate so close to a residential area.
- Comments about maintenance of a lane /track to the north of the site which is under the applicants ownership, but lies outside the application site and is not used in association with it.
- Concerns that the proposed conditions will be breached in the future i.e. other machinery and equipment will be used as well as lorry movements during the earlier hours.

4.4. The full text of the representations can be viewed online via the public access system.

4.5. Some of the representations suggested other residents should have been consulted via letter. The consultation process on this application exceeded the requirements of our

Statement of Community Involvement, which itself goes beyond the requirements of the Town and Country Planning General Development Procedure Order. A site notice was posted. Letters were sent to local residents who are close to the site and/or who commented on the previous application relating to this part of the site, rather than just those who physically share a boundary with the site. Officers are therefore confident that the level of public consultation is appropriate in this instance.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	5 March 2021	26 March 2021
<p><i>"After discussion at its meeting on 23 March 2021 the Council resolved:</i></p> <p><i>o that the Council objected to the application on the grounds that it breached Local Plan Policy SCLP 4.3 by proposing the intensification of an employment site, as productivity enhancement of the site would result in an unacceptable adverse effect on the living conditions of local residents in relation to noise, vibration and dust and, as proven by the existence of over 6,000 residents' complaints to the existing operations in the preceding five years, these adverse impacts have yet to be successfully mitigated.</i></p> <p><i>o that an EIA should be required by ESC before the application was determined"</i></p>		

Consultee	Date consulted	Date reply received
Kesgrave Town Council	9 March 2021	19 March 2021
<p><i>"Support"</i></p>		

Consultee	Date consulted	Date reply received
Playford Parish Council (neighbouring Parish)	5 March 2021	No response
<p>Summary of comments: No response received</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	5 March 2021	24 March 2021
<p>Summary of comments: Advise that they have received a number of complaints about noise, dust and light nuisance from the operations at Sinks Pit.</p>		

Investigations are ongoing with SCC and the EA into the various sources of noise across the wider site, to determine whether these allegations constitute a statutory nuisance.

Due to COVID-19, they have not been entering properties to assess noise nuisance, so they cannot say with certainty if the noise is audible inside properties/to what level, but they would expect it to be.

Much of the noise is associated with operations at the east of the site and therefore outside the scope of these applications, but there is noise from the middle and west of the site including reversing alarms, loud bangs, metal on metal noise from loading machinery on to vehicles, other alarm noise, tracked vehicle noise etc, which are audible outside the yard and at residential properties in the vicinity.

Under noise control British Standards, the current hours are 'daytime', those proposed i.e. 6-7am would be 'night time'. Background levels are likely to be lower 6-7am than from 7am onwards which may adversely affect the judgement of statutory nuisance. To be a nuisance in law, a noise has to unreasonably and significantly interfere with the use and enjoyment of property.

The current hours give residents respite from the noise during closed times. Consider the noise at Sinks Pit to be similar to construction so recommend the same hours (7.30-18.00 Monday to Friday; and 8.00-13.00 on Saturdays). In their view activities have taken place outside permitted hours and therefore consider extended hours would be difficult to enforce.

Consider that the use of the office block for the extended hours is unlikely to cause nuisance. Quote policy SCLP4.3.

Recommend refusal until their investigations into potential statutory nuisance have been completed.

Consultee	Date consulted	Date reply received
Ward Councillor (Cllr Hedgeley)	N/A	8 April 2021

*"I am aware that the Sinks Pit Applications will come before the full committee in due course and I shall have the opportunity to speak then.
However in the mean time I would like it recorded that my overriding concern is for the health and wellbeing of my constituents in Playford Road and Laundry Lane, plus others, though fewer, further afield.
The noise and dust pollution has been recorded and well established and it is beholden on the person or persons causing any pollution to justify any non-compliance and it is not their right to increase such activities although it is their right to ask if they can. It is for the responsible agencies to enforce the law and I will be calling for them to do so at the full Planning Committee meeting when it takes place. It is not my argument to prevent anyone from carrying out their lawful business. The chance of continuing and indeed increasing employment does not give anyone the right to bypass the basic laws of health and care towards others. Surely the lessons of the past in other parts of the world, albeit of a greater magnitude, have taught us something."*

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 10 March 2021

Expiry date: 31 March 2021

5. Planning policy

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

5.2. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP4.3 - Expansion and Intensification of Employment Sites

SCLP11.2 - Residential Amenity

6. Planning considerations

6.1. The principle of the use of these areas of land for parking, turning and associated activities connected with the adjacent large vehicle/plant hire business has already been established through the granting of Planning Permission DC/15/5055/FUL, which has been implemented and is operational on site.

6.2. Therefore, the determination of this application cannot reconsider the principle of the use and activities permitted on this part of the Sinks Pit/ Kesgrave Quarry site. The only matters which can be considered are the material planning considerations arising from the proposed restriction on early morning HGV movements and the proposed additional operating hours.

6.3. The application proposes to add an additional restriction to the existing planning permission in the form of a restriction on the number of early morning HGV movements to be no more than 12 between the hours of 5:30am and 6am Monday to Saturday.

6.4. The application also proposes to extend the overall operational hours from

- 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays,
- to
- 6am - 7:30pm Monday to Saturday.

6.5. Both the existing and proposed conditions require no activities to take place outside these hours and/or on Sundays and Bank Holidays.

Residential Amenity and relationship with Environmental Protection Legislation

- 6.6. This application does not relate to any other part of the wider Sinks Pit site or any other activities taking place in those areas. Therefore, if permitted the extended hours on this application would only relate to the parking and turning areas granted planning permission under DC/15/5055/FUL. This variation of condition application would not alter the permitted use or hours of any of the other activities taking place on the wider site.
- 6.7. This is one of three current variation of condition applications scheduled for determination at this planning committee meeting (DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1407/VOC). The three applications seek to vary the hours of activity in relation to the existing plant hire business, its extended parking/turning area and the yet to be constructed additional buildings for plant hire towards the western end of the pit.
- 6.8. The hours are proposed to be varied across the three applications, to align the existing planning permissions with one another, so all of the areas within the pit used for/in association with the plant hire business would be permitted for the same activities during the same hours.
- 6.9. The buildings permitted at the western end of the pit, have been granted planning permission to operate HGV movements from 5:30am Monday to Friday, and from 6am on Saturdays, where as the areas of land permitted for parking and turning, which are the subject of this current application are currently only permitted to operate HGVs from 7am Monday - Saturday. The Head of Environmental Services and Port Health did not object to that application.
- 6.10. If a revised application came forward, it would be unreasonable for the Local Planning Authority to restrict the hours to less than those already granted, as they have been deemed appropriate, and the adoption of the Local Plan in September 2020, did not materially alter the policy approach or local circumstances affecting such proposals on this site. This application seeks to tie up the hours across the areas of the site controlled by East Suffolk Council as the Local Planning Authority.
- 6.11. Given that the nature of the use of the land as parking/turning areas associated with a plant hire business, which is the subject of this variation of condition application is the same as the parking and turning activities permitted at the western end of the site with the earlier start time for limited HGV movements of 5:30am Monday to Friday, and that the current application areas are no closer to residential properties than the area already permitted with these hours. The principle of these additional hours for limited HGV movements Monday to Friday could not be reasonably resisted.
- 6.12. There are a number of other potentially noisy activities taking place across the wider sinks pit site including the concrete batching plant, or the storage and sorting of aggregates and similar materials. As acknowledged in the comments from the Head of Environmental Services and Port Health "*Much of the noise audible at the complainants' dwellings is associated with operations at the east of the site and therefore outside the scope of these applications.*"

- 6.13. The noise generating activities on the wider site, including those towards the eastern end of the pit cannot be controlled or prevented through the determination of this application.
- 6.14. Whether or not any of the various the activities across the wider site either in isolation or cumulatively may following the ongoing investigations be considered to be a 'statutory nuisance' is a matter for Environmental Protection through their legislation.
- 6.15. The role of the planning system is also not to duplicate matters that are controlled by other regulations, and as such the Local Planning Authority cannot seek to refuse this application on the basis of what the Environmental Services Team may or may not conclude in the future following their investigations as to whether a 'statutory nuisance' is being created.
- 6.16. In determining this variation of condition application, the Local Planning Authority simply has to consider if the extended hours to the parking and turning areas for the vehicles associated with the existing plant hire business would result in sufficient harm to residential amenity to warrant refusal of planning consent and/or if there are any material planning benefits which would outweigh any such harm.
- 6.17. Policy SCLP11.2 relates to Residential Amenity. It states:
- "When considering the impact of development on residential amenity, the Council will have regard to the following:*
- a) Privacy/overlooking;*
 - b) Outlook;*
 - c) Access to daylight and sunlight;*
 - d) Noise and disturbance;*
 - e) The resulting physical relationship with other properties;*
 - f) Light spillage;*
 - g) Air quality and other forms of pollution; and*
 - h) Safety and security.*
- Development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity."*
- 6.18. There are no physical changes proposed as part of this application. Therefore, there are no concerns regarding privacy/overlooking, outlook, access to daylight and sunlight, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, or safety and security. These were all matters considered during the determination of the original planning application for the use of these areas of the Sinks pit site for parking and turning associated with the plant hire business operations.
- 6.19. The remaining residential amenity considerations within Policy SCLP11.2 relevant to the determination of the current application are noise and disturbance.
- 6.20. The nearest property to the northern parking and turning area is Bealings Hoo, which is located to the north beyond the bund, and its nearest external wall is approximately 170m from the northern edge of the parking and turning area. The northern part of the parking and turning area is also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).

- 6.21. Given the distanced from the nearest residential properties, the changes in ground levels and the ability to control the hours of vehicular activity, there would not be a sufficient impact upon residential amenity to Bealings Hoo, Pine Hills and the other dwellings to the north to sustain a refusal of planning consent.
- 6.22. The nearest residential dwelling to the access road is Bracken Hall, 230 Main Road, Kesgrave, which lies approximately 40m from the access road. This property is significantly closer to the access road which would be used by HGVs during the increased hours, than the dwellings to the north. That property was notified of the application via letter, but no response has been received. If the current application were to be permitted, there would be HGV traffic past this property associated with the parking and turning areas during more hours than those currently permitted. However, background noise levels at this property are already likely to be higher than those at the properties to the north, even during early morning and on Saturday afternoons, because it is closer to the A1214, Main Road, Kesgrave which is one of the main access routes into and out of Ipswich, and as a public highway can be used by HGVs and other vehicles 24 hours a day 365 days a year. Therefore it is considered that the potential impacts of noise and disturbance upon 'Bracken Hall' would be insufficient to sustain a refusal of planning consent.
- 6.23. Whilst the impacts of noise and disturbance arising from the increased hours would be insufficient to sustain a refusal of planning consent in this case, the granting of the proposed variation of condition, would not prevent the Environmental Protection Team taking formal action under their legislation in relation to noise and disturbance they may deem to be a 'statutory nuisance' in the future.

Expansion and Intensification of Employment Sites and Economic Considerations

- 6.24. The NPPF recognises the importance of building and supporting a strong competitive economy. In Paragraph 80 it states:

"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....."

- 6.25. The proposed increase to the hours would enable the existing business to operate for longer hours, potentially enabling it to undertake a greater amount of business, increasing its contribution to the local economy. The nature of the existing business means that it enables and supports the construction industry across the district and beyond, and other aspects of the wider economy. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.
- 6.26. Policy SCLP4.3 relates to the 'Expansion and Intensification of Employment Sites'. It allows for proposals to expand, alter or make productivity enhancements to existing employment premises, unless:
- "a) The scale of development would cause a severe impact on the highway network;*
 - or*
 - b) There will be an unacceptable adverse effect on the environmental sustainability of the area; or*

*c) The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or
d) There is an unacceptable adverse effect on the living conditions of local residents and businesses relating to matters of noise, vibration, dust and light; and
e) Potential adverse impacts can not be successfully mitigated..."*

- 6.27. The proposed expansion of the hours would result in additional traffic movements along Main Road, Kesgrave before 7am and on Saturday afternoons, but this would be outside normal 'rush hour' times, and the HGVs etc are already using this road and the wider road network. Therefore, there would not be a severe impact upon the highway network.
- 6.28. The increase in the working hours would not be altering the business activities taking place on site or the ground area permitted for these uses. Therefore, there are no significant concerns regarding the environmental sustainability of the area.
- 6.29. This application relates to the times at which the parking and turning areas can be used, rather than a change in the type of use of the land. The other employment uses within the pit are also related to construction, such as the aggregates storage, the cement batching and the permitted but yet to be constructed additional buildings for plant hire at the western end of the pit. There are no concerns regarding compatibility with the surrounding employment uses in terms of parking, access, noise, odour or other amenity concerns.
- 6.30. As explained in the residential amenity section of this report this proposal is deemed acceptable in terms of material planning considerations in relation to residential amenity impacts.
- 6.31. Therefore, the scheme accords with Policy SCLP4.3 and the economic objectives of the NPPF.

Other matters raised with Consultation responses.

- 6.32. Little Bealings Parish Council has suggested that an Environmental Impact Assessment (EIA) should be required before the application is determined. However, this application is not seeking to establish a new use or operational development, it is simply seeking to vary the hours of operation. Therefore, it falls outside the scope of the Environmental Impact Assessment Regulations.
- 6.33. The third party consultation responses have raised concerns regarding external lighting being on longer than the permitted hours. The Planning Permission for these parking/turning areas, DC/15/5055/FUL, does not contain any conditions controlling external lighting or its hours of use. Therefore, this is not a matter that can be considered or dealt with through this current application.

7. Conclusion

- 7.1. The proposed variation to the hours of use of the parking/turning areas permitted under DC/15/5055/FUL would align the hours of use for limited HGV movements Monday to Friday with those permitted on the yet to be constructed buildings and parking/turning areas towards the western end of the Sinks Pit site. There are no material planning reasons to justify resisting the alignment of this element of the permitted hours.

- 7.2. It is accepted that the additional main working hours (6am start instead of 7am start Monday to Saturday, and 7:30pm finish instead of 1pm on Saturdays) would increase the hours of activity on this parking and turning areas of the site. However, given the distances from the nearest residential properties, the other industrial type uses that operate elsewhere within the wider Sinks Pit site, and that the Sinks Pit site has been permitted and operational for activities associated with aggregates since the 1950s, it would be extremely difficult for the Local Planning Authority to seek to resist the proposed variation in the permitted hours for these parking and turning areas.
- 7.3. The Local Planning Authority cannot seek to refuse planning permission on the basis of non-planning legislation and the yet unknown conclusions of an ongoing investigation by Environmental Protection, Suffolk County Council and the Environment Agency. If that investigation subsequently concludes a 'Statutory Nuisance' from any part of the whole Sinks Pit site, action would still be possible under the Environmental Protection Legislation.
- 7.4. Therefore, this application to vary condition 3 of DC/15/5055/FUL is recommended for approval subject to conditions.
- 7.5. As this is a variation of condition application, all applicable conditions from the original Planning Permission (DC/15/5055/FUL) have to be reimposed with appropriate modifications to the wording to reflect the implementation of that consent, including the removal of condition 1 which set out the timeframe for implementation, and the variations to the wording of condition 3 (Hours of Operation) sought through this current application. The proposed wording of the conditions with these modifications are set out below.

8. Recommendation

- 8.1. Approve subject to the conditions detailed below.

Conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos TR3 JTA PR AL 050 P1 received on 17 December 2015 and Drawing TR2 JTA EX AL 001 P2 received 5 February 2016.
Reason: For avoidance of doubt as to what has been considered and approved.
2. No more than 12 Heavy Good Vehicle (HGV) movements shall take place on Monday to Friday during the hours of 5:30am and 6:00am or between 5:30am to 6:00 am on Saturdays (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 6am and the close of the HGV working hours, there is no restriction on the maximum number of HGV movements that can take place.
Reason: In the interests of amenity and the protection of the local environment
3. Prior to the hereby approved parking and turning areas, being used for vehicles for hire and/or sale through the business operating in the adjacent building (approved under DC/15/2107/FUL and revised scheme under consideration DC/15/4908/FUL), all areas within the current application site shall be connected to the surface water drainage system as per drawing 47022/C/10 A and associated drainage statement received 5 December 2015 in

connection with application DC/15/4908/FUL, or any revised drainage system approved under application/consent DC/15/4908/FUL).

Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable drainage approach is adopted for the management of surface water.

4. Vehicle loading/unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected directly to the surface water drainage system.
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.
5. 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. This should be as per the drainage details approved in association with the consent for the building.
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.

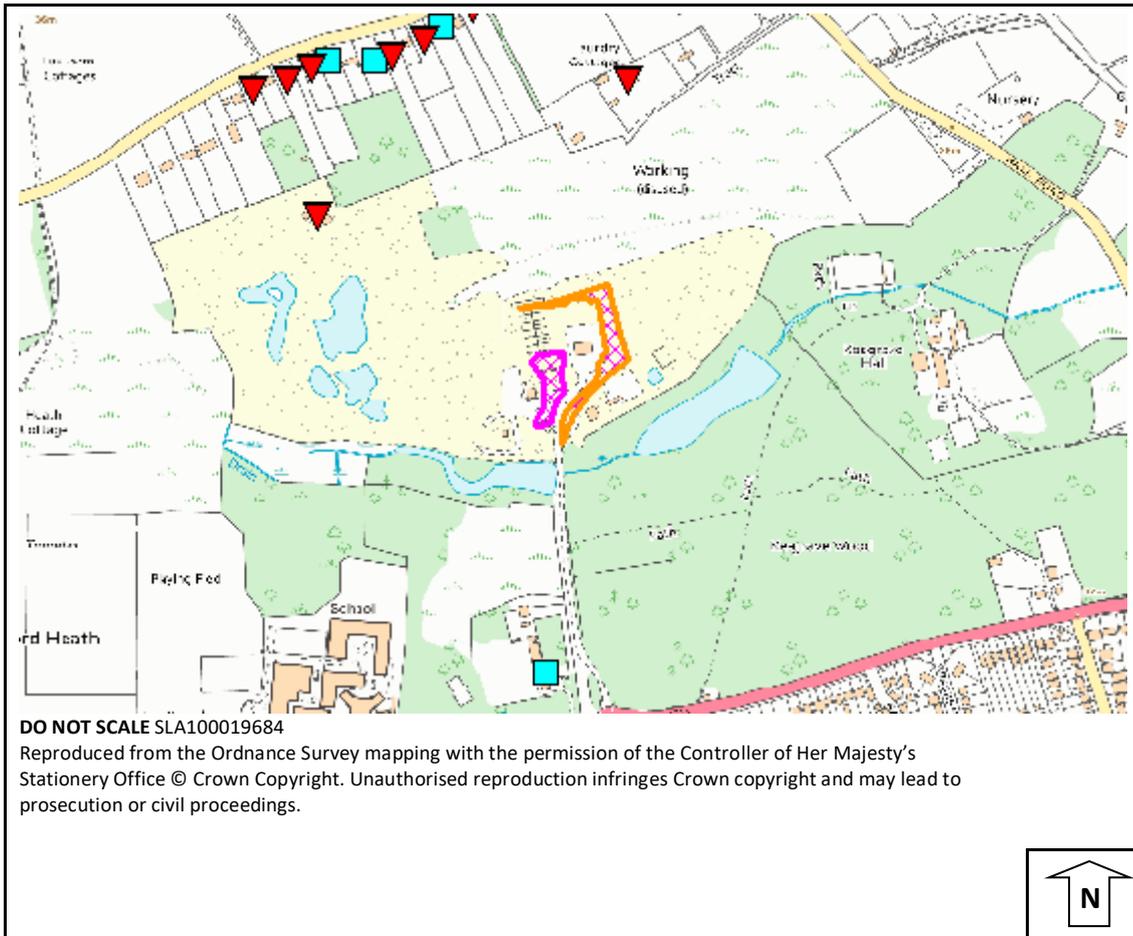
Informatives:

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

Background information

See application reference DC/21/1010/VOC on [Public Access](#)

Map



Key

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

**PLANNING PERMISSION**

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
2010**

DC/15/5055/FUL

Agent

Mr Jerry Tate
Tate Harmer
Unit G1 B2
Stamford Works
3 Gillett Street
Hackney
London
N16 8JH

Applicant

Mr
Trucks R Us Ltd
C/o Agent

Parish

Kesgrave

Date Valid

16th December 2015

Proposal:

Change of use in Kesgrave Quarry from mineral use to associated parking and access routes for adjacent Trucks R Us Headquarters.

Site:

Kesgrave Quarry, Main Road, Kesgrave

PERMISSION IS HEREBY GRANTED by **SUFFOLK COASTAL DISTRICT COUNCIL** as Local Planning Authority for the purposes of the **TOWN AND COUNTRY PLANNING ACT 1990**, for development in complete accordance with the application shown above, the plan(s) and information contained in the application, and subject to compliance with the following conditions as set out below. Your further attention is drawn to any informatives that may have been included.

In determining the application, the Council has given due weight to all material planning considerations including policies within the development plan as follows:

National Planning Policy Framework (March 2012)
 SP1 Sustainable Development (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 SP1A Presumption in Favour of Sustainable Development (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 SP5 Employment Land (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 SP14 Biodiversity and Geodiversity (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 SP15 Landscape and Townscape (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 SP19 Settlement Policy (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 DM10 Protection of Employment Sites (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
 DM12 Expansion and Intensification of Employment Sites (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)

DM19 Parking Standards (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
DM21 Design: Aesthetics (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
DM22 Design: Function (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
DM26 Lighting (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)
DM27 Biodiversity and Geodiversity (Suffolk Coastal District Local Plan Core Strategy and Development Management Policies adopted July 2013)

Conditions:

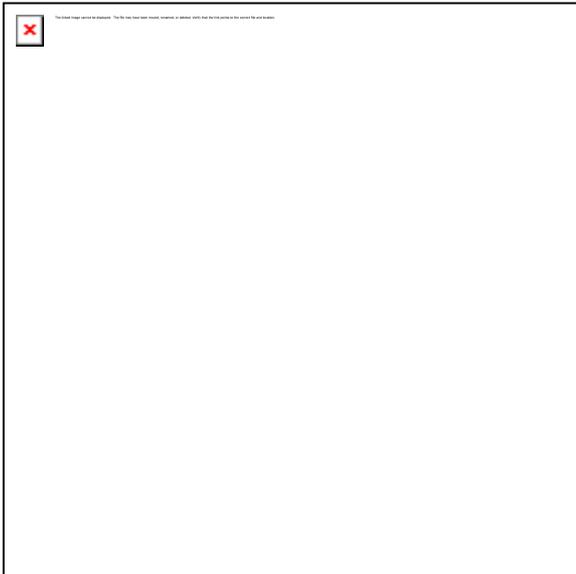
1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos TR3 JTA PR AL 050 P1 received on 17 December 2015 and Drawing TR2 JTA EX AL 001 P2 received 5 February 2016.
Reason: For avoidance of doubt as to what has been considered and approved.
3. No activities or HGV movements shall be carried out on the site other than between the hours of 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 in writing by the local planning authority.
Reason: In the interests of amenity and the protection of the local environment.
4. Prior to the hereby approved parking and turning areas, being used for vehicles for hire and/or sale through the business operating in the adjacent building (approved under DC/15/2107/FUL and revised scheme under consideration DC/15/4908/FUL), all areas within the current application site shall be connected to the surface water drainage system as per drawing 47022/C/10 A and associated drainage statement received 5 December 2015 in connection with application DC/15/4908/FUL, or any revised drainage system approved under application/consent DC/15/4908/FUL).

Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable drainage approach is adopted for the management of surface water.
5. Vehicle loading/unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected directly to the surface water drainage system.
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.
6. 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. This should be as per the drainage details approved in association with the consent for the building.
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.

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.



Head of Planning Services

Date: 8th February 2016

PLEASE READ NOTES BELOW

Note

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

Note

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to conditions, he may appeal to the First Secretary of State. The applicant's right to appeal is in accordance with the appropriate statutory provisions which follow:

Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990 Regulation 15 Town & Country Planning (Control of Advertisements) Regulations 1989.

2. **Notice of appeal** in the case of applications for advertisement consent must be served within **two months** of the date of this notice. Householder planning applications must be served within **twelve weeks** of the date of this notice. In all other cases, notice of appeal must be served within **six**

months of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; or online at <http://www.planningportal.gov.uk/planning/appeals/>. The Planning Inspectorate website can be viewed at <http://www.planning-inspectorate.gov.uk/>.

3. The First Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

4. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development or works which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 114 and 116 of the Town and Country Planning Act 1990.

Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/1079/VOC

Location

Kesgrave Quarry
Sinks Pit
Kesgrave
Suffolk
IP5 2PE

Expiry date 3 June 2021

Application type Variation of Conditions

Applicant Prentice Aircraft and Cars Ltd T/A Trucks R Us

Parish Little Bealings

Proposal Variation of Conditions 6, 7, 8 & 10 of DC/19/2666/FUL - Construction of 2 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. - Variation to operating hours.

Case Officer Katherine Scott
07867 155568
katherine.scott@eastsoffolk.gov.uk

1. Summary

- 1.1. This application is the second of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on this Planning Committee Agenda for determination.
- 1.2. This variation of condition application seeks to vary the conditions relating to hours of activity of Planning Permission DC/19/2666/FUL (copy included as Appendix A), which is yet to be implemented but relates to land towards the western end of the pit and was granted for:

"Construction of 2 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."

1.3. The conditions sought to be varied through this current variation application are:

- Condition 6 - working hours, currently 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays,
- Condition 7 - Number of HGV movements before general hours, currently 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),
- Condition 8 - general HGV movement hours, currently between 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturday),
- Condition 10 - hours of use of air conditioning and similar plant, currently can only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays.

1.4. The conditions are proposed to be varied to:

- Condition 6 - working hours, proposed to be 6am and 7:30pm Monday to Saturday,
- Condition 7 - Number of HGV movements before general hours, proposed to be Monday to Saturday during the hours of 5:30 am and 6am (a maximum of 12 movements each day),
- Condition 8 - general HGV movement hours, proposed to be 5:30 am and 7:30 pm Monday to Saturday,
- Condition 10 - hours of use of air conditioning and similar plant, proposed to be between 6 am and 7:30 pm Monday to Saturday.

1.5. The proposed variations outlined above would align with the hours sought through the other current variation of condition applications for the other areas of the wider site.

1.6. The site itself is within the parish of Little Bealings and the access is via an access driveway from Main Road, Kesgrave. Little Bealings Parish Council has objected to the application. Kesgrave Town Council are in support.

1.7. The consultation process on this application ran from 15 March 2021 and expired on 8 April 2021.

Reason for Planning Committee

1.8. The application has been referred to Planning Committee by the Head of Planning Services due to the consideration of previous applications relating to this site at Planning Committee, and due to the level of public interest in this application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC.

Recommendation

1.9. The application is recommended for Approval subject to conditions

2. Site description

2.1. This application relates to the area of land to the west and north-east of the large building used for large scale vehicle and plant hire located towards the centre of the former Kesgrave Quarry, also known as Sinks Pit.

2.2. This site was formerly a minerals extraction quarry, which appears to have commenced following the granting of Planning Permission for "Use of land for the extraction and working of sand and ballast (South of Laundry Cottage)" in 1951 (case reference E1660).

2.3. Over the following decades various applications were submitted and planning permissions were granted for various mineral extraction, waste deposits, concrete and tarmac production, and associated activities including:

- Asphalt plants/production in 1958, 1963, 1968, 1970, 1974, 1977, 1982, 1987, 1992 and 1997 (references E1660/7, E1660/7a, , E1660/7c, E1660/7d, C141, C141/1, C141/2, C141, C/92/0996 and C/97/1501),
- concrete plants/production in 1966, 1986 , 1986, 1992 and 1997 (E1660/10, C1400/11, C/89/1949, C/92/1237 and C/97/1501),
- a vehicular workshop in 1966 (E1660/11) with an extension in 1972 (E1660/17),
- tipping of domestic and trade refuse, and associated works in 1969, 1970, 1975, 1978, 1985, 1986, 1988, 1991 (E1660/12, E1660/15, C1400, C1400/3, C1400/7, C1400/13, C88/0015 and C/91/1578),

and

- extensions to the mineral workings in 1955, 1960, 1961, 1963, 1970, 1971, 1975, 1976, 1978, 1979, 1981, 1986, 1987, 1988, and 1997 (references E1660/2, E1660/3, E1660/8A, E1660/8B, E1660/9, E1660/13, E1660/13A, C1400/1, C1400/2, C1400/4, C1400/5, C1400/6, C1400/8, C1400/10, C1400/12, C1400/13, C/88/1549 and C/97/1501.

2.4. In addition to the above there were various applications to Suffolk County Council (SCC) as the Local Minerals and Waste Planning Authority from 1992 onwards for a variety of proposals relating to minerals extraction, the manufacture of ready mixed concrete and asphalt, and the deposition of waste material. Unfortunately, SCC as determining authority hold the decision notices and copies of the decisions are not all currently available to ESC. Therefore, East Suffolk Council (ESC) is currently unable to confirm if planning permission was granted or refused for many of those application proposals, so they are not included in the list above. However, these consents do not have a direct bearing on the current variation of condition application, this application relates to a Planning Permission granted by ESC, not SCC, and the consents granted by SCC predominantly relate to areas of land beyond the current application site boundary.

- 2.5. In 2014, Planning Permission was granted towards the western end of the quarry/pit (the site of the current application) 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." (reference DC/13/3408/FUL).

- 2.6. That consent was never implemented and has since expired, but included conditions permitting hours akin to those currently proposed on weekdays (limited HGV movements 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with outside working hours and hours of use of ventilation equipment between 7:00am and 7:30pm Monday to Friday, and between the hours of 7:00am and 1:00pm on Saturdays. The Head of Environmental Services and Port Health did not object to that application. Accordingly, ESC considered that those hours of operation were acceptable in this location.

- 2.7. Subsequent to the 2014 consent, planning permission was granted on 23 December 2019 and remains extant for a revised scheme under case reference DC/19/2666/FUL for

"Construction of 2 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"

- 2.8. The current plant hire building and associated land, which lies to the east of the land referred to in the paragraph above was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL.

- 2.9. The land which is the subject of the previous application on this committee agenda was granted planning permission to be used for parking under reference DC/15/5055/FUL.

- 2.10. Vehicular access to the site is via an access road, which provides vehicular access on to the A1214 at a roundabout. The 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.

- 2.11. 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 former gravel extraction pit. The site lies outside the defined physical limits of any settlement and is therefore within the countryside. Therefore, all three Parish Councils have been consulted on this application.

- 2.12. 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.

- 2.13. 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).
- 2.14. 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).
- 2.15. 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.
- 2.16. 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).
- 2.17. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.18. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.
- 2.19. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.20. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by SCC as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.21. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc granted have been requested from SCC as the Local Minerals and Waste Planning Authority. These are still awaited.
- 2.22. However, the enforcement investigation process in relation to the other uses/structures on the wider site and the determine of the current variation of condition applications are not dependent upon on another. Therefore, the three current applications are brought before Planning Committee for determination.

3. Proposal

- 3.1. This Variation of Condition application seeks to vary the conditions relating to hours of operation/activities etc on the Planning Permission relating to the consent for two buildings and their associated land, which are yet to be constructed on the land to the west of the existing Headquarters Building and associated parking areas. It is described as:

"Variation of Conditions 6, 7, 8 & 10 of DC/19/2666/FUL - Construction of 2 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. - Variation to operating hours."

- 3.2. Condition 6 of DC/19/2666/FUL currently limits the working hours connected with the use/buildings. It states:

"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."

- 3.3. The application seeks to vary the condition to increase the hours so they match those also proposed on the other current variation of condition applications:

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

- 3.4. Condition 7 of DC/19/2666/FUL states:

"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 8, there is no restriction on the maximum number of HGV movements that can take place."

- 3.5. The application seeks to vary the condition to read:

"No more than 12 Heavy Goods Vehicle (HGV) movements shall take place on Monday to Saturday during the hours of 5:30 am and 6am (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 6am and the close of the HGV working hours set out on condition 8, there is no restriction on the maximum number of HGV movements that can take place."

- 3.6. Condition 8 of DC/19/2666/FUL states:

*"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 7), unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of residential amenity"*

3.7. The application seeks to change condition 8 to read:

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

3.8. Condition 10 of DC/19/2666/FUL relates to Ventilation and similar equipment. It currently states:

*"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."*

3.9. The application seeks to vary the wording of condition 10 to read:

"Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 6 am and 7:30 pm Monday to Saturday. 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."

3.10. There are also two other Variation of Condition application currently under consideration and on this Planning Committee Agenda. They seek to vary the permitted hours on the wider site to align with those sought through the application which is the subject of this report.

3.11. The previous application on this committee agenda, application DC/21/1010/VOC seeks:

"Variation of Condition No(s) 3 on application DC/15/5055/FUL - Change of use in Kesgrave Quarry from mineral use to associated parking and access routes for adjacent Trucks R Us Headquarters."

3.12. This relates to the area of land to the west of existing the Headquarters building, and to the east of the buildings which are the subject of the above variation of condition application. The area of land between the existing and yet to be constructed buildings was granted planning permission for an extension to the parking and vehicular movement area associated with the existing headquarters building.

- 3.13. Condition 3 of DC/15/5055/FUL currently limits the hours of activity and Heavy Goods Vehicles (HGVs) to 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays.
- 3.14. Variation of Condition application DC/21/1010/VOC seeks to increase the main working hours to 6am - 7:30pm Monday to Saturday, and to add an additional condition to allow for the limited HGV movements referred to in condition 8 of the application which is the subject of this report (DC/21/1079/VOC), to also take place in this area of the site during the hours currently proposed through this variation of condition application.
- 3.15. The third variation of condition application DC/21/1471/VOC, which is the next item on this committee agenda, relates to the existing Headquarters building and associated land which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry. That variation of condition application seeks:
- "Variation of Conditions 4 and 22 of DC/15/4908/FUL- Erection of new headquarters building for vehicle hire operator comprising workshop, offices, associated parking, drainage infrastructure and landscaping to allow for the hire, storage, workshop and sales of vehicles and machinery (revised scheme to DC/15/2107/FUL and DC/14/4251/FUL) - Variation to operating hours."*
- 3.16. Condition 4 relates to the permitted working hours, which are limited to 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays. It is proposed to be varied to extend the permitted working hours to 6am and 7:30pm Monday to Saturday
- 3.17. Condition 10 relates to the hours during which ventilation, air conditioning and similar plant can be operated. The condition currently limits the hours to 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. The hours are proposed to be extended to be 6am to 7:30pm Monday to Saturday.
- 3.18. The proposed variations outlined above align with one another so the hours sought through all three of the current variation of condition applications, if permitted would result in the same working hours and hours relating to ventilation and similar plant, across the wider site.

4. Consultations/comments

- 4.1. The consultation process on this application ran from 15 March 2021 and expired on 8 April 2021.
- 4.2. There has been one letter of support from a resident of Main Road, raising the following material planning considerations:
- believe that the changes will benefit the local economy and therefore contribute to the greater economic growth of the UK.
- 4.3. There have been 28 letters of Objection (from 18 different properties, plus 3 representations without postal addresses) to this application from residents to the north of the site, raising the following material planning considerations:
- Noise and Disturbance:

- Increased hours will add to the existing problems of noise pollution and disturbance to local residents.
 - The noise and rumblings of the lorries during increased hours will create increased nuisance, to residents using their gardens.
 - The increased hours in the mornings to 5:30am for HGV movements, and site operation from 6am will be 'night time' hours and detrimental to the sleep quality, health and quality of life of those who live nearby.
 - The increased hours would allow vehicles to be hired from 6am with additional noise from the arrival of cars and trucks of drivers who wish to hire vehicles and the associated car banging etc, which will be out of the control of Tru7 or the council and the neighbours would have to put up with it.
 - A loud machinery crash is typically followed by further repeated crashes. There also appears to be no attempt to reduce the impact on the community of the reversing beeps, which can be heard more than a mile away.
 - Noise can be heard in the village of Little Bealings, as since working from home residents have become aware of the noise that generates across the Finn valley from Sinks Pit when lorries empty their contents and reversing beeps.
 - Saturday afternoons and evenings are currently a release from the annoyance. The Saturday working should be prevented completely.
 - Policy SCLP11.2 states that the Council shall have regard to the impact of noise pollution on residential amenity.
 - NPPF paragraph 180a states that development should "mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life."
 - The Noise Policy Statement for England requires that development mitigate and minimise the adverse effect of noise.
 - The systems for air conditioning and ventilation are noisy and must not be permitted. Washing down of vehicles during these extended hours must be avoided at all costs.
 - The noise from reverser beepers and squawkers are particularly troublesome. Understand they are H@S devices. Nevertheless I consider it unreasonable to be pummelled by this noise early in the morning in particular, as happens at present. This goes on and on throughout the day.
- Dust Pollution:
 - Increased hours will add to the existing problems of dust pollution to local residents.
 - Light pollution:
 - Light pollution has increased since the presence of the business.
 - Traffic on Main Road
 - The situation has not improved with the volume of traffic and the increased size of the trucks now being used. It's bad enough with the trucks flying up and down Main Road let alone more of them and longer hours.
 - There would be an increasing amount of pollution, dirt and noise on Main Road due to the increased traffic
 - Other/general:

- The present hours of operation of all of the operations in this Industrial Site cause considerable noise, dust and some light pollution.
- The increase in the hours will lead to an increase in noise, vibration, dust and exhaust fumes, which would have a detrimental environmental impact and road safety.
- Question why an extension to the hours is being sought on part of the site on which the buildings are yet to be constructed, so there is nothing to operate from yet. This site is being used as an overspill from the neighbouring site where there are numerous breaches. The cumulative impact of extending the hours across the sites needs to be considered.
- The noise and light from the site can be very disruptive and does compromise Human Rights Act, Article 8: Respect for your private and family life.
- Believe the use is inappropriate for this residential environment, and rural area/countryside. Such activities should be undertaken away from residential areas.
- The extension of hours should not be permitted whilst there are ongoing enforcement investigations by Environment Agency, Suffolk County Council and East Suffolk Council into noise, pollution and out of hours working at Sinks Pit. The extension to the hours would add to the problem rather than mitigate it. Lack of effort to mitigate the impact of noise on the community amounts to anti-social behaviour of an insidious kind and an extension to such activities should be not considered until effective noise mitigating measures have been seen to be made.
- The additional traffic on the A1214 at very early hours should be of concern to those using, living or working along that road, with increased horn usage of drivers to one another and higher than restricted speed of 30mph.
- Concerned that the new conditions will not be enforceable due to activities taking place beyond the currently permitted hours.
- Noise, dust and light pollution reports are under investigation and no extension should be considered until effective action has been taken to eradicate these.
- This scheme should be subject of an EIA.

4.4. A number of the objections received also raised matters which are not material planning considerations, and therefore can not be considered in the determination of this application. The matters which are not material planning considerations to this application include:

- Personal health issues/conditions of residents.
- Believe the constant applications and changes are gears to completely run-down and sap the energy of residents in the vain hope that they who have enjoyed relative peace for years will simply sit back and let TRU ever expand their horizons.
- The number of complaints against the activities of the applicant across the Sinks Pit site over the past five years.
- The existing state of the road surface on Main Road, near the Ropes Drive East roundabout
- The overuse of the Main Road when the Orwell Bridge is closed, which will result in the road being over used by heavy lorries, low loaders etc, even though a wonder solution to the bridge problem maybe on the horizon, but like the yet to appear By-Pass.
- Reduction in property values

- Concerns that the proposed conditions will be breached in the future i.e. other machinery and equipment will be used as well as lorry movements during the earlier hours.
- Question what pre-application advice was given to the applicant.
- State that planning permission DC/19/2666/FUL should be revoked as this proposal would further exacerbate the situation, contrary to Policy SCLP4.3(d)

4.5. The objections also raise comments regarding other activities on the wider site, which do not fall under the scope of the current applications:

- Consider that little has been done to ameliorate the problem by altering current working practices, e.g. placing an enclosure over the aggregate crushing activity to limit noise and dust.
- Suggest that the recycling area to the eastern end of the site should be acoustically enclosed to capture both noise and dust at source before they escape into the environment.
- Still awaiting a decision for an acoustic bund to limit noise.

4.6. The crushing/recycling activities and the acoustic bund/fencing are not part of the current applications. They are location on areas of the wider Sinks Pit/Kesgrave Quarry site, outside the current application site boundaries.

4.7. There is a current application with Suffolk County Council for "Erection of a noise attenuation fence with associated recontouring along northern boundary bund." (SCC reference SCC/0071/19SC). East Suffolk Council were consulted on this proposal. We responded 14 November 2019, raising no objections but recommending native planting on the bund adjacent to the acoustic fence. (logged as our reference DC/19/4371/CCC).

4.8. The full text of the representations can be viewed online via the public access system.

4.9. Some of the representations suggested other residents should have been consulted via letter. The consultation process on this application exceeded the requirements of our Statement of Community Involvement, which itself goes beyond the requirements of the Town and Country Planning General Development Procedure Order. A site notice was posted, and the application was advertised in the press. Letters were sent to local residents who are close to the site and/or who commented on the previous application relating to this part of the site, rather than just those who physically share a boundary with the site. Officers are therefore confident that the level of public consultation is appropriate in this instance.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Playford Parish Council (neighbouring parish)	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Kesgrave Town Council	15 March 2021	30 March 2021

Summary of comments:
"Support"

Consultee	Date consulted	Date reply received
Foxhall Parish Council (commented on a previous application)	15 March 2021	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	15 March 2021	29 March 2021

"After discussion at its meeting on 23 March 2021 the Council resolved:

o that the Council objected to the application on the grounds that it breached Local Plan Policy SCLP 4.3 by proposing the intensification of an employment site, as productivity enhancement of the site would result in an unacceptable adverse effect on the living conditions of local residents in relation to noise, vibration and dust and, as proven by the existence of over 6,000 residents' complaints to the existing operations in the preceding five years, these adverse impacts have yet to be successfully mitigated.

o that an EIA should be required by ESC before the application was determined"

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	15 March 2021	31 March 2021

Summary of comments:
The Highways Authority does not wish to restrict the grant of permission. The proposed variation of condition is unlikely to result in an unacceptable impact on highway safety nor result in severe highway congestion.

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	15 March 2021	No response

Summary of comments:

No response received

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	15 March 2021	No response

Summary of comments: No response received
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Consultee	Date consulted	Date reply received
Natural England	15 March 2021	6 April 2021

Summary of comments: No response received
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Consultee	Date consulted	Date reply received
SCC Flooding Authority	15 March 2021	1 April 2021

Summary of comments: Advise that they have no comments to make. The proposed variation of conditions has no impact upon the approved surface water drainage strategy.
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Consultee	Date consulted	Date reply received
Environment Agency - Drainage	15 March 2021	No response

Summary of comments: No response received
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Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	15 March 2021	16 March 2021

Summary of comments: No Objections

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	15 March 2021	No response

Summary of comments: No response received
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Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 March 2021	6 April 2021
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ipswich Borough Council	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk County - Minerals And Waste	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Disability Forum	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ecology (Internal)	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
SCDC Enforcement Team	15 March 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	15 March 2021	24 March 2021
<p>Summary of comments:</p> <p>Advise that they have received a number of complaints about noise, dust and light nuisance from the operations at Sinks Pit.</p> <p>Investigations are ongoing with SCC and the EA into the various sources of noise across the wider site, to determine whether these allegations constitute a statutory nuisance.</p> <p>Due to COVID-19, they have not been entering properties to assess noise nuisance, so they cannot say with certainty if the noise is audible inside properties/to what level, but they would expect it to be.</p> <p>Much of the noise is associated with operations at the east of the site and therefore outside the scope of these applications, but there is noise from the middle and west of the site including reversing alarms, loud bangs, metal on metal noise from loading machinery on to vehicles, other alarm noise, tracked vehicle noise etc, which are audible outside the yard and at residential</p>		

properties in the vicinity.

Under noise control British Standards, the current hours are 'daytime', those proposed i.e. 6-7am would be 'night time'. Background levels are likely to be lower 6-7am than from 7am onwards which may adversely affect the judgement of statutory nuisance. To be a nuisance in law, a noise has to unreasonably and significantly interfere with the use and enjoyment of property.

The current hours give residents respite from the noise during closed times. Consider the noise at Sinks Pit to be similar to construction so recommend the same hours (7.30-18.00 Monday to Friday; and 8.00-13.00 on Saturdays). In their view activities have taken place outside permitted hours and therefore consider extended hours would be difficult to enforce.

Consider that the use of the office block for the extended hours is unlikely to cause nuisance. Quote policy SCLP4.3.

Recommend refusal until their investigations into potential statutory nuisance have been completed.

Publicity

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

Category	Published	Expiry	Publication
Major Application	18 March 2021	8 April 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Major Application May Affect Archaeological Site In the Vicinity of Public Right of Way Date posted: 17 March 2021 Expiry date: 7 April 2021
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5. Planning policy

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

5.2. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP4.3 - Expansion and Intensification of Employment Sites

SCLP11.2 - Residential Amenity

6. Planning considerations

Principle

- 6.1. The principle of the use of the application site area for a large vehicle/plant hire business has already been established through the granting of Planning Permission DC/19/2666/FUL, which remains a live Planning Permission.
- 6.2. Therefore, the determination of this application cannot reconsider the principle of the use and activities permitted on this part of the Sinks Pit/ Kesgrave Quarry site. The only matters which can be considered are the material planning considerations arising from the proposed restriction on early morning HGV movements, the proposed additional operating hours and the proposed additional hours of use of the ventilation and similar equipment.
- 6.3. The application proposes to add an additional restriction to the existing planning permission in the form of a restriction on the number of early morning HGV movements to be no more than 12 between the hours of 5:30am and 6am Monday to Saturday.
- 6.4. The application also proposes to extend the overall operational hours and the hours of use of the ventilation and similar equipment from
 - 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays, to
 - 6am - 7:30pm Monday to Saturday.
- 6.5. Both the existing and proposed conditions require no activities to take place outside these hours and/or on Sundays and Bank Holidays.

Residential Amenity and relationship with Environmental Protection Legislation

- 6.6. This application does not relate to any other part of the wider Sinks Pit site or any other activities taking place in those areas. Therefore, if permitted the extended hours on this application would only relate to the area granted planning permission under DC/19/2666/FUL. This variation of condition application would not alter the permitted use or hours of any of the other activities taking place on the wider site.
- 6.7. This is one of three current variation of condition applications scheduled for determination at this planning committee meeting (DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1407/VOC). The three applications seek to vary the hours of activity in relation to the existing plant hire business, its extended parking/turning area and the yet to be constructed additional buildings for plant hire towards the western end of the pit.
- 6.8. The hours are proposed to be varied across the three applications, to align the existing planning permissions with one another, so all of the areas within the pit used for/in association with the plant hire business(es) would be permitted for the same activities during the same hours.
- 6.9. The buildings permitted at the western end of the pit, have been granted planning permission to operate HGV movements from 5:30am Monday to Friday, and from 6am on Saturdays, where as the areas of land permitted for parking and turning, which are the subject of the other current applications are currently only permitted to operate HGVs

from 7am Monday - Saturday. The Head of Environmental Services and Port Health did not object to that application.

- 6.10. If a revised application came forward, it would be unreasonable for the Local Planning Authority to restrict the hours to less than those already granted, as they have been deemed appropriate, and the adoption of the Local Plan in September 2020, did not materially alter the policy approach or local circumstances affecting such proposals on this site. This application seeks to tie up the hours across the areas of the site controlled by East Suffolk Council as the Local Planning Authority.
- 6.11. Given that this area of the site already has approval for a start time for limited HGV movements of 5:30am Monday to Friday, that element of the current proposal for limited HGV movements Monday to Friday could not be reasonably resisted.
- 6.12. There are a number of other potentially noisy activities taking place across the wider sinks pit site including the concrete batching plant, and the storage and sorting of aggregates and similar materials. As acknowledged in the comments from the Head of Environmental Services and Port Health *"Much of the noise audible at the complainants' dwellings is associated with operations at the east of the site and therefore outside the scope of these applications."*
- 6.13. The noise generating activities on the wider site, including those towards the eastern end of the pit lie outside the scope of the current applications and cannot be controlled or prevented through the determination of this application.
- 6.14. Whether or not any of the various the activities across the wider site either in isolation or cumulatively may following the ongoing investigations be considered to be a 'statutory nuisance' is a matter for Environmental Services through their legislation.
- 6.15. The role of the planning system is not to duplicate matters that are controlled by other regulations, and as such the Local Planning Authority cannot seek to refuse this application on the basis of what the Environmental Protection Team may or may not conclude in the future following their investigations as to whether a 'statutory nuisance' is being created.
- 6.16. In determining this variation of condition application, the Local Planning Authority simply has to consider if the extended hours to the plant hire business granted planning permission under DC/19/2666/FUL, would result in sufficient harm to residential amenity to warrant refusal of planning consent and/or if there are any material planning benefits which would outweigh any such harm.
- 6.17. Policy SCLP11.2 relates to Residential Amenity. It states:

"When considering the impact of development on residential amenity, the Council will have regard to the following:

Privacy/overlooking;

Outlook;

Access to daylight and sunlight;

Noise and disturbance;

The resulting physical relationship with other properties;

*Light spillage;
Air quality and other forms of pollution; and
Safety and security.
Development will provide for adequate living conditions for future occupiers and
will not cause an unacceptable loss of amenity for existing or future occupiers of
development in the vicinity."*

- 6.18. There are no physical changes proposed as part of this application. Therefore, there are no concerns regarding privacy/overlooking, outlook, access to daylight and sunlight, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, or safety and security. These were all matters considered during the determination of the original planning application for the use of this area of the Sinks pit site for parking and turning associated with the plant hire business operations.
- 6.19. The remaining residential amenity considerations within Policy SCLP11.2 relevant to the determination of the current application are noise and disturbance.
- 6.20. The nearest property to the northern parking and turning area is Bealings Hoo, which is located to the north beyond the bund, and its nearest external wall is more than 200m from the northern edge of the current application site. The northern edge of the application site is also more than 200m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).
- 6.21. Given the distanced from the nearest residential properties, the changes in ground levels and the ability to control the hours of limited HGV vehicular activity, there would not be a sufficient impact upon residential amenity to Bealings Hoo, Pine Hills and the other dwellings to the north to sustain a refusal of planning consent.
- 6.22. The nearest residential dwelling to the access road is Bracken Hall, 230 Main Road, Kesgrave, which lies approximately 40m from the access road. This property is significantly closer to the access road which would be used by HGVs during the increased hours, than the dwellings to the north. That property was notified of the application via letter, but no response has been received. If the current application were to be permitted, there would be HGV traffic past this property associated with the parking and turning areas during more hours than those currently permitted. However, background noise levels at this property are already likely to be higher than those at the properties to the north, even during early morning and on Saturday afternoons, because it is closer to the A1214, Main Road, Kesgrave which is one of the main access routes into and out of Ipswich, and as a public highway can be used by HGVs and other vehicles 24 hours a day 365 days a year, by traffic from elsewhere. Therefore, it is considered that the potential impacts of noise and disturbance upon 'Bracken Hall' would be insufficient to sustain a refusal of planning consent.
- 6.23. Whilst the impacts of noise and disturbance arising from the increased hours would be insufficient to sustain a refusal of planning consent in this case, the granting of the proposed variation of condition, would not prevent the Environmental Protection Team taking formal action under their legislation in relation to noise and disturbance they may deem to be a 'statutory nuisance' in the future.

Expansion and Intensification of Employment Sites and Economic Considerations

6.24. The NPPF recognises the importance of building and supporting a strong competitive economy. In Paragraph 80 it states:

"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....."

6.25. The proposed increase to the hours would enable the business to operate for longer hours, potentially enabling it to undertake a greater amount of business, increasing its contribution to the local economy. The nature of the business permitted by DC/19/2666/FUL means that it would enable and support the construction industry across the district and beyond, and other aspects of the wider economy. This benefit to the economy is recognised in the third party representation of support. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.

6.26. Policy SCLP4.3 relates to the 'Expansion and Intensification of Employment Sites'. It allows for proposals to expand, alter or make productivity enhancements to existing employment premises, unless:

"a) The scale of development would cause a severe impact on the highway network; or

There will be an unacceptable adverse effect on the environmental sustainability of the area; or

The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or

There is an unacceptable adverse effect on the living conditions of local residents and businesses relating to matters of noise, vibration, dust and light; and

Potential adverse impacts can not be successfully mitigated..."

6.27. The proposed expansion of the hours would result in additional traffic movements along Main Road, Kesgrave before 7am and on Saturday afternoons, but this would be outside normal 'rush hour' times, and HGVs etc are already using this road and the wider road network. As it is a public highway without limitations on size/scale of vehicles, HGVs from both Sinks Pit and elsewhere can use the road 24 hours a day 365 days a year. The Local Highway Authority has also raised no objections. Therefore it would be unreasonable to seek to refuse the current proposals on the basis of matters of highway safety and/or the other potential impacts of HGVs using Main Road.

6.28. The increase in the working hours would not be altering the business activities taking place on site or the ground area permitted for these uses. Therefore, there are no significant concerns regarding the environmental sustainability of the area.

6.29. This application relates to the times at which the proposed buildings and associate parking and turning areas can be used, rather than a change in the type of use of the land. The other employment uses within the pit are also related to construction, such as the existing plant hire business, the aggregates storage, the cement batching. There are no concerns regarding compatibility with the surrounding employment uses in terms of parking, access, noise, odour or other amenity concerns.

- 6.30. As explained in the residential amenity section of this report this proposal is deemed acceptable in terms of material planning considerations in relation to residential amenity impacts.
- 6.31. Therefore, the scheme accords with Policy SCLP4.3 and the economic objectives of the NPPF.

Other matters raised with Consultation responses.

- 6.32. Little Bealings Parish Council and a third party representation has suggested that an Environmental Impact Assessment (EIA) should be required before the application is determined. However, this application is not seeking to establish a new use or operational development, it is simply seeking to vary the hours of operation. Therefore, it falls outside the scope of the Environmental Impact Assessment Regulations.
- 6.33. The third party consultation responses have raised concerns regarding other uses taking place on the wider sinks pit site, such as the aggregate crushing. These uses are outside the areas and scope of the current applications, and therefore in accordance with planning regulations the Local Planning Authority can not seek to control those activities through the determination of this application or the other two current variation of condition applications.
- 6.34. Similarly, East Suffolk Council as Local Planning Authority for the determination of these applications can not determine the application for the acoustic bund that was submitted to Suffolk County Council as Local Planning Authority for Minerals and Waste in 2019.
- 6.35. A third party representation has also suggested that the planning permission to which this current variation of condition application relates (DC/19/2666/FUL) should be revoked. The Local Planning Authority can not seek to revoke an existing planning permission without just cause related to procedural matters. There are no such justifiable circumstances in this case. Contrary to the suggestion by the third party, the Local Planning Authority can not seek to revoke a planning permission on the basis of what may be occurring elsewhere on the wider Sinks Pit site.

7. Conclusion

- 7.1. It is accepted that the additional main working hours and associated use of the ventilation and similar equipment (6am start instead of 7am start Monday to Saturday, and 7:30pm finish instead of 1pm on Saturdays) would increase the hours of activity on this parking and turning areas of the site. However, given the distances from the nearest residential properties, the other industrial type uses that operate elsewhere within the wider Sinks Pit site, and that the Sinks Pit site has been permitted and operational for activities associated with aggregates since the 1950s, it would be extremely difficult for the Local Planning Authority to seek to resist the proposed variation in the permitted hours for these parking and turning areas.
- 7.2. The Local Planning Authority cannot seek to refuse planning permission on the basis of non-planning legislation and the yet unknown conclusions of an ongoing investigation by

Environmental Protection, Suffolk County Council and the Environment Agency. If that investigation subsequently concludes a 'Statutory Nuisance' from any part of the whole Sinks Pit site, action would still be possible under the Environmental Protection Legislation.

- 7.3. The nature of the existing business means that it enables and supports the construction industry across the district and beyond, and other aspects of the wider economy. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.
- 7.4. Therefore, this application to vary conditions 6, 7, 8 and 10 of DC/19/2666/FUL is recommended for approval subject to conditions.
- 7.5. As this is a variation of condition application, all applicable conditions from the original Planning Permission (DC/19/2666/FUL) have to be reimposed with appropriate modifications to the wording to reflect the implementation of that consent, including the wording of condition 1 to reflect the timeframe for implementation as three years from the date on which DC/19/2666/FUL was issued, the variations to the wording of conditions 6, 7, 8 and 10 sought through this current application. The proposed wording of the conditions with these modifications are set out below.

8. Recommendation

- 8.1. Approve subject to the conditions set out below.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this parent planning permission DC/19/2666/FUL, which was issued on 23 December 2019 (i.e. the consent will expire 23 December 2022 if not lawfully implemented by that date).

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:

Documents received 3 July 2019:

- o Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan - Project no 4780
- o Transport Statement - Project no 49809
- o Preliminary Ecological Appraisal
- o Planning Statement Ref: 4578-PS1 Rev P1
- o Phase One Desk Study Report & Data Review - Project no 49809
- o Materials Schedule Ref: 4578-PS1 Rev P1
- o Landscape & Visual Assessment for Proposed Commercial Development
- o Existing & Proposed Site Plan - Drawing No 7480-D-AIA,
- o Block Plan - Drawing No 4578-PL1 Rev P3

- o Unit 1 Floor Plans - Drawing No 4578-PL2 Rev P2
- o Unit 2 Floor Plans - Drawing No 4578-PL3 Rev P2
- o Unit 1 Elevations - Drawing No 4578-PL4 Rev P2
- o Unit 2 Elevations - Drawing No 4578-PL5 Rev P2
- o Typical Coloured Elevations - Drawing No 4578-PL6 Rev P2
- o Unit 1 Roof Plan - Drawing No 4578-PL7 Rev P2
- o Unit 2 Roof Plan - Drawing No 4578-PL8 Rev P2
- o Design and Access Statement

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. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply, hire and sale of 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, within designated areas in accordance with details to be approved as part of the drainage strategy.

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.

6. The working hours in connection with the use/buildings hereby permitted, shall not be other than between 6am and 7:30pm Monday to Saturday; and no work shall be carried out on Sundays, 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 Goods Vehicle (HGV) movements shall take place on Monday to Saturday during the hours of 5:30 am and 6am (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 6am and the close of the HGV working hours set out on condition 8, there is no restriction on the maximum number of HGV movements that can take place.

Reason: In the interests of residential amenity.

8. Heavy Goods Vehicle (HGV) movements shall only take place between the hours of 5:30 am and 7:30 pm Monday to Saturday, with no HGV movements on Sundays or Bank Holidays (subject to the numbers restriction during early mornings outlined in condition 7), 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 6 am and 7:30 pm Monday to Saturday. 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.

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.

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.

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).

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.

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, without adversely affecting the Sinks Pit SSSI.

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

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

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

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

21. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater, or adversely affect the Sinks Pit SSSI.

22. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

23. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment. An options appraisal and remediation strategy, based on these results, must give full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying

any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

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

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

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 condition(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/

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 or email llpg@eastsuffolk.gov.uk

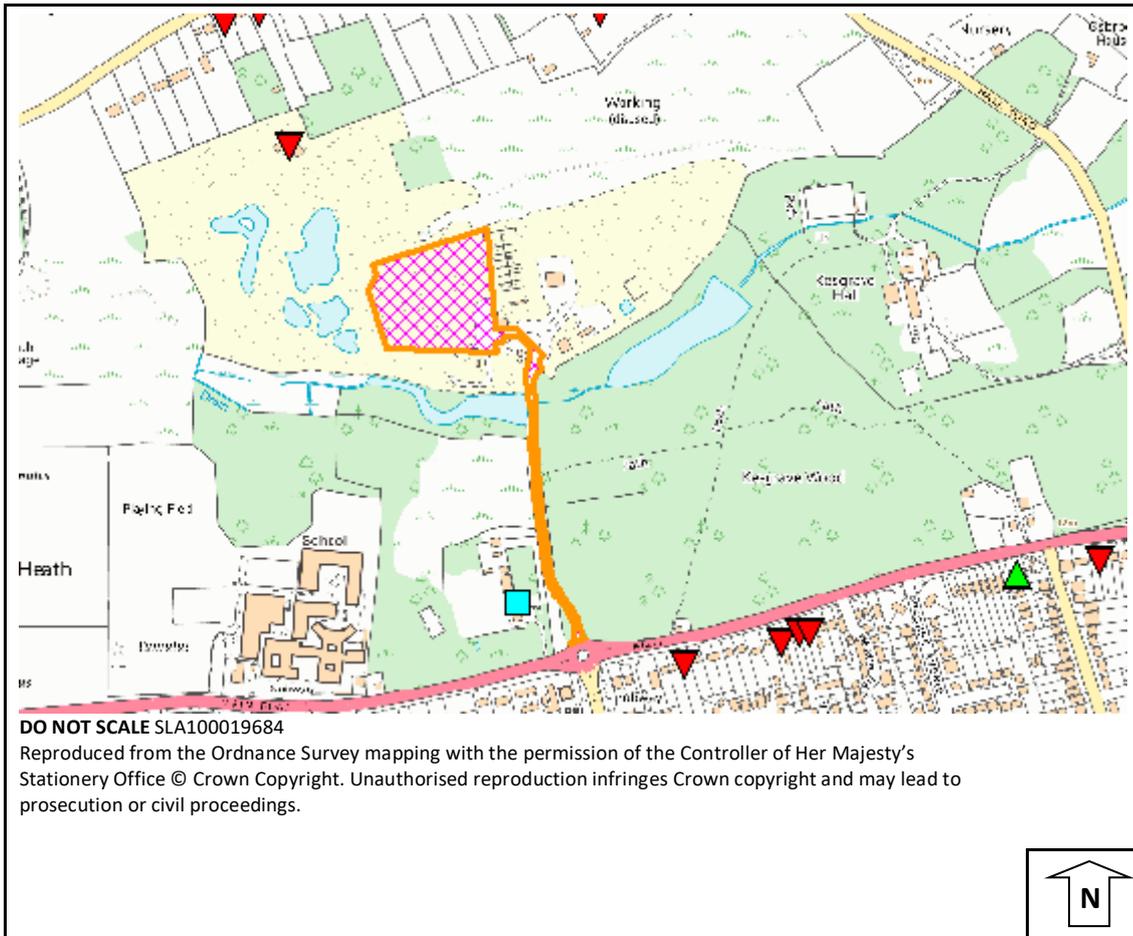
7. The trees adjacent to and overhanging the access road are protected by Tree Preservation Order ESCC No 20 (1950). It is an offence to undertake works to the trees without prior written consent from the Local Planning Authority. Consent is required prior to the trees being lopped, topped, pruned, uprooted, 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 applicants attention is drawn to the comments in Fire and Rescue Service Letter on DC/19/2666/FUL 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 replacement 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). 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 or from the Local Planning Authority by submitting an application for 'pre-application advice', details of which can be obtained via <https://www.eastsuffolk.gov.uk/planning/planning-applications-and-enforcement/find-out-if-you-need-planning-permission/pre-application-advice-service/>
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
17. The applicant is advised that the drainage details required under conditions 18 to 22 are expected to be in line with the indicative drainage details submitted and considered within application DC/19/2666/FUL.

Background information

See application reference DC/21/1079/VOC on [Public Access](#)

Map



Key

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



Mr D Wife
 David Clarke and Associates
 Turret House
 Turret Lane
 Ipswich
 Suffolk
 IP4 1DL

Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Our reference	DC/19/2666/FUL
Date valid	3 July 2019
Site	Kesgrave Quarry , Sinks Pit, Kesgrave
Parish	Little Bealings
Proposal	Construction of 2 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

Permission is hereby **granted** by East Suffolk Council as local planning authority for the purposes of the Town and Country Planning Act 1990, for development in complete accordance with the application shown above, the plan(s) and information contained in the application, and subject to compliance with the following conditions as set out below. Your further attention is drawn to any informatives that may have been included.

In determining the application, the council has given due weight to all material planning considerations including policies within the development plan as follows:

National Planning Policy Framework

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

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT
 DX: 41400 Woodbridge

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ
 DX: 41220 Lowestoft

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))

XSP19 - 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))

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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))

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))

AP212 - Ipswich Fringe: Open Character of Land between Settlements ('Saved' Policy of the Suffolk Coastal Local Plan (incorporating the First and Second Alterations))

SPG 5 - Nature conservation (East Suffolk Council - Suffolk Coastal District Local Plan - Supplementary Planning Guidance)

Suffolk County Council Minerals Core Strategy - adopted September 2008

Suffolk County Council Minerals Specific Site Allocation Document - adopted September 2009

Conditions:

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

Reason: This condition is imposed in accordance with Section 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:

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Documents received 3 July 2019:

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

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. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply, hire and sale of 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, within designated areas in accordance with details to be approved as part of the drainage strategy.

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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.

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 8, 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 7), 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.

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.

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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.

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.

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).

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.

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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.

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

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, without adversely affecting the Sinks Pit SSSI.

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

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

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

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

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

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater, or adversely affect the Sinks Pit SSSI.

22. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

23. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment. An options appraisal and remediation strategy, based on these results, must give full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

24. Prior to any part of the development scheme being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and

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the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework, and to also ensure that the Sinks Pit SSSI is not adversely affected by changes to ground water flows and/or sources of contamination.

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

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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/

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 or email 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.

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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 applicants 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 replacement 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). 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 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

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17. The applicant is advised that the drainage details required under conditions 18 to 22 are expected to be in line with the indicative drainage details submitted and considered within this application.

Yours sincerely,



Philip Ridley BSc (Hons) MRTPI | Head of Planning & Coastal Management
East Suffolk Council

Date: 23 December 2019

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Please read notes below

Note

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

Town and Country Planning Act 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990
Regulation 15 Town & Country Planning (Control of Advertisements) Regulations 1989.
- If an enforcement notice has been/is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed

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development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice

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DC – PEFULZ v.1

Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/1471/VOC

Location

Sinks Gravel Pit
Main Road
Kesgrave
IP5 2PE

Expiry date 23 June 2021
Application type Variation of Conditions
Applicant Nicholls Ltd T/A Tippers R Us

Parish Little Bealings

Proposal Variation of Conditions 4 and 22 of DC/15/4908/FUL- Erection of new headquarters building for vehicle hire operator comprising workshop, offices, associated parking, drainage infrastructure and landscaping to allow for the hire, storage, workshop and sales of vehicles and machinery (revised scheme to DC/15/2107/FUL and DC/14/4251/FUL) - Variation to operating hours.

Case Officer Katherine Scott
07867 155568
katherine.scott@eastsoffolk.gov.uk

1. Summary

- 1.1. This application is the third of three variation of condition applications relating to Sinks Pit (also known as Kesgrave Quarry) on this Planning Committee Agenda for determination.
- 1.2. This application relates to the existing Headquarters Building and associate land, which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry, also known as Sinks Pit. The plant hire building and associated land was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL.
- 1.3. This variation of condition application seeks to vary conditions 4 and 22 of Planning Permission DC/15/4908/FUL, which are:

- Condition 4 relates to the permitted working hours, which are limited to 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays
- Condition 22 relates to the permitted hours of operation of air conditioning and similar plant, which are limited to 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays,

1.4. The conditions are proposed to be altered to:

- Condition 4 relates to the permitted working hours, which are proposed to be 6am and 7:30pm Monday to Saturday,
- Condition 22 relates to the permitted hours of operation of air conditioning and similar plant, which are proposed to be 6am to 7:30pm Monday to Saturday.

1.5. The proposed variations outlined above would align with the hours sought through the other current variation of condition applications for the other areas of the wider site.

1.6. The site itself is within the parish of Little Bealings and the access is via an access driveway from Main Road, Kesgrave. At the time of drafting this report neither Little Bealings Parish Council or Kesgrave Town Council had commented on the application. However, they have both commented on the two other variation of condition applications on this committee agenda. Little Bealings Parish Council object to both DC/21/1010/VOC and DC/1079/VOC, and Kesgrave Town Council support both applications.

1.7. The Local Ward member (Cllr Hedgely) has commented on this application raising concerns regarding the impacts upon the health and wellbeing of his constituents and advising he intends to speak at the meeting. His comments are included in full within the report below.

1.8. The consultation process on this application ran from 29 March 2021 and will extend until 26 April 2021, expiring the day prior to the Planning Committee on 27 April 2021. Any additional comments received after this report was drafted will be included on the Committee update sheet.

Reason for Planning Committee

1.9. The application has been referred to Planning Committee by the Head of Planning Services due to the consideration of previous applications relating to this site at Planning Committee, and due to the level of public interest in this application and the associated variation of condition applications DC/21/1079/VOC and DC/21/1407/VOC

Recommendation

1.10. The application is recommended for Authority to Approve subject to no additional material planning considerations being raised during the consultation period, and subject to appropriate conditions.

2. Site description

2.1. This application relates to the existing Headquarters Building and associate land, which are used for large scale vehicle and plant hire, and associate activities towards the centre of the former Kesgrave Quarry, also known as Sinks Pit. The plant hire building and associated land was granted planning permission under reference DC/15/4908/FUL as a revised scheme to DC/15/2107/FUL and DC/14/4251/FUL.

- 2.2. This site was formerly a minerals extraction quarry, which appears to have commenced following the granting of Planning Permission for "Use of land for the extraction and working of sand and ballast (South of Laundry Cottage)" in 1951 (case reference E1660).
- 2.3. Over the following decades various applications were submitted and planning permissions were granted for various mineral extraction, waste deposits, concrete and tarmac production, and associated activities including:
- Asphalt plants/production in 1958, 1963, 1968, 1970, 1974, 1977, 1982, 1987, 1992 and 1997 (references E1660/7, E1660/7a, , E1660/7c, E1660/7d, C141, C141/1, C141/2, C141, C/92/0996 and C/97/1501),
 - concrete plants/production in 1966, 1986 , 1986, 1992 and 1997 (E1660/10, C1400/11, C/89/1949, C/92/1237 and C/97/1501),
 - a vehicular workshop in 1966 (E1660/11) with an extension in 1972 (E1660/17),
 - tipping of domestic and trade refuse, and associated works in 1969, 1970, 1975, 1978, 1985, 1986, 1988, 1991 (E1660/12, E1660/15, C1400, C1400/3, C1400/7, C1400/13, C88/0015 and C/91/1578),
- and
- extensions to the mineral workings in 1955, 1960, 1961, 1963, 1970, 1971, 1975, 1976, 1978, 1979, 1981, 1986, 1987, 1988, and 1997 (references E1660/2, E1660/3, E1660/8A, E1660/8B, E1660/9, E1660/13, E1660/13A, C1400/1, C1400/2, C1400/4, C1400/5, C1400/6, C1400/8, C1400/10, C1400/12, C1400/13, C/88/1549 and C/97/1501.
- 2.4. In addition to the above there are various applications to Suffolk County Council (SCC) as the Local Minerals and Waste Planning Authority from 1992 onwards for a variety of proposals relating to minerals extraction, the manufacture of ready mixed concrete and asphalt, and the deposition of waste material. Unfortunately, SCC as determining authority hold the decision notices and copies of the decisions are not all currently available to East Suffolk Council (ESC). Therefore, ESC is currently unable to confirm if planning permission was granted or refused for many of those application proposals, so they are not included in the list above. However, these consents do not have a direct bearing on the current variation of condition application, this application relates to a Planning Permission granted by ESC, not SCC, and the consents granted by SCC predominantly relate to areas of land beyond the current application site boundary.
- 2.5. In 2014, Planning Permission was granted towards the western end of the quarry/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."* (reference DC/13/3408/FUL).

- 2.6. That consent was never implemented and has since expired, but included conditions permitting hours akin to those currently proposed on weekdays (limited HGV movements 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with outside working hours and hours of use of ventilation equipment between 7:00am and 7:30pm Monday to Friday, and between the hours of 7:00am and 1:00pm on Saturdays. The Head of Environmental Services and Port Health did not object to that application. Accordingly, ESC considered that those hours of operation were acceptable in this location.
- 2.7. Vehicular access to the site is via an access road, which provides vehicular access on to the A1214 at a roundabout. The 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.
- 2.8. 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 former gravel extraction pit. The site lies outside the defined physical limits of any settlement and is therefore within the countryside. Therefore all three Parish Councils have been consulted on this application.
- 2.9. 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.
- 2.10. 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).
- 2.11. 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).
- 2.12. The nearest residential dwelling to the access drive 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.
- 2.13. At the closest point the red line of the main part of the application site (the area in the pit) is approximately 184m from the outside wall of the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).
- 2.14. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.15. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.

- 2.16. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.17. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by SCC as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.18. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc granted have been requested from SCC as the Local Minerals and Waste Planning Authority. These are still awaited.
- 2.19. 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).
- 2.20. 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. At the closest point the red line of the main part of the application site (the area in the pit) is approximately 184m from the outside wall of the nearest dwelling to the north-east (Bealings Hoo, Hall Road). The application site would also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).
- 2.21. There is a 10m high (above pit floor) bund and vegetated area to the north and North West, along the edge of the former quarry. This area was created as part of the restoration works approved by Suffolk County Council in 1997 (reference C97/1501).
- 2.22. Other uses/activities are taking place in the former quarry, outside the extent of the sites currently under consideration through applications DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1471/VOC.
- 2.23. Many of these uses such as those on the CEMEX site have existed for a number of years, some since the wider site was operational as a mineral extraction site, and therefore at the time they commenced are likely to have fallen under the consideration of Suffolk County Council as the Local Minerals and Waste Planning Authority. The enforcement of conditions on the planning permissions for those uses/activities therefore rests with Suffolk County Council as the Planning Authority who granted the planning permission.
- 2.24. Similarly, if the uses/activities do not have consent and are related to minerals, they also potentially fall within the scope of enforcement by Suffolk County Council as the Local Minerals and Waste Planning Authority, rather than East Suffolk Council.
- 2.25. As part of an ongoing planning enforcement investigation, copies of the Planning Permissions issued by Suffolk County Council and details of the activities, structures etc

granted have been requested from Suffolk County Council as the Local Minerals and Waste Planning Authority. These are still awaited.

- 2.26. However, the enforcement investigation process in relation to the other uses/structures on the wider site and the determine of the current variation of condition applications are not dependent upon on another. Therefore, the three current applications are bought before Planning Committee for determination.

3. Proposal

- 3.1. This variation of condition application seeks to vary conditions 4 and 22 of Planning Permission DC/15/4908/FUL, which granted planning permission for the existing building and associated parking and turning areas for large vehicle and plant hire business.

- 3.2. Condition 4 relates to the permitted working hours. It currently states:

"The working hours in connection with the use/building[s] 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 in writing by the local planning authority.

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

- 3.3. Condition 4 is proposed to be altered to read:

"The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 6am and 7:30pm Monday to Saturday; 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."

- 3.4. Condition 22 relates to the hours of use of ventilation, air conditioning and similar equipment. It current states:

"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."

- 3.5. Condition 22 is proposed to be altered to read:

"Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 6am to 7:30pm Monday to Saturday. 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."

- 3.6. There are also two other Variation of Condition application currently under consideration and on this Planning Committee Agenda. They seek to vary the permitted hours on the wider site to align with those sought through the application which is the subject of this report.
- 3.7. Variation of Condition application DC/21/1079/VOC seeks to increase the hours set in conditions 6, 7, 8 & 10 of DC/19/2666/FUL, so that they line up with those currently proposed on this variation of condition application (6am - 7:30pm Monday to Saturday) with restrictions on the number of HGVs between (5:30am and 6:00am or between 5:30am to 6:00 am on Saturdays).
- 3.8. Variation of Condition application DC/21/1010/VOC seeks to increase the main working hours to 6am - 7:30pm Monday to Saturday, and to add an additional condition to allow for the limited HGV movements referred to in condition 8 of DC/21/1079/VOC, to also take place in this area of the site during the hours currently proposed through this variation of condition application.
- 3.9. The proposed variations outlined above align with one another so the hours sought through all three of the current variation of condition applications, if permitted would result in the same working hours and hours relating to ventilation and similar plant, across the wider site.

4. Consultations/comments

- 4.1. The consultation process on this application ran from commenced on 29 March 2021, and will expire at midnight on 26 April 2021.
- 4.2. At the time of drafting this report, there had been 23 letters of Objection (from 16 different properties, plus 4 representations without postal addresses) to this application from residents to the north of the site, raising the following material planning considerations:
 - Noise and Disturbance:
 - Increased hours will add to the existing problems of noise pollution and disturbance to local residents.
 - The noise and rumblings of the lorries during increased hours will create increased nuisance, to residents using their gardens.
 - The increased hours in the mornings to 5:30am for HGV movements, and site operation from 6am will be 'night time' hours and detrimental to the sleep quality, health and quality of live of those who live nearby.
 - The increased hours would allow vehicles to be hired from 6am with additional noise from the arrival of cars and trucks of drivers who wish to hire vehicles and the associate car banging etc, which will be out of the control of Tru7 or the council and the neighbours would have to put up with it.
 - A loud machinery crash is typically followed by further repeated crashes. There also appears to be no to attempt to reduce the impact on the

community of the reversing beeps, which can be heard more than a mile away.

- Noise can be heard in the village of Little Bealings, as since working from home residents have become aware of the noise that generates across the Finn valley from Sinks Pit when lorries empty their contents and reversing beeps.
 - Saturday afternoons and evenings are currently a release from the annoyance.
- Dust Pollution:
 - Increased hours will add to the existing problems of dust pollution to local residents.
 - The dust is already a problem, meaning windows can not be opened and children walking to school breathing the dust in.
 - Light pollution:
 - Light pollution has increase since the presence of the business.
 - Traffic on Main Road
 - The situation has not improved with the volume of traffic and the increased size of the trucks now being used. It's bad enough with the trucks flying up and down Main Road let alone more of them and longer hours.
 - There would be increasing amount of pollution, dirt and noise on Main Road due to the increased traffic
 - Other/general:
 - The present hours of operation of all of the operations in this Industrial Site cause considerable noise, dust and light pollution.
 - The increase in the hours will lead to an increase in noise, vibration, dust and exhaust fumes, which would have a detrimental environmental impact and road safety.
 - The noise and light from the site can be very disruptive and does compromise Human Rights Act, Article 8: Respect for your private and family life.
 - Believe the use is inappropriate for this residential environment, and rural area/countryside. Such activities should be undertaken away from residential areas.
 - The extension of hours should not be permitted whilst there are ongoing enforcement investigations by Environment Agency, Suffolk County Council and East Suffolk Council into noise, pollution and out of hours working at Sinks Pit. The extension to the hours would add to the problem rather than mitigate it. Lack of effort to mitigate the impact of noise on the community amounts to anti-social behaviour of an insidious kind and an extension to such activities should be not considered until effective noise mitigating measures have been seen to be made.
 - The additional traffic on the A1214 at very early hours should be of concern to those using, living or working along that road, with increased horn usage of drivers to one another and higher than restricted speed of 30mph.

- Concerned that the new conditions will not be enforceable due to activities taking place beyond the currently permitted hours including during the Easter Bank Holiday weekend.
- Noise, dust and light pollution reports are under investigation and no extension should be considered until effective action has been taken to eradicate these.

4.3. A number of the objections received also raised matters which are not material planning considerations, and therefore can not be considered in the determination of this application. The matters which are not material planning considerations to this application include:

- Personal health issues/conditions of residents.
- Believe the constant applications and changes are gears to completely run-down and sap the energy of residents in the vain hope that they who have enjoyed relative peace for years will simply sit back and let TRU ever expand their horizons.
- The number of complaints against the activities of the applicant across the Sinks Pit site over the past five years.
- The existing state of the road surface on Main Road, near the Ropes Drive East roundabout. Drainage on the A1214 from the roundabout to Hall Lane is not fit for purpose. When it rains the road is flooded.
- Concerns that the proposed conditions will be breached in the future i.e. other machinery and equipment will be used as well as lorry movements during the earlier hours.

4.4. The objections also raise comments regarding other activities on the wider site, which do not fall under the scope of the current applications:

- Consider that little has been done to ameliorate the problem by altering current working practices, e.g. placing an enclosure over the aggregate crushing activity to limit noise and dust.
- Still awaiting a decision for an acoustic bund to limit noise.

4.5. The crushing/recycling activities and the acoustic bund/fencing are not part of the current applications. They are location on areas of the wider Sinks Pit/Kesgrave Quarry site, outside the current application site boundaries.

4.6. There is a current application with Suffolk County Council for "Erection of a noise attenuation fence with associated recontouring along northern boundary bund." (SCC reference SCC/0071/19SC). East Suffolk Council were consulted on this proposal. We responded 14 November 2019, raising no objections but recommending native planting on the bund adjacent to the acoustic fence. (logged as our reference DC/19/4371/CCC).

4.7. The full text of the representations can be viewed online via the public access system.

4.8. Some of the representations suggested other residents should have been consulted via letter. The consultation process on this application exceeded the requirements of our Statement of Community Involvement, which itself goes beyond the requirements of the Town and Country Planning General Development Procedure Order. A site notice was posted, and the application was advertised in the press. Letters were sent to local

residents who are close to the site and/or who commented on the previous application relating to this part of the site, rather than just those who physically share a boundary with the site. Officers are therefore confident that the level of public consultation is appropriate in this instance.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Kesgrave Town Council	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Playford Parish Council (neighbouring parish)	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Foxhall Parish Council (commented on a previous application)	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Natural England	29 March 2021	6 April 2021
Summary of comments: Has no comment to make on the variation of condition 4 and 22		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 March 2021	No response
Summary of comments:		

No comments received when report was drafted

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	29 March 2021	29 March 2021
Summary of comments: Have no comments to make		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Ipswich Borough Council	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Suffolk County - Minerals And Waste	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	29 March 2021	No response
Summary of comments: No comments received when report was drafted		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 March 2021	No response
Summary of comments: Internal Planning Services consultee		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	29 March 2021	30 March 2021
<p>Summary of comments:</p> <p>Advise that they have received a number of complaints about noise, dust and light nuisance from the operations at Sinks Pit.</p> <p>Investigations are ongoing with SCC and the EA into the various sources of noise across the wider site, to determine whether these allegations constitute a statutory nuisance.</p> <p>Due to COVID-19, they have not been entering properties to assess noise nuisance, so they cannot say with certainty if the noise is audible inside properties/to what level, but they would expect it to be.</p> <p>Much of the noise is associated with operations at the east of the site and therefore outside the scope of these applications, but there is noise from the middle and west of the site including reversing alarms, loud bangs, metal on metal noise from loading machinery on to vehicles, other alarm noise, tracked vehicle noise etc, which are audible outside the yard and at residential properties in the vicinity.</p> <p>Under noise control British Standards, the current hours are 'daytime', those proposed i.e. 6-7am would be 'night time'. Background levels are likely to be lower 6-7am than from 7am onwards which may adversely affect the judgement of statutory nuisance. To be a nuisance in law, a noise has to unreasonably and significantly interfere with the use and enjoyment of property.</p> <p>The current hours give residents respite from the noise during closed times. Consider the noise at Sinks Pit to be similar to construction so recommend the same hours (7.30-18.00 Monday to Friday; and 8.00-13.00 on Saturdays). In their view activities have taken place outside permitted hours and therefore consider extended hours would be difficult to enforce.</p> <p>Consider that the use of the office block for the extended hours is unlikely to cause nuisance.</p>		

Quote policy SCLP4.3.

Recommend refusal until their investigations into potential statutory nuisance have been completed.

Consultee	Date consulted	Date reply received
Ward Councillor (Cllr Hedgley)	N/A	8 April 2021

*"I am aware that the Sinks Pit Applications will come before the full committee in due course and I shall have the opportunity to speak then.
However in the mean time I would like it recorded that my overriding concern is for the health and wellbeing of my constituents in Playford Road and Laundry Lane, plus others, though fewer, further afield.
The noise and dust pollution has been recorded and well established and it is beholden on the person or persons causing any pollution to justify any non-compliance and it is not their right to increase such activities although it is their right to ask if they can. It is for the responsible agencies to enforce the law and I will be calling for them to do so at the full Planning Committee meeting when it takes place. It is not my argument to prevent anyone from carrying out their lawful business. The chance of continuing and indeed increasing employment does not give anyone the right to bypass the basic laws of health and care towards others. Surely the lessons of the past in other parts of the world, albeit of a greater magnitude, have taught us something. "*

Publicity

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

Category	Published	Expiry	Publication
Major Application	1 April 2021	22 April 2021	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Major Application
In the Vicinity of
Public Right of Way
Date posted: 1 April 2021
Expiry date: 26 April 2021

5. Planning policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

- 5.2. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP4.3 - Expansion and Intensification of Employment Sites

SCLP11.2 - Residential Amenity

6. Planning considerations

Principle

- 6.1. The principle of the use of this land and building for a plant hire business and associated activities has already been established through the granting of Planning Permission DC/15/4908/FUL, which has been implemented and is operational on site.
- 6.2. Therefore, the determination of this application cannot reconsider the principle of the use and activities permitted on this part of the Sinks Pit/ Kesgrave Quarry site. The only matters which can be considered are the material planning considerations arising from the proposed restriction on early morning HGV movements and the proposed additional operating hours.
- 6.3. The application proposes to add an additional restriction to the existing planning permission in the form of a restriction on the number of early morning HGV movements to be no more than 12 between the hours of 5:30am and 6am Monday to Saturday.
- 6.4. The application also proposes to extend the overall operational hours and the use of the ventilation and similar equipment from
- 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays,
- to
- 6am - 7:30pm Monday to Saturday.
- 6.5. Both the existing and proposed conditions require no activities to take place outside these hours and/or on Sundays and Bank Holidays.

Residential Amenity and relationship with Environmental Protection Legislation

- 6.6. This application does not relate to any other part of the wider Sinks Pit site or any other activities taking place in those areas. Therefore, if permitted the extended hours on this application would only relate to the building and site granted under DC/15/4908/VOC This variation of condition application would not alter the permitted use or hours of any of the other activities taking place on the wider site.
- 6.7. This is the third of three current variation of condition applications scheduled for determination at this planning committee meeting (DC/21/1010/VOC, DC/21/1079/VOC and DC/21/1407/VOC). The three applications seek to vary the hours of activity in relation to the existing plant hire business, its extended parking/turning area and the yet to be constructed additional buildings for plant hire towards the western end of the pit.

- 6.8. The hours are proposed to be varied across the three applications, to align the existing planning permissions with one another, so all of the areas within the pit used for/in association with a plant hire business use would be permitted for the same activities during the same hours.
- 6.9. The buildings permitted at the western end of the pit, have already been granted planning permission to operate HGV movements from 5:30am Monday to Friday, and from 6am on Saturdays, where as the building and areas of land permitted for parking and turning, which are the subject of this current application are currently only permitted to operate HGVs from 7am Monday - Saturday. The Head of Environmental Services and Port Health did not object to that application.
- 6.10. If a revised application came forward, it would be unreasonable for the Local Planning Authority to restrict the hours to less than those already granted, as they have been deemed appropriate, and the adoption of the Local Plan in September 2020, did not materially alter the policy approach or local circumstances affecting such proposals on this site. This application seeks to tie up the hours across the areas of the site controlled by East Suffolk Council as the Local Planning Authority.
- 6.11. Given that the nature of the use of the building and land as parking/turning areas associated with a plant hire business, which is the subject of this variation of condition application is the same as the activities permitted at the western end of the site with the earlier start time for limited HGV movements of 5:30am Monday to Friday, and that the current application areas are no closer to residential properties than the area already permitted with these hours, the principle of these additional hours for limited HGV movements Monday to Friday could not be reasonably resisted.
- 6.12. There are a number of other potentially noisy activities taking place across the wider sinks pit site including the concrete batching plant, or the storage and sorting of aggregates and similar materials. As acknowledged in the comments from the Head of Environmental Services and Port Health "Much of the noise audible at the complainants' dwellings is associated with operations at the east of the site and therefore outside the scope of these applications."
- 6.13. The noise generating activities on the wider site, including those towards the eastern end of the pit cannot be controlled or prevented through the determination of this application.
- 6.14. Whether or not any of the various the activities across the wider site either in isolation or cumulatively may following the ongoing investigations be considered to be a 'statutory nuisance' is a matter for Environmental Protection through their legislation.
- 6.15. The role of the planning system is also not to duplicate matters that are controlled by other regulations, and as such the Local Planning Authority cannot seek to refuse this application on the basis of what the Environmental Services may or may not conclude in the future following their investigations as to whether a 'statutory nuisance' is being created.
- 6.16. In determining this variation of condition application, the Local Planning Authority simply has to consider if the extended hours to the building and associate parking and turning areas would result in sufficient harm to residential amenity to warrant refusal of planning

consent and/or if there are any material planning benefits which would outweigh any such harm.

6.17. Policy SCLP11.2 relates to Residential Amenity. It states:

"When considering the impact of development on residential amenity, the Council will have regard to the following:

a) Privacy/overlooking;

b) Outlook;

c) Access to daylight and sunlight;

d) Noise and disturbance;

e) The resulting physical relationship with other properties;

f) Light spillage;

g) Air quality and other forms of pollution; and

h) Safety and security.

Development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity."

6.18. There are no physical changes proposed as part of this application. Therefore, there are no concerns regarding privacy/overlooking, outlook, access to daylight and sunlight, the resulting physical relationship with other properties, light spillage, air quality and other forms of pollution, or safety and security. These were all matters considered during the determination of the original planning application for the use of these areas of the Sinks pit site for parking and turning associated with the plant hire business operations.

6.19. The remaining residential amenity considerations within Policy SCLP11.2 relevant to the determination of the current application are noise and disturbance.

6.20. The nearest property to the northern parking and turning area is Bealings Hoo, which is located to the north beyond the bund, and its nearest external wall is more than 170m from the northern edge of the parking and turning area. The northern part of the parking and turning area is also be approximately 258m from the outside wall of the nearest dwelling to the north-west (Pine Hills, Playford Road).

6.21. Given the distanced from the nearest residential properties, the changes in ground levels and the ability to control the hours of vehicular activity, there would not be a sufficient impact upon residential amenity to Bealings Hoo, Pine Hills and the other dwellings to the north to sustain a refusal of planning consent.

6.22. The nearest residential dwelling to the access road is Bracken Hall, 230 Main Road, Kesgrave, which lies approximately 40m from the access road. This property is significantly closer to the access road which would be used by HGVs during the increased hours, than the dwellings to the north. That property was notified of the application via letter, but no response has been received. If the current application were to be permitted, there would be HGV traffic past this property associated with the parking and turning areas during more hours than those currently permitted. However, background noise levels at this property are already likely to be higher than those at the properties to the north, even during early morning and on Saturday afternoons, because it is closer to the A1214, Main Road, Kesgrave which is one of the main access routes into and out of Ipswich, and as a

public highway can be used by HGVs and other vehicles 24 hours a day 365 days a year. Therefore it is considered that the potential impacts of noise and disturbance upon 'Bracken Hall' would be insufficient to sustain a refusal of planning consent.

- 6.23. Whilst the impacts of noise and disturbance arising from the increased hours would be insufficient to sustain a refusal of planning consent in this case, the granting of the proposed variation of condition, would not prevent the Environmental Protection Team taking formal action under their legislation in relation to noise and disturbance they may deem to be a 'statutory nuisance' in the future.

Expansion and Intensification of Employment Sites and Economic Considerations

- 6.24. The NPPF recognises the importance of building and supporting a strong competitive economy. In Paragraph 80 it states:

"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....."

- 6.25. The proposed increase to the hours would enable the existing business to operate for longer hours, potentially enabling it to undertake a greater amount of business, increasing its contribution to the local economy. The nature of the existing business means that it enables and supports the construction industry across the district and beyond, and other aspects of the wider economy. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.
- 6.26. Policy SCLP4.3 relates to the 'Expansion and Intensification of Employment Sites'. It allows for proposals to expand, alter or make productivity enhancements to existing employment premises, unless:

*"a) The scale of development would cause a severe impact on the highway network; or
b) There will be an unacceptable adverse effect on the environmental sustainability of the area; or
c) The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or
d) There is an unacceptable adverse effect on the living conditions of local residents and businesses relating to matters of noise, vibration, dust and light; and
e) Potential adverse impacts can not be successfully mitigated..."*

- 6.27. The proposed expansion of the hours would result in additional traffic movements along Main Road, Kesgrave before 7am and on Saturday afternoons, but this would be outside normal 'rush hour' times, and the HGVs etc are already using this road and the wider road network. Therefore, there would not be a severe impact upon the highway network.
- 6.28. The increase in the working hours would not be altering the business activities taking place on site or the ground area permitted for these uses. Therefore, there are no significant concerns regarding the environmental sustainability of the area.

- 6.29. This application relates to the times at which the parking and turning areas can be used, rather than a change in the type of use of the land. The other employment uses within the pit are also related to construction, such as the aggregates storage, the cement batching and the permitted but yet to be constructed additional buildings for plant hire at the western end of the pit. There are no concerns regarding compatibility with the surrounding employment uses in terms of parking, access, noise, odour or other amenity concerns.
- 6.30. As explained in the residential amenity section of this report this proposal is deemed acceptable in terms of material planning considerations in relation to residential amenity impacts.
- 6.31. Therefore, the scheme accords with Policy SCLP4.3 and the economic objectives of the NPPF.

7. Conclusion

- 7.1. It is accepted that the additional main working hours and associated use of the ventilation and similar equipment (6am start instead of 7am start Monday to Saturday, and 7:30pm finish instead of 1pm on Saturdays) would increase the hours of activity on this parking and turning areas of the site. However, given the distances from the nearest residential properties, the other industrial type uses that operate elsewhere within the wider Sinks Pit site, and that the Sinks Pit site has been permitted and operational for activities associated with aggregates since the 1950s, it would be extremely difficult for the Local Planning Authority to seek to resist the proposed variation in the permitted hours for these parking and turning areas.
- 7.2. The Local Planning Authority cannot seek to refuse planning permission on the basis of non-planning legislation and the yet unknown conclusions of an ongoing investigation by Environmental Protection, Suffolk County Council and the Environment Agency. If that investigation subsequently concludes a 'Statutory Nuisance' from any part of the whole Sinks Pit site, action would still be possible under the Environmental Protection Legislation.
- 7.3. The nature of the existing business means that it enables and supports the construction industry across the district and beyond, and other aspects of the wider economy. This is a significant factor weighing in favour of the proposals, as it will help the economy to grow post COVID-19.
- 7.4. Therefore, this application is recommended for authority to approve, subject to the consideration of any additional material planning considerations raised during the consultation period and subject to conditions.
- 7.5. As this is a variation of condition application, all applicable conditions from the original Planning Permission (DC/15/4908/FUL) have to be reimposed with appropriate modifications to the wording to reflect the implementation of that consent, the discharge of conditions 13, 20 and 21 via DC/16/3578/DRC, and the variations to the wording of conditions 4 and 22 sought through this current application. The proposed wording of the conditions with these modifications are set out below.

8. Recommendation

- 8.1. Delegate to the Head of Planning Services and Coastal Management for Approval subject to no additional material planning considerations being raised during the consultation period, and subject to the conditions set out below.

Conditions:

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

Drawing Nos received 5 December 2015:

- TR2 JTA EX AL 001 P1 (Site Development Boundary Plan),
- TR2 JTA EX AL 010 P1 (Existing Location Plan),
- TR2 JTA PR AL 050 P2 (Proposed Site Plan)
- TR2 JTA PR AL 060 P1 (Proposed Site Finishes Plan),
- TR2 JTA PR AL 100 P1 (Proposed Ground Floor Plan),
- TR2 JTA PR AL 110 P1 (Proposed First Floor Plan),
- TR2 JTA PR AL 200 P1 (Proposed Short Sections A-A and B-B),
- TR2 JTA PR AL 210 P1 (Proposed Sections CC, DD and EE),
- TR2 JTA PR AL 300 P1 (Proposed Long Elevations),
- TR2 JTA PR AL 310 P1 (Proposed Long Elevations 3 and 4),
- DPL-E28394-M08 (Heating and Ventilation Schematic)
- DPL-E28394-ME01 Rev D3 (External Services Layout),
- DPL-E28394-ME02 Rev D2 (Ground Floor Plant Room Incoming Services Layout),
- DPL-E28394-ME03 Rev D1 (Ground Floor Office Area Incoming Services Layout),
- DPL-E28394-PV01 (PV System Layout),
- DPL-E28394-E01 (Ground Floor Lighting & Emergency Lighting Layout),
- DPL-E28394-E02 (First Floor Lighting & Emergency Lighting Layout)
- DPL-E28394-E03 Rev D1 (Ground Floor Small Power & Miscellaneous Services Layout)
- DPL-E28394-E04 Rev D1 (First Floor Small Power & Miscellaneous Services Layout)
- DPL-E28394-E05 Rev D1 (Ground Floor Fire Alarm & Security Layout)
- DPL-E28394-E06 Rev D1 (First Floor Fire Alarm & Security Layout)
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- DPL-E28394-M05 (Ground Floor Compressed Air Layout)
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- DPL-E28394-M07 (First Floor Drainage Services)
- DPL-E28394-M08 (Heating & Ventilation Schematic)
- 0510.1.3 (Landscape Framework Plan),
- 4440-D-B Rev B (Hayden's Tree Survey and assessment drawing)
- DR1 - 16122014 Ver 2 (Fuel Pumps)
- Tank details drawing produced by Cookson _ Zinn,
- 47022/C/10 Rev A

- 4722/C/11 Rev A,

Documents received 5 December 2015:

- Landscape & Visual Assessment for Proposed Commercial and Office HQ Development,
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Statement & Tree Protection Plan,
- Planning Statement,
- Flood Risk Assessment - Revision A
- Ground Investigation Report,
- Remediation Method Statement,
- Drainage Design Statement Revision A,
- Applied Ecology Letter,

Documents received 18 December 2015:

- Marshalling Yard and Storage
- Transport Statement

Documents received 7 March 2016:

- Letter from Carters
- Appraisal Note relating to fuel tanks

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

2. 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

3. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply and hire of vans and trucks 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.

4. The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 6am and 7:30pm Monday to Saturday; 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.

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 (except for vehicle washing in designated areas, in accordance with condition X).

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.

6. The use shall not commence until the area(s) within the site shown on Drawing TR2 JTA PR AL 050 P2 (Proposed Site Plan) for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
7. Prior to the building being occupied, the hereby approved surface water strategy scheme shall thereafter be implemented in its entirety.
Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
8. All surface water from the roofs shall be either piped direct to the surface water system (approved under condition 7) using sealed downpipes and/or be directed to a grey water system, details of which shall be submitted and approved, prior to implementation. Open gullies shall not be used in connection with the collection of surface water from the roofs.
Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
9. Vehicle loading/unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected directly to the surface water drainage system.
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.
10. 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.
11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site area being drained. Roof water shall not pass through the interceptor.
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.

12. The hereby approved drainage scheme serving the fuel refueling area shall be implemented in its entirety prior to the fuel/refuelling areas being used.
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.

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
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.

14. The hereby approved building shall not be occupied until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
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.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reasons: To protect and prevent the pollution of controlled waters (particularly Principal aquifer, shallow groundwater and EU Water Framework Directive Drinking Water Protected Area) 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 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.
16. Prior to the commencement of the use, a Waste Management Plan shall be submitted to and approved by the Local Planning Authority. This Waste Management Plan shall include details of areas for the storage of hazardous and potentially polluting materials and of areas for the storage of non-hazardous waste and recycling (i.e. the normal office/business type waste). This Waste Management Plan shall be implemented in its entirety and be retained thereafter.
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.
17. The hereby approved landscaping scheme shall be implemented not later than the first planting season following the date of this consent (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.
18. The mitigation measures outlined in the hereby approved letter from Applied Ecology shall be implemented in their entirety, within 1 year of the building being occupied.
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).
19. The approved lighting scheme shall thereafter be implemented in its entirety and no additional external lighting shall be installed, unless otherwise agreed by the Local Planning Authority
Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.
20. Only the air conditioning, extract ventilation, refrigeration or any other fixed plant approved under DC/16/3578/DRC shall be installed and retained in the approved from thereafter.

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

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

21. Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 6am to 7:30pm Monday to Saturday. 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.

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 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 obtain all the necessary consents/permits.
3. 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
4. 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/

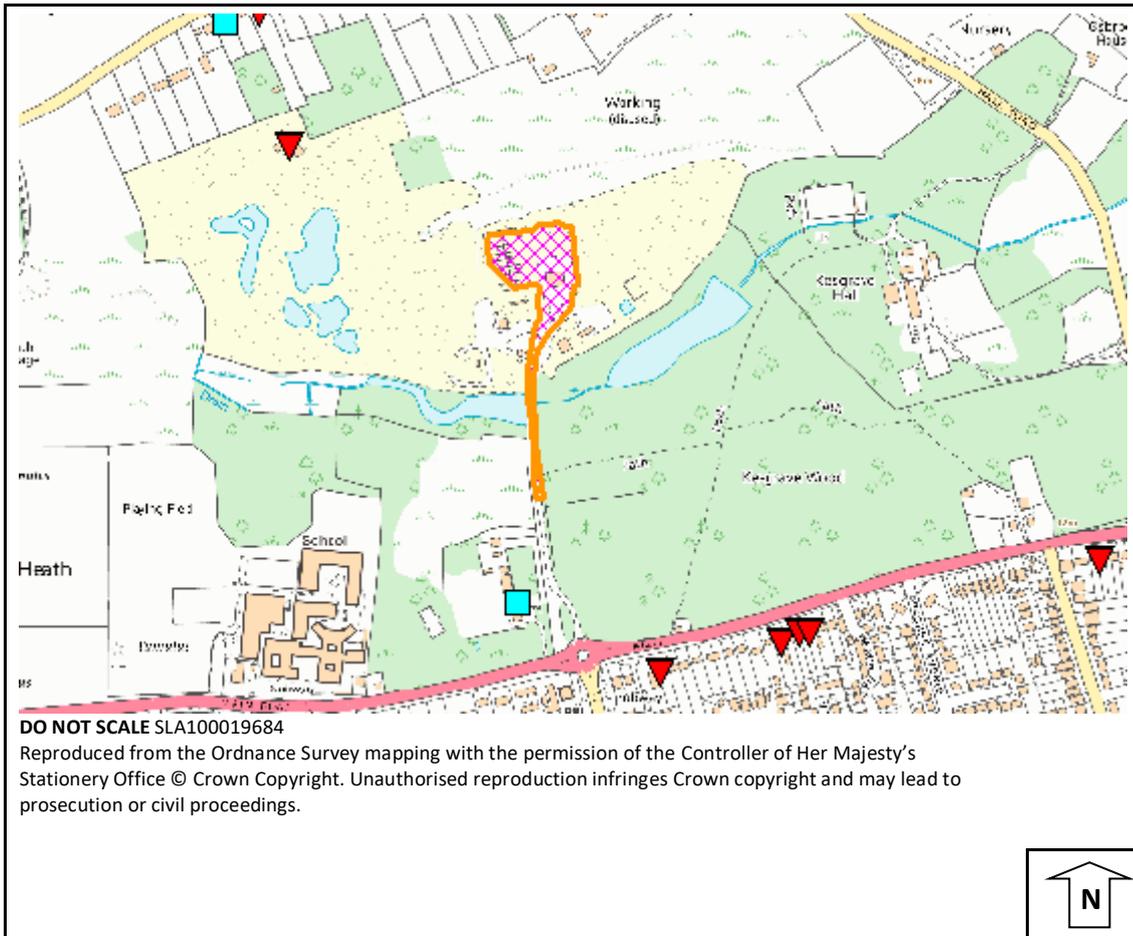
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

5. 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.
6. 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.
7. 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.

Background information

See application reference DC/21/1471/VOC on [Public Access](#)

Map



Key

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



PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
2010**

DC/15/4908/FUL

Agent

Mr Jerry Tate
Tate Harmer
Unit G1 B2
Stamford Works
Hackney
London
N16 8JH

Applicant

Trucks R Us
C/o Agent

Parish

Kesgrave

Date Valid

18th December 2015

Proposal:

Erection of new headquarters building for vehicle hire operator comprising workshop, offices, associated parking, drainage infrastructure and landscaping to allow for the hire, storage, workshop and sales of vehicles and machinery (revised scheme to DC/15/2107/FUL and DC/14/4251/FUL)

Site:

Kesgrave Quarry , Main Road, Kesgrave

PERMISSION IS HEREBY GRANTED by **SUFFOLK COASTAL DISTRICT COUNCIL** as Local Planning Authority for the purposes of the **TOWN AND COUNTRY PLANNING ACT 1990**, for development in complete accordance with the application shown above, the plan(s) and information contained in the application, and subject to compliance with the following conditions as set out below. Your further attention is drawn to any informatives that may have been included.

In determining the application, the Council has given due weight to all material planning considerations including policies within the development plan as follows:

Conditions:

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

Drawing Nos received 5 December 2015:

- TR2 JTA EX AL 001 P1 (Site Development Boundary Plan),
- TR2 JTA EX AL 010 P1 (Existing Location Plan),
- TR2 JTA PR AL 050 P2 (Proposed Site Plan)
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- TR2 JTA PR AL 210 P1 (Proposed Sections CC, DD and EE),
- TR2 JTA PR AL 300 P1 (Proposed Long Elevations),

- TR2 JTA PR AL 310 P1 (Proposed Long Elevations 3 and 4),
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- DPL-E28394-ME01 Rev D3 (External Services Layout),
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- DPL-E28394-M08 (Heating & Ventilation Schematic)
- 0510.1.3 (Landscape Framework Plan),
- 4440-D-B Rev B (Hayden's Tree Survey and assessment drawing)
- DR1 - 16122014 Ver 2 (Fuel Pumps)
- Tank details drawing produced by Cookson _ Zinn,
- 47022/C/10 Rev A
- 4722/C/11 Rev A,

Documents received 5 December 2015:

- Landscape & Visual Assessment for Proposed Commercial and Office HQ Development,
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Statement & Tree Protection Plan,
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- Flood Risk Assessment - Revision A
- Ground Investigation Report,
- Remediation Method Statement,
- Drainage Design Statement Revision A,
- Applied Ecology Letter,

Documents received 18 December 2015:

- Marshalling Yard and Storage
- Transport Statement

Documents received 7 March 2016:

- Letter from Carters
- Appraisal Note relating to fuel tanks

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

2. 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
3. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply and hire of vans and trucks 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.

4. The working hours in connection with the use/building[s] 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 in writing by the local planning authority.
Reason: 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 (except for vehicle washing in designated areas, in accordance with condition X).
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.
6. The use shall not commence until the area(s) within the site shown on Drawing TR2 JTA PR AL 050 P2 (Proposed Site Plan) for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
7. Prior to the building being occupied, the hereby approved surface water strategy scheme shall thereafter be implemented in its entirety.
Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
8. All surface water from the roofs shall be either piped direct to the surface water system (approved under condition 7) using sealed downpipes and/or be directed to a grey water system, details of which shall be submitted and approved, prior to implementation. Open gullies shall not be used in connection with the collection of surface water from the roofs.
Reason: To prevent an increase in the risk of flooding to the proposed development and elsewhere, and ensure a suitable SUDS approach is adopted for the management of surface water.
9. Vehicle loading/unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected directly to the surface water drainage system.
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.
10. 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.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site area being drained. Roof water shall not pass through the interceptor.
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.
12. The hereby approved drainage scheme serving the fuel refueling area shall be implemented in its entirety prior to the fuel/refuelling areas being used.
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.
13. Within 2 months (56 days) of the date of this consent, or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

14. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

15. The hereby approved building shall not be occupied until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

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.

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

Reasons: To protect and prevent the pollution of controlled waters (particularly Principal aquifer, shallow groundwater and EU Water Framework Directive Drinking Water Protected Area) 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 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7.

17. Prior to the commencement of the use, a Waste Management Plan shall be submitted to and approved by the Local Planning Authority. This Waste Management Plan shall include details of areas for the storage of hazardous and potentially polluting materials and of areas for the storage of non-hazardous waste and recycling (i.e. the normal office/business type waste). This Waste Management Plan shall be implemented in its entirety and be retained thereafter.

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.

18. The hereby approved landscaping scheme shall be implemented not later than the first planting season following the date of this consent (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.

19. The mitigation measures outlined in the hereby approved letter from Applied Ecology shall be implemented in their entirety, within 1 year of the building being occupied.

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).

20. The hereby approved lighting scheme shall thereafter be implemented in its entirety and no additional external lighting shall be installed, unless otherwise agreed in writing by the Local Planning Authority

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

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.

Informatives:

1. This planning permission contains condition precedent matters that must be discharged before the use of the building is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant condition(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 and/or at various stages of the development process
2. Following changes to the Fees Regulations in April 2008, there is now a fee for the discharge of conditions on planning permissions. Each request for clearance of condition(s) attracts a fee but a single request can seek clearance of several conditions. The fee for 'householder' development is currently £28 and the fee for all other development is £97.
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 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. 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 at County Buildings, Street Farm Road, Saxmundham IP17 1AL. Telephone 01728 403087.
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 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.
7. 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.
8. 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.
9. When designing the foundations for the building, it is strongly recommended that alternatives to piling are used.

Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality. For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

Further guidance for developers can be obtained from and they should:

- 1) Refer to the Environment Agency 'Groundwater Protection: Principles and Practice (GP3)' document;
- 2) Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination;
- 3) Refer to the Environment Agency 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
- 4) Refer to the Environment Agency Land Contamination Technical Guidance;

- 5) Refer to the CL:AIRE 'Definition of Waste: Development Industry Code of Practice' (version 2) and our related 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
 - 6) Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites - code of practice and our 'Technical Aspects of Site Investigations' Technical Report P5-065/TR;
 - 7) Refer to the Environment Agency 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';
 - 8) Refer to the Environment Agency 'Good Practice for Decommissioning Boreholes and Wells'.
 - 9) Refer to the Environment Agency 'Temporary water discharges from excavations' guidance when temporary dewatering is proposed
10. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.



Philip Ridley BSc (Hons) MRTPI
 Head of Planning & Coastal Management
 Suffolk Coastal and Waveney District Councils

Date: 15th March 2016

PLEASE READ NOTES BELOW

Note

Most work, including change of use, has to comply with Building Regulations. Have you made an application or given notice before work is commenced?

Note

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to conditions, he may appeal to the First Secretary of State. The applicant's right to appeal is in accordance with the appropriate statutory provisions which follow:

Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990 Regulation 15 Town & Country Planning (Control of Advertisements) Regulations 1989.

2. **Notice of appeal** in the case of applications for advertisement consent must be served within **two months** of the date of this notice. Householder planning applications must be served within **twelve weeks** of the date of this notice. In all other cases, notice of appeal must be served within **six months** of the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The

Square, Temple Quay, Bristol BS1 6PN; or online at <http://www.planningportal.gov.uk/planning/appeals/>. The Planning Inspectorate website can be viewed at <http://www.planning-inspectorate.gov.uk/>.

3. The First Secretary of State has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

4. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development or works which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 114 and 116 of the Town and Country Planning Act 1990.

Committee Report

Planning Committee South - 27 April 2021

Application no DC/20/5019/FUL

Location

Land Opposite The Village Hall To The
West Of The B1116
Framlingham Road
Dennington
Suffolk
IP13 8AD

Expiry date 30 April 2021

Application type Full Application

Applicant Dawn Steward

Parish Dennington

Proposal Site a 'Mock-barn' Style Building for Use as a Nursery School and Day Care Facility [Use Class E(f)] for Provision of the Relocation of Badingham Playschool

Case Officer Natalie Webb
07825 754344
natalie.webb@eastsoffolk.gov.uk

1. Summary

- 1.1. The application seeks the use of land opposite the Village Hall (western side of the B1116), Framlingham Road, Dennington for the siting of a 'Mock-barn' Style Building for Use as a Nursery School and Day Care Facility [Use Class E(f)] for provision of the relocation of Badingham Playschool from its existing location at Badingham Village Hall.
- 1.2. The principle of development is considered acceptable in accordance with Local Plan Policy SCLP8.1, however concern has been raised by Historic England and the Council's Design and Conservation team in respect of the developments impacts on designated heritage assets, including the Dennington Conservation Area. It is considered that the proposal would have less than substantial harm of a low/medium level to the character and appearance of the Conservation Area, as well as a low level of less than substantial harm to the significance of the surrounding listed buildings. This harm has been

considered against the potential public benefits of the development (in accordance with Paragraph 196 of the National Planning Policy Framework (NPPF)) where it is considered that the proposed public benefits would, on balance, outweigh the harm identified.

Reason for Committee

- 1.3. The application is presented to planning committee in accordance with the Constitution of East Suffolk Council as the Planning Application is, 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 is considered to be of significant public interest.

Recommendation

- 1.4. Officers are seeking Authority to Approve subject to the consideration of any additional material planning considerations being raised (which have not been previously considered) during the consultation process (advertisement in press for the following: Conservation Area, Public Right of Way Affected, Affects Setting of Listed Building).

2. Site description

- 2.1. Dennington is noted as a 'small village' by Local Plan Policy SCLP3.2 and lies approximately three miles north of the market town of Framlingham. The site is located outside of, albeit adjacent to, the settlement boundary for Dennington as identified by Local Plan Policy SCLP3.3 (and illustrated on the subsequent policy map). The site therefore lies within the countryside for the purposes of considering planning applications and appeals.
- 2.2. The site lies within the southern part of the Dennington Conservation Area. As noted within the Dennington Conservation Area Appraisal (CCA) July 2012 *“The southern part of the Conservation Area is quite distinct from the northern part because of a conspicuous lack of buildings within it. The only buildings visible on the southern approach into the village include than the Church, Bay Tree Cottage, the village hall, the Old Rectory and Glebe Farm. This area is included within the Conservation Area very much for its landscape quality and because of its major contribution to the traditional character and appearance of the village. It incorporates not only the grassed playing field, with its well-treed boundaries, but also areas of pasture, tree belts, woods and hedgerows. The heavily treed approach to the village from Framlingham contrasts sharply with the open, arable fields further to the south and forms, particularly in the summer, a distinctive green approach to the village.”*
- 2.3. To the north of the site Bay Tree Cottage, and to the east of the site, The Old Rectory are both grade II listed. The 18th Century Old Rectory is noted in the CCA as *“an important listed building which stands in a large mature landscape setting, predominantly parkland containing a dense cover of mature trees. The scale of the building and the extent of its grounds render its significance within the Conservation Area particularly high. The grounds form an important garden setting to the listed building and are a major open space within the Conservation Area that contrasts with the farmed land beyond. Their integrity should be preserved.”*

- 2.4. The CCA continues, *“The B1116 Framlingham Road lies adjacent and trees on both sides form an extensive canopy, framing views of the Church tower and providing a distinctive entrance to the village from the south and a very important and attractive view. This approach into the village from Framlingham contributes significantly to the setting of the village itself and was a key factor in the designation of the Conservation Area.”*
- 2.5. The Church of St May lies north of Bay Tree House and is Grade I listed. Further south, there is an ancient monument, a moated site with internal pond at Glebe Farm. The CCA also states that *“nearby Glebe Farm Cottage and adjacent land form the transition between the open, farmed landscape that is the setting of the village and the built-up character of the village itself. The buildings, although unlisted, are attractive and traditional in appearance and also contribute to the unique character of this part of Dennington.”*
- 2.6. The impacts on the aforementioned heritage assets are considered later in the report.
- 2.7. The site is currently undeveloped agricultural/paddock land which backs on to the allotments on the western boundary. The site appears open on the approach to the village, with glimpses of St Marys Church noted when looking north.
- 2.8. Public Right of Way 40 runs along the south-west border of the site, running to the south of the allotments and joins existing development to the west. Public Right of Way 22 is located to the southern corner of the site, continuing south and Public Right of Way 20 is located north-east of the site, running through the churchyard, connecting with existing development on The Street and the wider countryside to the east.

3. Proposal

- 3.1. This application proposes siting a 'mock-barn' style building for use as a nursery school and day care facility [Use Class E(f)] for provision of the relocation of Badingham Playschool (formerly Badingham and Dennington Playgroup).
- 3.2. Badingham Playschool is a non-profit, registered charity governed by the Early Year Alliance ratified constitution. The playschool is managed by a Voluntary Management Committee comprising staff representatives and parents/carers. The playschool is registered with Ofsted, with twelve members of staff and 29 children on roll from Framlingham, Dennington, Badingham and surrounding villages. Badingham Playschool has been operating from Village Hall, Low Street, Badingham, Woodbridge IP13 8JS, for over 45 years. The existing location is located approximately two miles east of the proposal site. The playschool is open Monday to Friday during term time and usually Monday to Wednesday during school holidays.
- 3.3. Within the submitted Design and Access Statement (including Heritage Statement) it states that:

“Recent changes to the village halls booking conditions, an increase in rent, and cuts to funding (regarding the village halls maintenance) have necessitated the decision to relocate. As a consequence of these changes, since July 2018, as insisted by the Village Hall Committee, the playschool has had to run from an alternative location every Tuesday to

allow other users in the village to run daytime events in the hall. Due to Ofsted requirements which limit the number of days in which institutions can run from alternative venues, the playschool would need four other locations to run from across the course of the year. This has proved inefficient as the staff have to transfer large amounts of equipment and resources back and forth. Furthermore, cuts in funding to the village hall has resulted in poor maintenance and the removal of vital facilities from the building, subsequently creating unhygienic and potentially dangerous conditions for the playschool staff and children - the playschool committee have serious health and safety concerns. Furthermore, since March 2020 the playschool has had to operate from an alternative venue due to covid-19 constraints, however this is not a long-term proposition as outside of the pandemic as this venue will be used by others and the owners have plans for redevelopment of the building. It also presents challenges to staff to provide for the needs of the children as there is insufficient storage, toilet facilities are not positioned or designed for very young children and there is no outside play space."

- 3.4. The building is proposed to be single-storey of 'L shaped' design measuring approximately 23m by 19m. No details of external materials have been submitted, as such are required by condition. The building will be set centrally within the plot, towards the western boundary, with outdoor play space to the south and undeveloped space to the north.
- 3.5. The development seeks to provide a valuable function for the community by providing a 'mock-barn' style building for use as a nursery school and day care facility to cater for 45 to 50 children. The development will provide the necessary car & cycle parking for staff (eight car bays & four cycle spaces, to include space for electric vehicle charging station/s) and parking (12 spaces, including two disabled bays) for parents drop off/pick-ups. The proposal would also include the creation of a vehicular access from the B1116.
- 3.6. Additional landscaping is shown on the proposed layout, in addition to boundary treatment (fencing) details of both are sought by condition.

4. Consultations/comments

- 4.1. A total of 63 representations have been received in respect of the proposal (some are multiple representations from the same address);
- 4.2. 57 of the representations support the proposal on the grounds that:
 - The site is well located within the village, in close proximity to other services and amenities;
 - The design is sympathetic, respects the local vernacular and of a style appropriate for a community building of this type in this location;
 - The proposal will benefit the local community by providing a purpose built local facility;
 - The land is owned by the Dennington Consolidated Charity and held for the benefit of the community.

4.3. In addition, six representations have been received which object to the proposal on the following grounds:

- Impact on heritage assets;
- Impact on conservation area;
- Design of the building;
- Incomplete ecological assessment of ponds 5-12;
- Insufficient Heritage Impact Assessment/Archaeological Assessment;
- There is currently no 'proper' vehicular access to the site;
- Highways safety/Traffic issues;
- Principle of Development (outside settlement boundary/ inappropriate use of site);
- Sustainability;
- Appeal dismissal for the erection of a dwelling at Bay Tree/Church Cottage (application C/02/1646 - Erection of detached house & construction of new vehicular access) on part of garden of Baytree Cottage, Framlingham Road, Dennington) Appeal reference APP/J3530/A/03/1121008 dated 10 March 2004; A local need for the development has not been demonstrated.

4.4. These points are assessed within this report as follows:

Summary of Objection:	Assessed in paragraph(s):
Impact on heritage assets/conservation area;	7.13 – 7.28 inclusive
Design of the building;	3.4, 7.5 - 7.7 inclusive
Incomplete ecological assessment of ponds 5-12;	7.30
Insufficient Heritage Impact Assessment/Archaeological Assessment;	7.16, 7.22 and 7.30
There is currently no 'proper' vehicular access to the site;	7.36
Highways safety/Traffic issues;	7.34 – 7.41
Principle of Development/Sustainability (outside settlement boundary/ inappropriate use of site);	7.1 – 7.12 inclusive
Appeal dismissal for the erection of a dwelling at Bay Tree/Church Cottage (application C/02/1646 - Erection of detached house & construction of new vehicular access) on part of garden of Baytree Cottage, Framlingham Road, Dennington) Appeal reference APP/J3530/A/03/1121008 dated 10 March 2004;	7.10, 7.24 and 7.25
A local need for the development has not been demonstrated.	7.8

- 4.5. The above is a summary of the representations received; full comments can be viewed on the Council's website.
- 4.6 It is acknowledged that the scheme has generated local objection, and the concerns of local residents are understood, however this is not a reason to withhold the grant of planning permission as decisions are not and cannot be made by referendum, but instead need to be judged on their planning merits and in accordance with the relevant national and local planning policies.
- 4.7 Appeal decisions have dealt eloquently with this matter and reference is made to two appeal decisions where this issue has been considered. In the case of Homelands, Bishops Cleeve it was stated “...there is nothing in the Localism Act to suggest that delegating decisions to LPAs will alter the requirement for a 5 year HLS....Allowing LPAs to review their requirements locally is not the same as allowing them to postpone their obligations under PPS3” Another decision, Highfields Farm (13 February 2013) allowed consent for a housing scheme in an AONB, where there was no 5 year HLS. “It cannot be that a strategic facility to provide for the needs of a very wide area can be decided solely on the basis that the local community do not wish it to be located within their area. This would be to hold much needed, major development to ransom. If applied widely, this could hold up economic recovery as well as deprive future generations of important developments and facilities.”“There is nothing in the Act...or the Framework which indicates that the SoS has taken the view that a particular, and in this instance, very localised group of residents should be able to prevent planning permission being granted simply because they do not want it.”

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Dennington Parish Council	11 December 2020	5 January 2021
Dennington Parish Council met and discussed this application at length on 21st December. There was a majority (but not a unanimous) decision to SUPPORT the application.		

Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	11 December 2020	21 December 2020
<p>Summary of comments:</p> <p>Historic England has concerns regarding the application on heritage grounds. Historic England considers that there is potential for less than substantial harm on the low/ moderate end of the scale to the setting of the Scheduled moat and the grade I listed Church of St Mary due to the historic spatial relationship and intervisibility between the two sites. The hard surfacing, lighting and additional activity in this area could have a negative impact upon the rural and open setting between the two sites.</p>		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	12 January 2021	20 January 2021
Summary of comments: Recommends conditions, as outlined below.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	22 February 2021	2 February 2021
Summary of comments: In our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.		

Consultee	Date consulted	Date reply received
Interim Head of Environmental Services and Port Health	22 February 2021	1 February 2021
Summary of comments: Recommends a noise assessment prior to the determination of the application and the full suite of land contamination conditions (unless a phase 1 report is submitted).		

Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	11 December 2020	5 January 2021
Summary of comments: Comments received and incorporated into the officers report.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	12 January 2021	1 February 2021
Summary of comments: Comments received and incorporated into the officers report.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	12 January 2021	1 February 2021
Summary of comments: Comments received and incorporated into the officers report.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	22 February 2021	16 December 2020
Summary of comments: Informative information in respect of access to water supply and fire fighting facilities.		

Consultee	Date consulted	Date reply received
The Georgian Group	N/A	1 February 2021
Summary of comments: Comments received and incorporated into Officer's report.		

Consultee	Date consulted	Date reply received
Head of Customer Services	N/A	NA
Summary of comments: Any response will be communicated in the update sheet		

Consultee	Date consulted	Date reply received
Head of Economic Development	N/A	NA
Summary of comments: Any response will be communicated in the update sheet		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Interim Head of Environmental Services and Port Health	22 February 2021	26 March 2021
Summary of comments: The additional information does not overcome the requirement for the full suite of land contamination conditions; however the Noise Impact Assessment is acceptable, subject to conditions (these are included in the officer recommendation)		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area Public Right of Way Affected Affects Setting of Listed Building	08 April 2021	29 April 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area In the Vicinity of Public Right of Way Affects Setting of Listed Building Date posted: 17 December 2020 Expiry date: 11 January 2021
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6. Planning policy

- 6.1. [National Planning Policy Framework 2019](#)
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.3. East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:
 - SCLP3.2 - Settlement Hierarchy
 - SCLP3.3 - Settlement Boundaries
 - SCLP4.5 - Economic Development in Rural Areas
 - SCLP8.1 - Community Facilities and Assets
 - SCLP7.1 - Sustainable Transport
 - SCLP7.2 - Parking Proposals and Standards
 - SCLP10.1 - Biodiversity and Geodiversity
 - SCLP10.4 - Landscape Character
 - SCLP11.1 - Design Quality
 - SCLP11.2 - Residential Amenity
 - SCLP11.3 - Historic Environment
 - SCLP11.5 - Conservation Areas
 - SCLP11.7 - Archaeology
- 6.4. Dennington Conservation Area Appraisal, July 2012

7. Planning considerations

Principle of Development (including design, scale and layout)

- 7.1. The nursery and daycare has previously operated from Badingham Village Hall (for over 45 years). However, recent changes to the village hall booking conditions have resulted in a need for relocation. Appendix GC-1 of the Design and Access Statement outlines the reasons for relocating:

“Playschool has been operating from the village hall for over 45 years. Playschool is open Monday to Friday during term time and usually Monday, Tuesday, Wednesday during school holidays. Playschool booked the village hall for these sessions up to a year in advance and has done for a number of years. In 2018 the village hall committee restricted bookings by not allowing Playschool to book every other Tuesday. This necessitated Playschool to identify two other suitable locations (approved by Ofsted) to run from on those days in addition to days e.g. elections when we have always had to relocate. Playschool is only allowed by Ofsted to run from an alternative venue for a maximum of 14 days in a year unless the venue is registered with Ofsted as an additional location. There are 52 Tuesdays in a year so we have to have two locations (one indoor for winter and one outdoor for summer) for the 26 days we are required to move out of the village hall. Relocation for a day every other week itself involved a lot of staff time transferring large amounts of equipment/resources etc. and risk assessing venue & activities etc. In 2019 the Village hall committee insisted that we move out every Tuesday. This meant that Playschool needed 4 other locations across the course of a year, (52 Tuesdays divided by 14). The Playschool have found it impossible to identify two additional suitable venues that would be suitable for year-round use. This necessitated registering one of the alternative venues (the indoor one) with Ofsted for use during the winter months.”

- 7.2. Appendix GC-1 of the Design and Access Statement also outlines that changes to the storage of the groups equipment, cleaning regimes, removal of baby change facilities and maintenance of the hall and parking areas (in addition to other reasons cited within Appendix GC-1) have also resulted in a need to relocate.

- 7.3. Community facilities and assets are an important part of the social fabric of neighbourhoods and communities. Facilities can include shops, post offices, public houses, medical facilities, police facilities, sports venues, cultural buildings, places of worship and places which promote social interaction and provide opportunities for meetings between people who might not otherwise come into contact with each other. Individually, and collectively, these provide places for people to meet and socialise as well as valuable services which encourages active communities and fosters a sense of identity and well-being for those who live in and visit the area.

- 7.4. The National Planning Policy Framework reflects the need to plan positively for and promote the retention and development of local services and facilities which is supported by the Council. Paragraph 83 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should enable:

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

- 7.5. Local Plan Policy SCLP6.1 states that proposals for new community facilities and assets will be supported if the proposal meets the needs of the local community, is of a proportionate scale, well related to the settlement which it serves and would not adversely affect existing facilities that are easily accessible and available to the local community. As noted above, the site lies adjacent to the settlement boundary of Dennington, therefore considered to be well related to the settlement.
- 7.6. The proposal would not adversely affect existing facilities, rather would compliment and expand on those already available within the locality. The scale is also considered to be appropriate for the location and its proposed uses.
- 7.7. Local Plan Policy SCLP11.1 (Design Quality) states that the Council will support locally distinctive and high-quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means. Whilst material finishes are not yet known; the details of which are subject to agreement by condition. It is considered that the proposed building responds to the local context by being positioned to the western side of the site and of a scale which will not obstruct views of St Marys Church when approaching from the south and it would be located adjacent to other community facilities such as the allotments, village hall and church. Whilst a number of criterion of SCLP11.1 are not applicable to this proposal (as this is intended to cover all scale of applications) it is broadly considered that the proposal accords with SCLP11.1 as the proposal has been presented with an understanding of the character of the built, historic and natural environment, which has resulted in the scale and position of the building mitigating the impact on the local character, whilst providing a fully functional and purpose built community facility.
- 7.8. The applicant has provided details of other sites which have been investigated as potential options for the proposed development (including existing sites and other sites for purpose built facilities). During the application a considerable number of representations of support have also been received, whilst it is noted that not all of these are from within the parish of Dennington, these are likely to be from existing, prospective or former users of the daycare/nursery facility. There is no policy requirement within the Local Plan for a sequential test of other sites for community facilities, however it is useful in understanding what alternatives have been considered prior to the submission of the application; these are included in appendix GC-3 of the Design and Access Statement.
- 7.9. Within the Local Plan, Policy SCLP12.49 – Land off Laxfield Road, Dennington includes the provision of a new years setting. SCLP12.49(g) states: *“If required, 0.1ha of land on the site should be reserved for a new early years setting or a contribution made towards a new early years setting off-site.”* There is currently no timescale for the delivery of this allocation, which could come forwards at any stage within the plan period. Appendix GC-1 of the applicants Design and Access Statement also outlines the extensive reasons for needing to relocate, which outlines that the relocation is required with some urgency; thus unable to wait for the allocated site to come forwards. At the time of this report, no applications on the allocated site have been received.

- 7.10. Furthermore, the allocation does not guarantee that a new early years would be provided within the allocated site, but could still be provided off-site, as is proposed by this application.
- 7.11. One of the concerns raised relates to an appeal for the erection of a dwelling at Bay Tree/Church Cottage (application C/02/1646 - Erection of detached house & construction of new vehicular access) on part of garden of Baytree Cottage, Framlingham Road, Dennington). Bay Tree Cottage is directly north of the application site, abutting the northern boundary. In considering whether this appeal sets a precedent for new development in this area, the appeal decision states that “there is some support for the proposed development in accordance with AP27 [a former local plan policy for infilling within the settlement boundary]” however dismissed the appeal on harm identified to the setting of the church and the character and appearance of the Dennington Conservation Area (which will be considered further under the ‘Impact on Heritage Assets and Conservation Area section below). The principle of development was therefore found acceptable in the appeal, subject compliance with other policies which formed the development plan.
- 7.12. Whilst the allocation and previous appeal are considerations, this is the proposal/site which has been presented for determination and is assessed on its own merits.
- 7.13. For the above reasons it is considered that the principle of development is acceptable, subject to compliance with other policies within the Local Plan.

Impact on Heritage Assets and Conservation Area

- 7.14. The proposal is for the erection of a nursery school and day care facility in the Dennington Conservation Area, in the setting of the Grade II listed The Old Rectory and Baytree Cottage, and in the wider setting of the Grade I listed Church of St Mary and a scheduled moated site at Glebe Farm. The heritage concern relates to the impact of the proposal on the setting of the listed buildings, which contributes to their significance, and on the character and appearance of the Conservation Area.
- 7.15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“in considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 7.16. Paragraph 189 of the NPPF states that the Local Planning Authority should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to asset's importance. In this case, the heritage section in the Design and Access Statement does not describe the significance of the heritage assets and the impact of the proposal in depth. Due to the scope and nature of the proposal and the significance of the assets which could be affected, a higher level of detail would have been expected as part of the submission. Nonetheless, the Council's Design and Conservation Team have considered the proposal on the information submitted.

- 7.17. The Dennington Conservation Area as illustrated within the Dennington Conservation Area Appraisal (2012) is a relatively small area. It could be described as having two distinctive parts; the northern area which covers the historic village core on The Street, and the southern area which includes the church, the village hall and the Old Rectory, along with large areas of green space. Whereas in the northern area there is a dense arrangement of buildings, in the southern area the few existing buildings are spaced out and set-in large grounds, which makes the green character of the area much more apparent.
- 7.18. The application site is a parcel of undeveloped land on the west side of the B1116, surrounded by the heritage assets noted above, and a historic building called Glebe Farm Cottage (an unlisted building that contributes positively to the Conservation Area). The Conservation Area Appraisal (CAA) states: "[The southern part of the Conservation Area] is included within the Conservation Area very much for its landscape quality and because of its major contribution to the traditional character and appearance of the village. It incorporates not only the grassed playing field, with its well-treed boundaries, but also areas of pasture, tree belts, woods and hedgerows. The sylvan approach to the village from Framlingham contrasts sharply with the open, arable fields further to the south and forms, particularly in the summer, a distinctive green approach to the village." Accordingly, the application site is identified as Important Green Space, together with the grounds of the Old Rectory, the playing fields, the modern village green and the churchyard.
- 7.19. As can be seen on historic OS maps, the area to the south of the church has experienced very little alteration in terms of development; only the village hall has been developed here. The listed buildings are therefore still largely experienced in their historic context, which enhances their historic interest. Additionally, the openness of the land around the listed buildings enhances their current rural setting and their relationship to the wider countryside and to each other.
- 7.20. It is therefore clear that the application site in its current undeveloped state contributes positively to the character of the Conservation Area, as well as to the setting, and the significance, of the nearby listed buildings. While the proposed area of development would occupy approx. a third of the site, and the building would be low in height, the proposal would result in the loss of the openness of the land, which has been identified as contributing positively to the Conservation Area and the setting of the listed buildings.
- 7.21. The building and parking area would be located abruptly in the centre of the site and would appear disconnected from existing development to the north or south. The associated fencing, hard surfacing and lighting, as well as the heightened level of activity and vehicle movement, would also have an urbanising effect on the landscape character of the area. The details of landscaping which have been submitted show that a certain level of screening is proposed. While this would soften the visual impact of the development, it would not negate the effects of the loss of the open land. Concerns have also been raised by Historic England and the Georgian Group which accord concerns identified above.
- 7.22. Overall, the proposal would be considered to cause less than substantial harm of a low/medium level to the character and appearance of the Conservation Area, as well as a low level of less than substantial harm to the significance of the surrounding listed

buildings. Whilst it is acknowledged that additional detail in the heritage statement as well as visualisations/streetscene elevations, could provide further insight on how the proposed development and how they may affect the settings of the listed buildings and the Conservation Area would have been useful in the assessment of the proposal, the loss of the openness of the site would not be overcome.

- 7.23. In assessing the application Officers are mindful of the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Paragraph 193 of the National Planning Policy Framework states that *"when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets contribution. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 7.24. Appeal decision APP/J3530/A/03/1121008 dated 10 March 2004 for the erection of detached house & construction of new vehicular access) on part of garden of Baytree Cottage, Framlingham Road, Dennington (north of the application site) stated that:
- "The site is in a prominent location on the bend of the southern approach road to the village. On this side the village is open and rural. Views are dominated by the grade I listed Church of St Mary. The Church is a substantial building and I consider that its immediate rural setting is important to its relationship of the village. In my view, that setting is the most significant feature of the Dennington Conservation Area... A new access drive is proposed. It would involve a realignment of the existing roadside hedge to create essential visibility splays and the drive itself would have a hard surface. To some extent it would open the new dwelling to views on approach to the village. In my opinion, these changes would detract from the rural character of the foreground to the church. I have found this to be a significant element in the setting of the listed church and the character and appearance of the Dennington Conservation Area. I consider that the setting would be harmed... In this case the need to protect the setting of the church is overriding in my opinion. The proposed development would therefore harm the setting of the listed church and the character and appearance of the Dennington Conservation Area."*
- 7.25. In considering the application site, less than substantial harm has been identified.
- 7.26. The building has also been set towards the western side of the site, so that views on approach to the Church from the south is not obscured, which was the one of the main concerns identified within the appeal decision for the proposed dwelling at Baytree Cottage. The aforementioned appeal decision also refers to other houses which have been built within the village around the time of the decision, and states that *"each case must be decided on its own merits"*.
- 7.27. Whilst it is noted that the proposed landscaping would have the potential to partially obscure these views, the majority of the planting seeks to screen the development, on approach to the heritage assets. It is also noted that the existing site could be landscaped as it would not be development, which could also change the open character on approach to the church.

- 7.28. Paragraph 196 of the National Planning Policy Framework states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*" The proposal seeks to provide a community facility, which would have public benefit. The public benefits of the proposal would ensure the relocation of the existing nursery and day care facility, which without relocation is unlikely to be able to continue providing the level of services currently available; which currently provides nursery/day care quality, affordable day care for children between 3 months and 5 years (and school holiday care for children up to 8 years), including disadvantaged children and those with special education needs, and supports parents in times of crisis by being extremely flexible in care provision, providing food, clothing and footwear for children. The nursery is a non-profit charity which is managed by volunteers and employs 12 local residents to help with the running of the nursery/daycare. The group also provides opportunities for work experience for local students. This proposal will also seek to increase the number of children attending the facility (to approximately 45-50) to accommodate growth from new developments in neighbouring parishes. The proposal will also provide a purpose-built facility for the group's needs, which overcomes the need for additional storage space offsite and conflict in bookings for other events.
- 7.29. In this instance the public benefit is considered, on balance, to outweigh the harm identified. Conditions for details of external materials have been requested in accordance with the Design and Conservation Teams comments.
- 7.30. In addition, Suffolk County Council Archaeological Services have confirmed that there would be no significant impact on known archaeological sites or areas with archaeological potential within the site. Therefore, do not object to the development and have not requested any archaeological mitigation (SCLP11.7).

Impact on Landscape and Ecology

- 7.31. The Council's Landscape Manager has reviewed the submitted planting plan and is satisfied that if fully implemented, the described development will not have any undue adverse landscape impact. It is considered that the proposed use of the site, to a degree reflects the village hall use on the other side of the road, and with the village allotments to the west, a combined community land use character could be established. As such, the Landscape Manager does not raise any objections to the proposal, subject to a condition for the implementation of the landscaping proposal as submitted and details of hard landscaping to be submitted, it is considered that the development accords with SCLP10.4, which requires development proposals to demonstrate that their location, scale, form, design and materials will protect and enhance the special qualities and features of the surrounding area.
- 7.32. Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) states that Development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats, such as wildlife corridors and habitat 'stepping stones'.

- 7.33. The Council's Ecologist has read the Preliminary Ecological Appraisal (PEA) (Greenlight Environmental, August 2020) and is satisfied with the conclusions of the consultant. As such does not raise any objection to the proposal, subject to conditions listed at the base of this report. It is noted that concern has been raised that not all of the ponds were tested for protected species or habitats as part of the above report, however this is not uncommon where ponds may be inaccessible or dry, etc at the point of testing. Irrespective of the data from the ponds not surveyed, the PEA considers it highly unlikely that Great Crested Newts would be present on site due to the lack of suitable terrestrial habitat. In the absence of any clear evidence to the contrary and given the lack of objection from the Council's Ecologist, it is therefore considered that the proposal accords with SCLP10.1.

Highways Considerations

- 7.34. Paragraph 108 of the National Planning Policy Framework states that

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

- 7.35. Paragraph 109 of the NPPF subsequently states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 7.36. Whilst there is currently only informal access onto the site for farm machinery and/or maintenance of the site, this proposal seeks to create a new access onto Framlingham Road (B1116). The access will be located centrally within the site. There is a ditch along the eastern boundary of the site, adjacent to the highway which is to be retained. It is understood that the ditch will be bridged (with relevant culvert consent/permits) to provide the access.
- 7.37. The proposed development will provide car & cycle parking for staff (eight car bays & four cycle spaces, to include space for electric vehicle charging station/s) and parking (12 spaces, including two disabled bays) for parents drop off/pick-ups. Whilst not connected to the village by footway (footway running from the church to public right of way 20, stops to the north-western corner of the site), the site is accessible via public rights of way and an informal footway from the allotments back into the village.
- 7.38. The proposal includes a new footpath to be laid on the site, to join the existing permissive footpath owned by Dennington Consolidated Charities (owners of the

application site) which runs through the village green, around the allotments and into the application site, running along the north end of the site toward the B1116. These are not considered to be all weather, all user routes, but do provide some form of connectivity for residents to the site.

- 7.39. Cycle storage has also been provided on site. It is however noted that not all users of the facility will live in Dennington, and cycling may not be a viable option (particularly if multiple children within the same household are using the facility); it is therefore expected that there will be a reliance on the car by users of the site, but opportunities to promote sustainable transport modes have been implemented to extent which is considered acceptable for the proposed development and its location.
- 7.40. It is considered that the proposal can provide a safe and suitable access for all users. Due to the nature of the proposal, it is likely that there will be increased traffic movements at peak times (morning drop off, after school and closing). The applicants sought advice from Suffolk County Council as Local Highways Authority prior to the submission of the application. A speed survey was also undertaken.
- 7.41. Whilst concerns over increase of traffic and highways safety have been raised by local residents through the consultation process, Suffolk County Council, as Highways Authority, were consulted on the application and have not raised any objection in respect of the proposal subject to conditions, as outlined at the base of this report. In the absence of any clear evidence to the contrary and considering the lack of objection from the Local Highways Authority, it is therefore considered that the proposal accords with SCLP7.1 and SCLP7.2.

Residential Amenity

- 7.42. Hours of operation are proposed to be 8am-6pm Monday to Friday during term time and three days a week during school holidays. It is likely that only staff will be present on site before and after this time (to open up, cleaning, etc). Local Plan Policy SCLP11.2 states that in considering the impact of development on residential amenity, the Council will have regard to the following:
- a) Privacy/overlooking;
 - b) Outlook;
 - c) Access to daylight and sunlight;
 - d) Noise and disturbance;
 - e) The resulting physical relationship with other properties;
 - f) Light spillage;
 - g) Air quality and other forms of pollution; and
 - h) Safety and security.
- 7.43. The building is proposed to be single-storey, therefore any potential loss of privacy, outlook, or overlooking is significantly reduced. Whilst the building is set away from the northern and eastern boundaries, where the nearest residential properties are located, should a first-floor or mezzanine be introduced, there could be potential for overlooking, particularly as no additional screening or landscaping is proposed to the north. A condition has been included to restrict the addition of a first-floor. Again, due to distances, the proposal will not reduce access to daylight or sunlight to existing

properties. The building has been located away from the properties to the north and east, whilst remaining relatively centrally within the plot to provide sufficient visibility splays for the access. A condition has been included for details of any external lighting to be submitted prior to installation, in the interests of local amenity and biodiversity. The main consideration of the SCLP11.2 in this instance is considered to be the potential noise or disturbance from the proposed use.

- 7.44. A noise assessment was requested during the application and undertaken in respect of the proposed development (Adrian James Acoustics dated 15 March 2021). The noise assessment was requested to understand the potential impacts which would be associated with outdoor play and noise from vehicles arriving and departing from the site. The report has been assessed by the Council's Environmental Protection team.
- 7.45. The report is based upon measurements of the background and ambient sound levels representative of the nearest noise sensitive receptors. The environmental protection team are largely satisfied with this exercise though notes the short duration of the survey taken on a single day, and that roads were mostly dry. It is however accepted that this reasonably represents the baseline for the assessment. The survey covered the quieter middle part of the day, and therefore provides a robust (low) baseline against which to compare predicted sound levels from nursery activity.
- 7.46. With respect to the assessment of vehicles, it is accepted that this staggered activity of dropping off and collection is not likely to have any adverse noise impact on neighbouring noise sensitive receptors. It is considered however that it would be prudent for this element to be incorporated in a Noise Management Plan for the Nursery. With respect to external play, the acoustic report relies on measurements of typical noise levels from play/activities at the existing facility on one occasion. External play is likely to be reasonably frequent and therefore the higher values as presented are the ones considered for the purposes of the assessment, as these are likely to be more robust and comparable to the projected noise levels.
- 7.47. Whilst it is noted that there appears to be a few discrepancies within the report; Section 2.4 should possibly refer to an external limit of 50 dB rather than 60 dB and at Section 5.1 in the assessment, predicted levels would be 1 dB below indoor residential guidelines and not more than 10 dB below as quoted; these matters do not change the overall assessment outcomes and conclusions made.
- 7.48. The Interim Head of Environment and Port Health have surmised that the assessment of the play activities is that the worst case predicted noise levels at times would be a few dB only above the existing ambient sound levels as measured, and achieve WHO (1999) and BS 8233:2014 guidelines and criteria for resident external amenity areas and indoor habitable rooms. The outdoor play would not be continuous throughout the day and therefore there would likely be periods with no detectable noise from the nursery. The children's outdoor play would introduce sounds/noise of a different character to the area than exists now. These could include screaming, shouting and crying from children which could be a disturbance; something which a Noise Management Plan could seek to mitigate against.
- 7.49. It is therefore considered that the proposed children's nursery is not an unsuitable use for the development site in respect of noise. Effective management of the premises in

terms of both outdoor activities with the children, and also the parent/guardian dropping off and collections can minimise the possibility of noise disturbance and likelihood of complaints from neighbours. As discussed therefore in the acoustic assessment report, it is recommended that a Noise Management Plan be required as a condition on any planning consent granted, the detail of which would be subject to approval by the Local Planning Authority. The plan should also include for recording and dealing with any noise complaints in future should they arise.

- 7.50. In addition to the above, the application has confirmed that they seek to install an air source heat pump. Details of this and any fixed plant would need to be submitted prior to installation in the interests of neighbouring amenity.

8. Conclusion

- 8.1. The application seeks the use of land opposite the Village Hall (western side of the B1116), Framlingham Road, Dennington for the siting of a 'Mock-barn' Style Building for Use as a Nursery School and Day Care Facility [Use Class E(f)] for provision of the relocation of Badingham Playschool. The principle of development is considered acceptable in accordance with Local Plan Policy SCLP8.1, subject to compliance with other policies within the plan.
- 8.2. Concern has been raised by Historic England and the Council's Design and Conservation team in respect of the developments impacts on designated heritage assets, including the Dennington Conservation Area. It is considered that the proposal would have less than substantial harm of a low/medium level to the character and appearance of the Conservation Area, as well as a low level of less than substantial harm to the significance of the surrounding listed buildings. In accordance with Paragraph 196 of the National Planning Policy Framework, *"where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."* This balance is considered in paragraphs 7.22 and 7.23 of this report.
- 8.3. The proposal is considered to provide a community facility which has a public benefit, which in this instance and on balance is considered outweigh the harm identified. Furthermore, the Council's Landscape Officer has reviewed the submitted planting plan and is satisfied that if fully implemented, the described development will not have any undue adverse landscape impact. The proposed use of the site, to a degree reflects the village hall use on the other side of the road, and with the village allotments to the west, a combined community land use character could be established. Subject to conditions as outlined in this report, the application is, on balance, recommended for approval.
- 8.4. Officers are therefore seeking Authority to Approve subject to the consideration of any additional material planning considerations being raised during the consultation process (advertisement in press for the following: Conservation Area, Public Right of Way Affected, Affects Setting of Listed Building).

9. Recommendation

- 9.1. Approve planning permission subject to the imposition of appropriate conditions, as listed below:

Conditions:

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

Reason: This condition is imposed in accordance with Section 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 Drawing No's BPS/238/A1/05C, BPS/238/A1/04B, BPS/238/A1/01B and the Landscape Plan (August 2020) received 08/12/2020.

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

3. No development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. Prior to the installation of any fenestration of the hereby approved development, details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, roof lights and doors and their surrounds to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

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

5. Within three month(s) of commencement of development, precise details of a scheme of hard landscape works (which shall include boundary treatment (proposed fencing), 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.

6. 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.

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Greenlight Environmental, August 2020) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

Reason: To ensure that nesting birds are protected.

9. Prior to any above ground works taking place, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

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

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

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

10. No part of the development shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

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

11. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number BPS/238/A1/05 C Rev. C 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.

12. The use shall not commence until the area(s) within the site on dwg. no. BPS/238/A1/05 C Rev. C 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

13. Before the access is first used visibility splays shall be provided as shown on Drawing No. BPS/238/A1/05 c Rev. C and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

14. The working hours in connection with the use/buildings hereby permitted, shall not be other than between 08:00am and 18:00pm Monday to Friday; and no work shall be carried out on Saturdays, 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.

15. No more than 50 children shall attend the nursery school/day care facility during any morning or afternoon session unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the protection of the residential amenity of the surrounding area and in the interests of highway safety.

16. The premises herein referred to, shall be used as a nursery school/day care and for no other purpose (including any other purpose in Class E(f) of the Schedule to the Town and Country Planning [Use Classes] Order 2020 or any Order revoking and re-enacting that Order with or without modification).

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

17. Prior to the installation of air source heat pumps, air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the

boundary of the property 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.

18. No mezzanine, entresol or additional floors shall be inserted within the hereby permitted building, except pursuant to the grant of planning permission on an application made in that regard.

Reason: To prevent intensification of use that may result in detrimental impact on nearby residential amenity and highways safety due to potential increase in traffic.

19. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority: a) A desk study and site reconnaissance, including: - a detailed appraisal of the history of the site; - an inspection and assessment of current site conditions; - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site; - a conceptual site model indicating sources, pathways and receptors; and - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed). b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including: - the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy; - an explanation and justification for the analytical strategy; - a revised conceptual site model; and - a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed). All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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

20. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to: - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures; - an explanation, including justification, for the selection of the proposed remediation methodology(ies); - proposed remediation objectives and remediation criteria; and - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring. The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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

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

21. Prior to any occupation or use of the approved development the RMS approved under condition 20 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

22. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to: - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met; - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

23. 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.

24. Prior to the first use, a Noise Management Plan (NMP) shall be submitted to the local planning authority for approval. The NMP shall set out controls to minimise noise from outdoor play, and from vehicles associated with drop-off and pick-up, and include procedures for recording and dealing with any noise complaints that may arise.

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

Informatives:

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

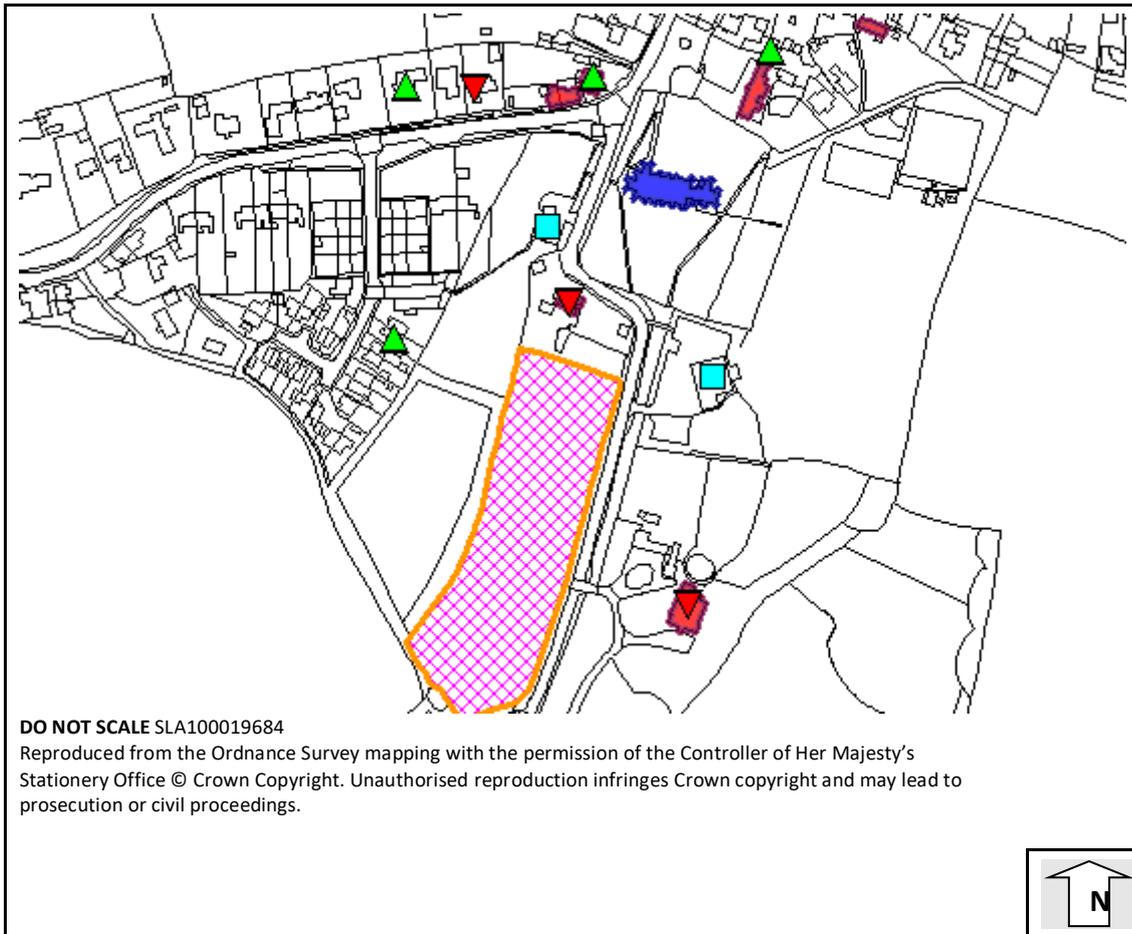
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

4. The construction of the access appears to affect a drainage ditch along the boundary of the site which may require Land Drainage Consent from Suffolk County Council. The applicant is advised to contact Suffolk County Council's Flood and Water Management Team prior to commencing works for the access.

Background information

See application reference DC/20/5019/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 27 April 2021

Application no DC/20/4106/FUL

Location

Stables And Manege
Mill Road
Badingham
Suffolk

Expiry date 8 December 2020

Application type Full Application

Applicant TMH Media Ltd

Parish Badingham

Proposal Demolition of stable building and removal of boundary hedge. Erection of three new detached dwellings with new shared vehicular access from Mill Road

Case Officer Liz Beighton
07775 406370
liz.beighton@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the development of three detached on a 0.03 hectare parcel (paddock) of land at Mill Road in Badingham.

Reason for Committee

- 1.2. The application was referred to the Planning Committee at the request of the Referral Panel at its meeting on the 6 April 2021 to enable the consideration of all issues presented by the Parish Council to be heard in the Committee Chamber.

Recommendation

- 1.3. There are no technical objections to the application and whilst noting local concerns expressed, the proposal in the opinion of officers complies with the cluster policy and the recommendation is one of approval.

2. Site description

- 2.1. The parcel of land currently performs as a paddock and is located on the western side of Mill Road in Badingham. There are existing residential properties on either side of the site and immediately opposite and there is a mixture of size, scale and design of dwellings in the vicinity. The site is located outside the settlement boundary for Badingham, which is approximately 600-800m due west of the application site. Badingham is classed as a 'small village' and has amenities including a public house, village hall and church for local residents.
- 2.2. The site is not within a Conservation Area or any landscape designation. The site's boundary to the site is performed by a hedge which is proposed for removal to secure appropriate visibility splays, but is proposed to be replaced by a replacement hedge.
- 2.3. Mill Road itself is a single lane carriageway. A number of existing residential properties have accesses of the road and it is noted there is a current access serving the site.

3. Proposal

- 3.1. The proposed development is for three detached dwellings with a shared vehicular access off Mill Road. The proposed dwellings all maintain an active street frontage.
- 3.2. A new hedge would be planted within the site to replace that removed. The comments in respect of this element of the scheme from the Council's ecologist are contained in the report.

4. Consultations/comments

- 4.1. Seven local residents have objected to the proposal (it is noted that some residents have submitted multiple letters). In addition a local survey was instigated which provided five responses but these did not contain names or addresses so officers are unclear as to the origin or whether these residents had also written in separately. The issues raised in the letters are as follows:
 - Additional housing is unnecessary
 - Adversely affect the balance of old and new properties in the village
 - Extra traffic would be hazardous
 - Previous application was refused as outside the settlement boundary
 - Would not wish to look out over housing
 - Object to the removal of the hedge and trees along the boundary
 - Is more housing planned for the site?

- It is not a cluster as it would cause harm to the surrounding landscape
- Design is out of character
- Land has been sat on by speculative developers for years
- Misleading information in the application, such as dimensions not on the plans or more details of the materials
- Current owner has disregard for the site and therefore local residents
- Windows overlook 2 Myrtle Cottages
- Loss of rural character
- Lack of contextual approach
- Close to neighbouring properties
- More neighbours should have been notified
- Loss of visual amenity to those using Mill Road.

- 4.2. The assessment of the material planning considerations is considered later in the report. There are non-planning matters (loss of a private view, intention of landowner) which cannot be considered as part of this application. In addition, it is important to note that the consideration is on what is before the Council and any future development is not a matter which can be considered.
- 4.3. The plans received are accurate. Whilst the comments on lack of dimensions are noted, there is no requirement for such insofar that they are to a recognised scale.
- 4.4. In respect of the consultation, this has been undertaken in accordance with the Statement of Community Involvement in terms of letters to immediately adjoining neighbours and the posting of a site notice.

Consultees

Consultee	Date consulted	Date reply received
Badingham Parish Council	11 November 2020	19 November 2020
<p>"I write for and on behalf of Badingham Parish Council.</p> <p>In response to the minor adjustments and further consultation, Badingham Parish Council re-submits their response which is as follows:</p> <p>Badingham Parish Council Objects to the above planning application.</p> <p>The reasons for Badingham Parish Council's Objection to DC/20/4106/FUL is as follows:</p> <p>This application is for a site that is not within or abutting the physical boundary of the village. The site is approximately a mile from the physical boundary.</p> <p>This site falls into the definition of 'Housing Development in the Countryside' and subject to policy SCLP5.3.</p> <p>The D&A statement for this application refers to the site against the definition of (b), 'Cluster' within policy SCLP5.3 however this is not correct.</p> <p>The site is one that is undeveloped meadow land, there is no existing 'cluster' development,</p>		

it therefore does not have an exemption for development within policy SCLP5.3.

This application does not support **SCLP10.4-Landscape Character**.

It puts forward dwellings which are of inappropriate size, scale, form and density, and includes the use of unsympathetic materials.

East Suffolk Local Plan para 5.38 details the requirement for the Local Plan to deliver smaller size dwellings in accordance with the SHMA an increase from the 30% to 40% is recognised as minimum.

Policy **SCLP11.1 – Design and Quality** fails to be met, namely b) c) i to v. and d).

No regard is given to policy **SCLP11.2-Residential Amenity** a) overlooking of nearby dwellings and e) the resulting physical relationship with other properties.

This application does not support **SCLP7.1 – Sustainable Transport**.

The location of the site is almost a mile from the physical boundary of the village and set on a single track country lane, there is no close proximity and opportunity for safe pedestrian and cycle access to the services and facilities of the village, and it would impact negatively on the existing transport network.

This application does not support **SCLP10.1-Biodiversity and Geodiversity**.

In particular ‘Development will be supported where it can be demonstrated that it maintains, restores and enhances the existing green infrastructure. There is well established roadside indigenous hedgerow representing habitat and bio-diversity which this application will destroy and remove. This meadow land specifically is habitat for great crested newts for which this application gives no provision.

SCLP5.3- Housing Development in the Countryside sets out the circumstances where new housing in the countryside would be supported, ie a, b, c, d, e, f, or g; this application does not meet any of these.

Badingham is a village which has a Zero housing number to deliver within the East Suffolk Local Plan period and does not require exemption provision.

Badingham Parish Council concludes that their expectation is that East Suffolk will adhere to NPPF and East Suffolk Local Plan policy and thereby Refuse this application.”

Consultee	Date consulted	Date reply received
Badingham Parish Council	15 October 2020	28 October 2020

“I write for and on behalf of Badingham Parish Council.

Badingham Parish Council **Objects** to the above planning application.

The reasons for Badingham Parish Council’s Objection to DC/20/4106/FUL is as follows:

This application is for a site that is not within or abutting the physical boundary of the village. The site is approximately a mile from the physical boundary.

This site falls into the definition of 'Housing Development in the Countryside' and subject to policy SCLP5.3.

The D&A statement for this application refers to the site against the definition of (b), 'Cluster' within policy SCLP5.3 however this is not correct.

The site is one that is undeveloped meadow land, there is no existing 'cluster' development, it therefore does not have an exemption for development within policy SCLP5.3.

This application does not support **SCLP10.4-Landscape Character**.

It puts forward dwellings which are of inappropriate size, scale, form and density, and includes the use of unsympathetic materials.

East Suffolk Local Plan para 5.38 details the requirement for the Local Plan to deliver smaller size dwellings in accordance with the SHMA an increase from the 30% to 40% is recognised as minimum.

Policy **SCLP11.1 – Design and Quality** fails to be met, namely b) c) i to v. and d).

No regard is given to policy **SCLP11.2-Residential Amenity** a) overlooking of nearby dwellings and e) the resulting physical relationship with other properties.

This application does not support **SCLP7.1 – Sustainable Transport**.

The location of the site is almost a mile from the physical boundary of the village and set on a single track country lane, there is no close proximity and opportunity for safe pedestrian and cycle access to the services and facilities of the village, and it would impact negatively on the existing transport network.

This application does not support **SCLP10.1-Biodiversity and Geodiversity**.

In particular 'Development will be supported where it can be demonstrated that it maintains, restores and enhances the existing green infrastructure. There is a well established roadside indigenous hedgerow representing habitat and bio-diversity which this application will destroy and remove. This meadow land specifically is habitat for great crested newts for which this application gives no provision.

SCLP5.3- Housing Development in the Countryside sets out the circumstances where new housing in the countryside would be supported, ie a, b, c, d, e, f, or g; this application does not meet any of these.

Badingham is a village which has a Zero housing number to deliver within the East Suffolk Local Plan period and does not require exemption provision.

Badingham Parish Council concludes that their expectation is that East Suffolk will adhere to NPPF and East Suffolk Local Plan policies and thereby Refuse this application”

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	11 November 2020	23 November 2020
Summary of comments: No objection subject to conditions		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	15 October 2020	27 October 2020
Summary of comments: No objection subject to conditions		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	15 October 2020	23 October 2020
Summary of comments: No objection subject to unexpected contamination condition		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 October 2020	27 October 2020
Summary of comments: Require survey to be undertaken (see letter)		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

5. Planning policy

5.1. National Planning Policy Framework 2019

5.2. East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020, policies:

SCLP5.4 - Housing in Clusters in the Countryside

SCLP11.1 - Design Quality

SCLP11.2 - Residential Amenity

SCLP10.1 - Biodiversity and Geodiversity

6. Planning considerations

6.1. The site lies outside the defined settlement boundary of Badingham and therefore is located in a countryside location. The application has been submitted as a cluster development as contained in policy SCLP5.4 of the Suffolk Coastal Local Plan. The purpose and design of the cluster policy was to in effect allow limited housing in what is otherwise considered to be an unsustainable location to reflect and recognise the need for some rural communities to grow and support existing rural services. The policy positively acknowledges that these will be in more rural locations where there is a likely dependency on the private car for transport. In respect of scheme of up to three dwellings, the policy states the following:

Proposals for new dwellings within 'clusters' in the countryside will be supported where:

a. The proposal is for up to three dwellings within a cluster of five or more dwellings;

Or

The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;

And

b. The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;

c. The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site; and

d. It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape.

6.2. In terms of this policy there is existing development on three sides and although there is the presence of an existing hedge, officers consider that it does perform the function of an identified gap in the context of this policy. The proposed dwellings would be set towards the front of the site and be in line with properties either side, and therefore there would be no significant harmful intrusion to the surrounding landscape, which is noted does not

have any special policy protection. There would undoubtedly be a change of character when using Mill Road but that itself does not make any development unacceptable and it is noted that objections have already raised concern over the current state of the site. A well-developed planting scheme and well-designed dwellings would, in time, be assimilated into the wider area.

- 6.3. Whilst it is noted that objectors do not believe there is a need for more housing, this is not a consideration as the plan as a whole acknowledges, through this policy, that there is a need for more rural housing.
- 6.4. The three dwellings proposed as of differing design and size and would in the opinion of officers add variety to the existing varied urban form. Whilst no small dwellings are proposed, the size of the development is below the policy threshold requiring such.
- 6.5. It is noted that the hedge at the front is due to be removed, and this has understandably caused local concern. This has been required in order to facilitate a safe access to the site with appropriate visibility splays. A replacement hedge and planting within the site is proposed. The Council's Ecologist has looked at this matter in detail and comments as follows:

"Its regrettable that the roadside hedge won't be retained, its removal will be a net loss of UK Priority habitat in at least the short/medium term whilst new planting matures. If this scheme is approved then I'd recommend that, as well as new hedgerow planting at the front of the site, a new hedgerow is also planted along the northern boundary outside of the garden curtilages. At least then there will be a net gain in the length of hedgerow present, and in time this will lead to an overall gain."

"On the land within the blue line, can management of this area for biodiversity be secured as part of this scheme? If so there is probably sufficient land available to undertake habitat works to mitigate the loss of the application site area. Details of these works could be secured via condition."

- 6.6. Accordingly, whilst there will be a short-term impact, it is noted that with the imposition of appropriate conditions and management there will be a biodiversity net gain from the development which is considered to be a benefit. It is important also to note that the appropriate Great Crested Newt licence has been secured from Natural England.
- 6.7. The Highways Authority raise no objection subject to the imposition of appropriate conditions, which are included. Whilst noting that Mill Lane is narrow, there is no evidence before the Council that an improved access serving three dwellings would be dangerous to the flow of traffic, noting also that a number of existing properties have direct accesses off the road.
- 6.8. The impact on neighbouring residential amenity has been considered and is deemed to be acceptable. There would be no direct overlooking to sensitive rear gardens. There would be windows facing those properties opposite, but they are set some distance away and are also separated by a road. This in itself is not an uncommon or unusual relationship.

7. Recommendation

- 7.1. The application is therefore recommended for delegation to the Head of Planning and Coastal Management to determine once the RAMS contribution has been received.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with the following plans;

PW968_PL01 Rev D - Site Plan and Streetscene
PW968_PL02 Rev D - Proposed Block Plan
PW968_PL03 Rev A - Plot 1 Plans and Elevations
PW968_PL04 Rev A - Plot 2 Plans and Elevations
PW968_PL03 Rev B - Plot 3 Plans and Elevations

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

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

3. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

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

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

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

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

- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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

- 5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition.

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

- 6. Before the access is first used visibility splays shall be provided as shown on Drawing No.PW968_PL02 Rev. D and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

- 7. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01 and with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

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

- 8. The use shall not commence until the area(s) within the site shown on Drawing No.PW968_PL02 Rev. D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

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. Prior to the demolition of the stable block, an asbestos survey shall be undertaken and submitted to the local planning authority for formal approval. The subsequent demolition should be undertaken by an accredited/certified contractor.

Reason: To ensure appropriate demolition in the interests of safe disposal of any asbestos.

11. Prior to the commencement of the development hereby approved, the applicant shall submit for approval a scheme for the detailed planting within the site, including the proposed frontage hedgerow. The details submitted are to include the details of the wider biodiversity proposals including a management plan to secure the required biodiversity net gain.

Any trees or landscaping approved, which dies within the first five years, shall be re-planted in the first available window.

Reason: To secure landscape and biodiversity net gain across the site.

Informatives:

1. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

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

Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage:

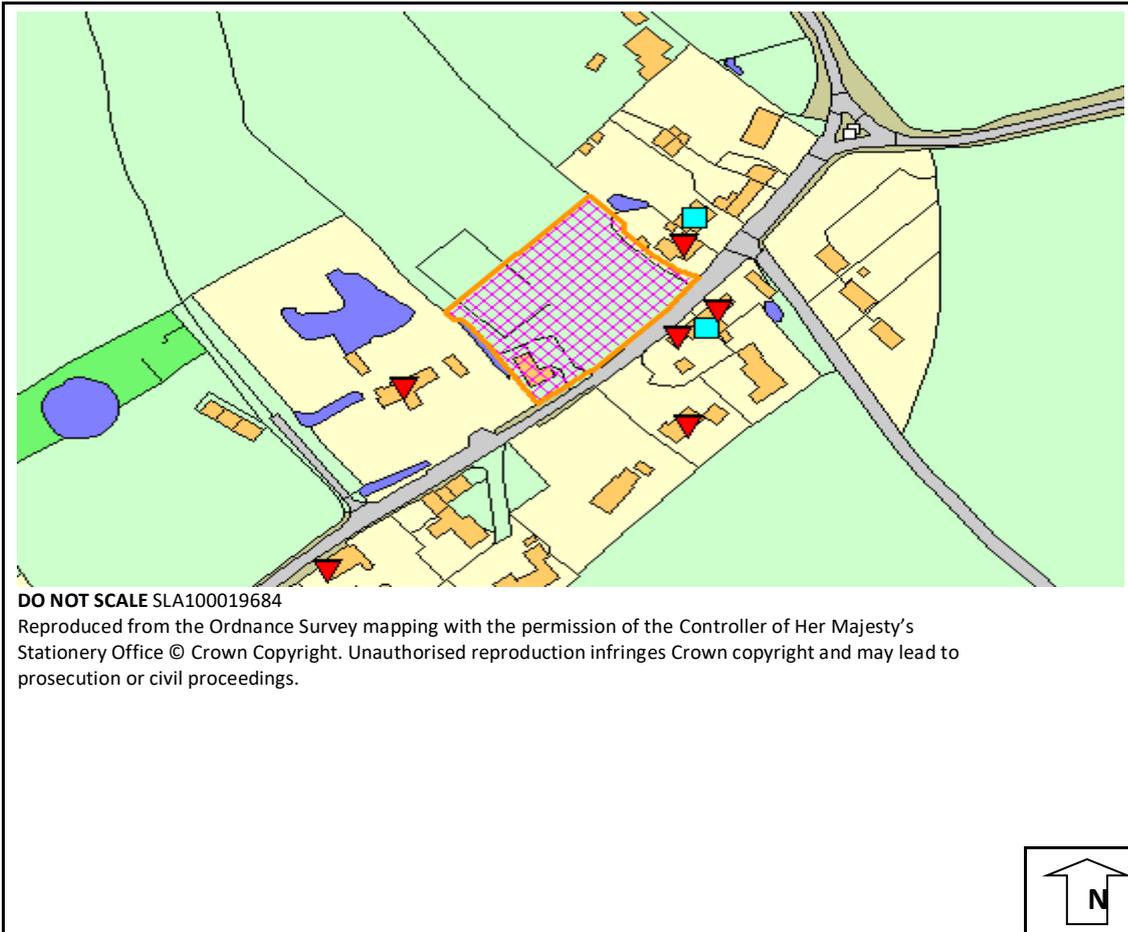
www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/

0. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

Background information

See application reference DC/20/4106/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South - 27 April 2021

Application no DC/20/1036/FUL

Location

Land east and south of The Square
Martlesham Heath
Martlesham
Suffolk

Expiry date 3 June 2020 (extension of time agreed until 30 April 2021)

Application type Full Application

Applicant McCarthy & Stone Retirement Lifestyles Ltd

Parish Martlesham

Proposal Construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development.

Case Officer Rachel Lambert
01394 444574
rachel.lambert@eastsuffolk.gov.uk

1 Summary

1.1 This application seeks approval for the 'construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development' at land east and south of The Square, Martlesham Heath.

Reason for Committee

1.2 In accordance with the scheme of delegation, the Head of Planning and Coastal Management has requested that the decision is to be made by Members at the respective planning committee, due to the significance of public interest in the proposal.

Statement of case

1.3 Overall, it is considered that the proposed development for 41 sheltered housing apartments (C3 residential use class) within the settlement boundary of Martlesham Heath and within close proximity to the village centre, is a sustainable form of development that meets the growing demands of an ageing population. Despite the displacement of the

existing parking area, the proposal seeks to unlock this brownfield site for development, resulting in an improved utilisation of the land to the benefit of the street scene and its immediate setting.

- 1.4 A number of significant concerns previously raised by statutory consultees have since been adequately addressed through subsequent design changes. The lead local flood authority has removed their holding objection and the highways authority confirm that any respective concerns can be mitigated to an acceptable level via amended plans since received and a number of proposed conditions.
- 1.5 The prominence of the proposed design and the reconfiguration of the immediate area will not cause adverse impacts to the character of the area, residential amenity, non-designated heritage assets, or result in subsequent pressure on the local healthcare facility. Such matters relating to highways, flooding, ecology, heritage, landscape and environmental protection can be sufficiently mitigated, methods of which are to be secured by way of condition. Whilst potential impacts upon facilities and public services can be suitably mitigated through Community Infrastructure Levy (CIL) funding.

Recommendation

- 1.6 The scheme complies with the Development Plan and would deliver valuable sheltered housing in a sustainable location on previously developed land (brownfield). There are no barriers to development and whilst the objections are noted and understood, the proposal complies with the development plan and benefits outweigh any harm. Accordingly, the application is recommended for approval subject to conditions and a S106 legal agreement.

2 Site description

- 2.1 The site is located within Martlesham Heath, accessed off Eagle Way via the A12 – and measures approximately 0.74 hectares. Located to the eastern extent of the village centre (The Square), the core of the subject site currently serves as a car park (in part), with an attractive green space to the eastern extent, with an area of hardstanding (a former runway and non-designated heritage asset) to the south west - the southern edge of this aspect fronts onto Martlesham Heath's Green, which forms the heart of the community.
- 2.2 It is located within close proximity to the existing commercial and community services within the village core (including a public house, doctors surgery, dentist and variety of shops).
- 2.3 The surrounding environment is predominately residential in nature, properties within the area are of varying architectural styles, scales and forms, with a mixture of three storey blocks and detached two-storey dwellings - each 'hamlet' having their own distinctive identity. Residential properties along the northern boundary, fronting Eagle Way, comprise detached two-storey dwellings set back from the street – with a three-storey flatted building sited close to the village centre. Adjacent to the southern boundary is a row of three-storey terraced-style dwellings, positioned closely to an existing footpath (with vehicular access to the rear, via Lark Rise).
- 2.4 The subject site is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding - due to the associated low risk, no further

assessment is required. Topographically, the site is a relatively level area of land. There are five protected Norway Maple TPO trees located on the open space grassed area to the eastern extent (TPO number: 267/2018).

- 2.5 As the site previously formed part of the RAF Martlesham Heath military airfield and has since been used as a car park, it is deemed as previously developed brownfield land.

3 Proposal

- 3.1 This application seeks approval for an over-55s residential living development comprising 29 one-bedroom and 12 two-bedrooms units, with the wider development including a communal homeowners lounge, guest suite, reception area, refuse store, and mobility scooter storeroom and communal external landscaped areas.

- 3.2 The scheme also provides the following:

- Replacement parking on the former runway, providing a total of 43 car-parking spaces (including two electrical vehicle charging points and two disabled spaces).
- Resident and visitor car parking, providing a total of 25 car-parking spaces (including three electrical vehicle charging points and two disabled spaces).
- Reconfigured access from Eagle Way (including shared surface cycleway priority at junction) and provision of new access to the residential development.
- Provision of a cycleway along the northern boundary (southern extent of Eagle Way) – connecting the footbridge with the village centre and wider cycle network.
- Provision of balconies for 12 of the 29 first and second floor flats (all other units have Juliet windows).
- Private shared outside amenity space (approximately 230 sq. metres).
- Detailed landscaping plans for the core development (including retention of the majority of the protected green space), with indicative plans/visualisations for the former runway area.
- Photovoltaic panels on the eastern, western and southern roof profiles (in part).

- 3.3 The proposed built form extends over three-storeys, with varying roof heights and elevational materials (red brick, white render, red and charcoal grey roof tiles) – the southern linked aspect, which sits adjacent to the properties along Lark Rise, is limited to two-storeys.

- 3.4 External provisions include reconfigured parking both on the immediate site and on land located to the south of the doctors surgery (former runway), landscaped area (with the retention of the TPO trees and protected green space), and a new road configuration with pedestrian access links to the village centre and a designated cycle track along Eagle Way. The proposed units will be a C3 residential use class and will therefore be dwellings though their occupancy may be restricted by a condition.

3.5 The following documentation has been submitted in association with the application:

- Application form
- Site location plan (000 Rev. P00)
- Site layout plan (001 Rev. P09)
- Proposed floor plans (002 Rev. P05; 003 Rev. P03; 004 Rev. P03; 005 Rev. P02)
- Elevations (006 Rev. P03; 007 Rev. P04)
- Archaeology Statement (by RPS Group, dated 17 August 2020)
- Design and Access Statement (by Feilden + Mawson, dated February 2020)
- Detailed UXO Risk Assessment (by 1st Line Defence, dated 28 October 2019)
- Ecology Report (by RammSanderson, dated January 2020)
- Financial Viability Statement (by Alder King Property Consultants, dated 04 September 2020)
- Flood Risk Assessment and Drainage Strategy (by Pinnacle Consulting Engineers, dated 8 February 2021)
- Former runway parking layout visualisation
- Landscape plan (17688 Rev. C)
- Movement plan
- Site Investigation Report (by Crossfield Consulting, dated November 2019)
- Transport Assessment (including updated report on revised layout)
- Tree Survey and Impact Assessment (by Keen Consultants, dated February 2020)
- Visually Verified Montages (by Nicholas Pearson Associates, dated February 2020)

4 Third party representations

4.1 A total of 34 third party representations were received throughout the numerous consultation periods, including from the landowners of The Square (Fordley Land Company Ltd and Suffolk Life Annuities Ltd) - 30 raised objections and four support the scheme.

4.2 Matters of objection are summarised below:

- **Principle of development:** Condition 5 of planning permission E/7763/28 states that the development is limited to 1,000 dwelling; contradicts the vision of the area; inappropriate site location; questionable requirement for house type/mix within Martlesham Heath; and contrary to neighbourhood plan policy.
- **Poor design quality:** Visual impact of overall design; overbearing; dominate and out of keeping with the character of the area; overdevelopment; and lacking aesthetic design.
- **Impact on residential amenity:** Loss of views; overlooking; loss or privacy; and lack of amenity space for future residents.
- **Loss of parking:** In sufficient public parking, which will lead to on-street parking on Eagle Way.
- **Inadequate parking provisions:** Lack of parking for future residents.
- **Environmental quality:** Increase in air and noise pollution.
- **Pressure on key services:** Increased demand for GP services and impact on ability to expand surgery.

- **Highway safety concerns:** Increase in traffic; narrow junctions/entrances; safety concerns regarding key footpath crossing entrance/exit of car park (used by schoolchildren); and use of former runway as a car park would lead to safety issues for vulnerable users.
- **Landscaping impacts:** Impact on landscaping and loss of trees.
- **Access:** Restricted access to village green for visitors, vendors and emergency vehicles (this must be maintained); limited/restricted access for wheelchair users; and impact on established 'right of way' across the former runway.
- **Open space:** Loss of open space and landscaping; and impact on visual amenity from the green.
- **Land ownership:** Land within MHHL ownership.
- **Overdevelopment:** Cumulative impact with Brightwell Lakes development.
- **Heritage impacts:** Loss of former runway (heritage importance).
- **Ecology impacts:** Impact on Martlesham Heath SSSI

4.3 Matters of support are summarised below:

- Much need retirement apartments.
- Former runway in need of repair.
- Enhancement of area and provision of well-located, quality housing for the elderly.
- Improved aesthetics of the area in a sympathetic way.

5 Consultees

5.1 Due to the frequency of consultation throughout processing the application, all comments received are collated within one table – with the respective consultation start dates listed. Where the consultee comments do not alter in response to the most recent revisions the latest 'date reply received' date is noted.

Parish/Town Council

Consultee	Date consulted	Date reply received
Martlesham Parish Council	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	29 March 2021
<p>"Martlesham Parish Council objects to the application unless the following issues are satisfactorily addressed:</p> <p><u>Dominance of the structure and resultant density</u> As proposed the structure is excessively dominating and inappropriate in scale and design given its location on a tightly constrained site between existing houses on the north and south sides.</p> <p>The application mentions that there are precedents set by three storey buildings in the area and argues that therefore the proposed design is in keeping with its environment. However, the existing three storey buildings are distributed around the village centre and none is a single dominant large structure as proposed. The largest current structure is the building on the west</p>		

side of the village centre and this is only 2 1/2 storeys with a mansard roof. The tall maltings style building referred to in the Design & Access statement is a “signposting” feature and is not a relevant precedent.

The proposed design will mean existing residents on the north side of the site will face a dominating building resulting in overlook and loss of privacy. The two gable end sections which extend forwards will be particularly intrusive, the impact of which is made worse by the use of rendering finished in a highlighting colour which will increase their visibility though any existing or proposed trees (which are almost all deciduous).

On the south side, the development will dominate some of the houses which form the northern edge of Lark Rise. In particular the close proximity of the gable ends of the two storey extension (approx. 40ft from existing houses) will be very oppressive and is unacceptable. Landscaping proposals along that side are inadequate, especially the lack of landscaping underneath the 2 storey gable ends to soften their appearance. The separation between Lark Rise and the southernmost part of the development should be increased. Use of hipped gable ends would significantly reduce the dominance of that structure as seen from the homes in Lark Rise.

Examination of many McCarthy & Stone sites shows that what is being proposed is a variation of a typical standard design. However, examples exist of designs which have been more effective in their sensitivity to the surrounding area. An example is Louis Arthur Court in North Walsham.

A reduced number of apartments may be viable; it is noted that 5 of the 8 sites in table 5 of the Transport Assessment have 36 or fewer apartments.

In light of the above, we therefore consider that the development does not sufficiently meet the criteria of Martlesham Neighbourhood Plan (MNP) Policy MAR3: Development within Martlesham Heath:

C. “Development must demonstrate a high quality of built design and layout. It must allow for the retention of tree belts that surround sites as well as generally providing well landscaped edges to development sites in order to provide a buffer between developments.”

Loss of public parking provision and insufficient spaces for residents

The Parish Council has examined the Applicant’s Transport Assessment and the response from SCC Highways and is in agreement with SCC’s findings, having also concluded from its own survey that there is an unacceptable shortage of parking in the proposal.

N.B. there are two differing designs for the car park layout contained within the various documents in the application pack. Both suffer the deficiencies identified below.

The capacity of the proposed car park on the old runway is overstated for two reasons a) there appears to be no provision for pedestrian access in and out of the car park other than via the road into it and b) there is no disabled parking. The effect of providing these is likely to reduce the number of spaces to about 50.

The proposal shows a lack of appreciation as to how the runway area is currently used. The runway forms a criss-cross of routes for adults and children (including wheelchair and walking aid users) coming up the east and west side of the Village Green to access the Square, the surgery and the public path to the footbridge. Failure to recognise and plan for that will result in people taking

risky shortcuts and damaging any landscaping put in place.

The purpose of the 8 bollard-controlled spaces is unclear. If they are additional capacity for residents then visitors and staff will have to use the already depleted public spaces. If they are for visitors and are normally kept locked, then visitors will tend to park in the public spaces if available rather than park on the access road whilst trying to get hold of a key for the bollards.

Whilst it would not address the shortfall as such, making these spaces public and hence part of the total pool of public spaces would statistically result in their more efficient usage. This presupposes that the 16 on site would be sufficient (which seems unlikely). Even allowing for the relative mix of 1 and 2 beds the parking space per bedroom ratio seems low compared to other McCarthy & Stone developments.

The NHS preferred option for providing GP services is by expanding existing neighbouring practices for new developments under 3500 dwellings. The agent for the owners of Village Square has confirmed that there are options within their boundary to expand the Practice premises to meet growing demand. Failure to have sufficient parking could jeopardise the long-term viability of the surgery - which is a key service which would attract buyers to the proposed development in the first place. The requirements of policy MAR3 must be met:

F. "Any development proposals must demonstrate that they have engaged with the Clinical Commissioning Group in respect of the existing primary healthcare facility. Proposals shall not prejudice the potential for expansion of the existing healthcare facility unless it is clearly demonstrated that this is not necessary to support the growth proposed in the Neighbourhood Plan area and at the strategic site at Adastral Park during the plan period."

Any proposed design for the car park must clearly demonstrate access arrangements for vehicles onto the Village Green, e.g. for Fetes, maintenance etc. Such access should be securable so as to prevent illegal access of any sort.

The proposals are therefore contrary to MNP policies:

MNP Policy MAR3: Development within Martlesham Heath

B. "development must take into account the requirement for an appropriate level of parking (Policy MAR15)";

E. "Development specifically within the village centre, as identified on the Policies Map, must also address the following criteria:

2. It should contain car parking for village centre users and should not result in the loss of existing public off-street car parking in the immediate local area; and

3. It should not result in additional car parking along Eagle Way, particularly close to the village centre."

Point 7.29, p49 of the MNP, says "It is also considered that there should be no reduction of existing parking provision, either off-street or on-street, unless it can be appropriately re-provided." Policy MAR15: Parking Provision states "Proposals that would reduce the existing level of off-street parking provision will be resisted unless it can be satisfactorily demonstrated that the amount of overall provision is adequate".

Visual Impact on the Village Green

As a “Modern Village” one of Martlesham Heath’s special features is the almost total lack of vehicles being visible from the Green. Hence the policy in MAR3:

Development specifically within the village centre.....must retain and enhance the visual quality of the village green setting, its accessibility by all users and the common activities carried out on the green.

Assuming that the car park design is as shown on Page 14 of the Design & Access statement it fails to show any meaningful details as to how the above would be achieved in terms of bunding and planting schemes. The Landscaping Proposals are also very sketchy with respect to the runway car park as compared to the details shown for the main part of the site.

The final paragraph on Page 14 of the Design & Access statement mentions a report by TCL group which seems to refer to the car park. This report does not appear to be available on the ESC website. Is this available?

The Parish Council contacted McCarthy & Stone about a month ago and emphasised the above policy, and were told they would look into the possibility of producing a Visually Verified Montage looking north from the Village Green. However, since then the lock down has come into force and it may not have been possible to carry out that work - we have not seen this montage.

The Parish Council regards meeting the above policy as being essential to maintain the character of the Green and its pattern of usage, and make its change of use acceptable to the local community.

A height barrier should be provided to prevent the car park being used by commercial vehicles.

Area Protected from Development (APD)

The Parish Council welcomes the retention of the triangular APD between the proposed building’s eastern edge and the footpath leading to the footbridge. This APD was established in 2001 when Bradford Property Trust appealed against Suffolk Coastal District Council’s (SCDC) classification of that land as an APD in the 2001 local plan. The appeal Inspector found in favour of the District Council remarking that *“The land in question forms part of the attractive landscaped approach to the District Centre and merits its status as an APD”*.

Its status has since been carried forward through updates of the Local Plan and then into the Neighbourhood Plan.

This is still the case and it would form important mitigation of the impact of the proposed development, and an important amenity to the occupants of the development.

Any proposals to develop in that area (other than the outdoor seating area with landscaping as show in the application) would be contrary to the Neighbourhood Plan, and hence strongly opposed by the Parish Council, and to the local community judging by the volume of objections to a proposed development on the APD in 2017.

When District Cllr Blundell arranged a tour of Martlesham Heath for members of the SCDC Planning Committee a few years ago several members remarked on the attractiveness of the approach to the Village Centre.

Impact during construction

If approval is given, measures should be stipulated to minimise the impact on adjacent properties with reasonable limits on operational hours. No work should be carried out on Saturday and Sunday.

It is essential that before the current car park is closed alternative parking is provided for both visitors to the surgery and to maintain the footfall to the Square so that the retail businesses and office users are not affected during the build.

To conclude, in principle the Parish Council welcomes the proposal to provide retirement accommodation as it would help meet the need set out in MNP Policy MAR5 Section A for older people looking to downsize. However, as it stands, this planning application fails to meet the necessary criteria for development set out in the Neighbourhood Plan and it should therefore be refused.”

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	13 April 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	16 March 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	15 March 2021 03 February 2021	12 November 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Anglian Water	19 March 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	19 March 2021	24 March 2021
Summary of comments: No objection - records show, that no apparatus located in the proposed work, as this area is not covered by Essex & Suffolk Water.		

Non statutory consultees

Consultee	Date consulted	Date reply received
National Amenity Societies	15 March 2021 03 February 2021 01 October 2020 18 September 2020 11 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	15 March 2021 03 February 2021 01 October 2020 18 September 2020 11 March 2020	02 October 2020
Summary of comments: No objection subject to conditions/informatives.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	12 March 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	01 April 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	15 March 2021 03 February 2021 01 October 2020 18 September 2020	5 May 2020
Summary of comments: No objection, although a number of concerns raised - these are addressed within the reporting.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	1 April 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	22 March 2021
Summary of comments: No objection – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Disability Forum	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	26 March 2021
Summary of comments: Comments addressed within reporting.		

Consultee	Date consulted	Date reply received
Martlesham Heath Householders Ltd	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	24 February 2021
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	12 October 2020
Summary of comments: No objection - comments included within reporting.		

Consultee	Date consulted	Date reply received
Sustrans (East of England)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Housing	15 March 2021 03 February 2021 02 December 2020	11 December 2020
Summary of comments: Comments raised re. affordable housing not applicable due to type of development.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	15 March 2021 03 February 2021 01 October 2020 18 September 2020	13 October 2020
Summary of comments: No objection subject to CIL contribution.		

Consultee	Date consulted	Date reply received
CIL (Internal)	19 March 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	19 March 2021	1 April 2021
Summary of comments: No objection subject to conditions.		

6 Publicity

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

Category	Published	Expiry	Publication
Major Application	12 March 2020	2 April 2020	East Anglian Daily Times

7 Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 19 March 2020 Expiry date: 9 April 2020
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8 Planning policy

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” This is reflected in paragraph 12 of the NPPF, which affirms the statutory status of the development plan as the starting point for decision-making.
- 8.2 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the local plan and Martlesham Neighbourhood Plan are listed in the section below and will be considered in the assessment to follow.
- 8.3 It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.
- 8.4 National Planning Policy Framework (NPPF) (2019).
- 8.5 National Planning Policy Guidance (NPPG).
- 8.6 The East Suffolk Council – Suffolk Coastal Local Plan (adopted on 23 September 2020):
- SCLP3.1 - Strategy for Growth
 - SCLP3.3 - Settlement Boundaries
 - SCLP5.8 - Housing Mix
 - SCLP5.10 - Affordable Housing on Residential Developments
 - SCLP7.1 - Sustainable Transport
 - SCLP7.2 - Parking Proposals and Standards
 - SCLP8.2 - Open Space
 - SCLP9.2 - Sustainable Construction
 - SCLP9.5 - Flood Risk
 - SCLP9.6 - Sustainable Drainage Systems
 - SCLP9.7 - Holistic Water Management
 - SCLP10.1 - Biodiversity and Geodiversity
 - SCLP10.2 - Visitor Management of European Sites
 - SCLP10.3 - Environmental Quality
 - SCLP11.1 - Design Quality
 - SCLP11.2 - Residential Amenity

- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 – Archaeology

8.7 Martlesham Neighbourhood Plan 2016-2031 (made July 2018):

- MAR1 - Martlesham Physical Limits Boundaries
- MAR2 - Areas to be Protected from Development
- MAR3 - Development within Martlesham Heath
- MAR4 - Residential Design and Amenity
- MAR5 - Residential Mix
- MAR12 - Non-Designated Heritage Assets
- MAR13 - Cycling, Walking and Disability Access Routes
- MAR15 - Parking Provision
- MAR20 - High Speed Broadband)

9 Planning considerations

Principle of development

- 9.1 The subject site is located within the physical limits of Martlesham Heath (located within the major centre of 'East of Ipswich'), where new development within defined settlement boundaries is acceptable in principle, subject to consideration of other relevant policies of the development plan (Policy SCLP3.3 - Settlement Boundaries). This notion is further supported by Policy MAR1 (Martlesham Physical Limits Boundaries) of Martlesham Neighbourhood Plan (made July 2018), subject to proposals being appropriately designed without being detrimental to the setting and character of the area.
- 9.2 It is acknowledged that a high-quality design approach is highly relevant to Martlesham Heath due to its articulated vision as a model of town planning, with thematic 'hamlets' separated by wide areas of open spaces - which has ultimately resulted in a place that is well integrated in social and community terms. Although, it is noted that subsequent development outside of the original hamlets has occurred in close proximity to the village core - as shown on Figure 4.1 within the neighbourhood plan.
- 9.3 Reference has been made by a number of consultees with regard to the original application (C7763/287) and overall strategic vision for the area. The premise that the subject site is conditioned to serve as a car parking facility does not result in its definitive use as such. Such design impacts on the wider original masterplan of Martlesham Heath are taken into account when assessing the proposal against the respective current planning policies that ensure such vision remains intact, whilst the highways authority addresses the impact of the loss of car parking provision. Furthermore, the area is identified within Martlesham Neighbourhood Plan as a site that could come forward for development (along with the expansion of the GP Surgery – see Figure 1) (Policy MAR3).

Areas to be protected from development

- 9.4 The eastern extent of the site is designated as an 'area to be protected from development' in the Martlesham Neighbourhood Plan (Policy MAR2). It is acknowledged that this open space is important both individually and collectively for a variety of reasons, including visual amenity, formal/informal outdoor recreation, non-vehicular linkage between hamlets, habitat and historic association. Such a designation should not be viewed as an outright ban on development, but it shows that the neighbourhood plan has identified qualities and value in the space which inform a need to retain its openness. Any development proposal should be subject to additional scrutiny in respect of its effects on that designation.
- 9.5 The built envelope of the development marginally encroaches the defined boundary, along with a portion of the proposed outside amenity space (approximately 180 sq. metres) and a proposed cycle lane along the northern boundary. Despite this encroachment, the majority of the protected area, as well as all associated protected trees, are retained. The proposed landscaping plan allows for the retention of a pleasing landscaped approach when viewed from Eagle Way. In respect of the impact on the designated 'area to be protected from development' this would not be substantial, and the openness of the space and its surroundings would not be significantly affected.

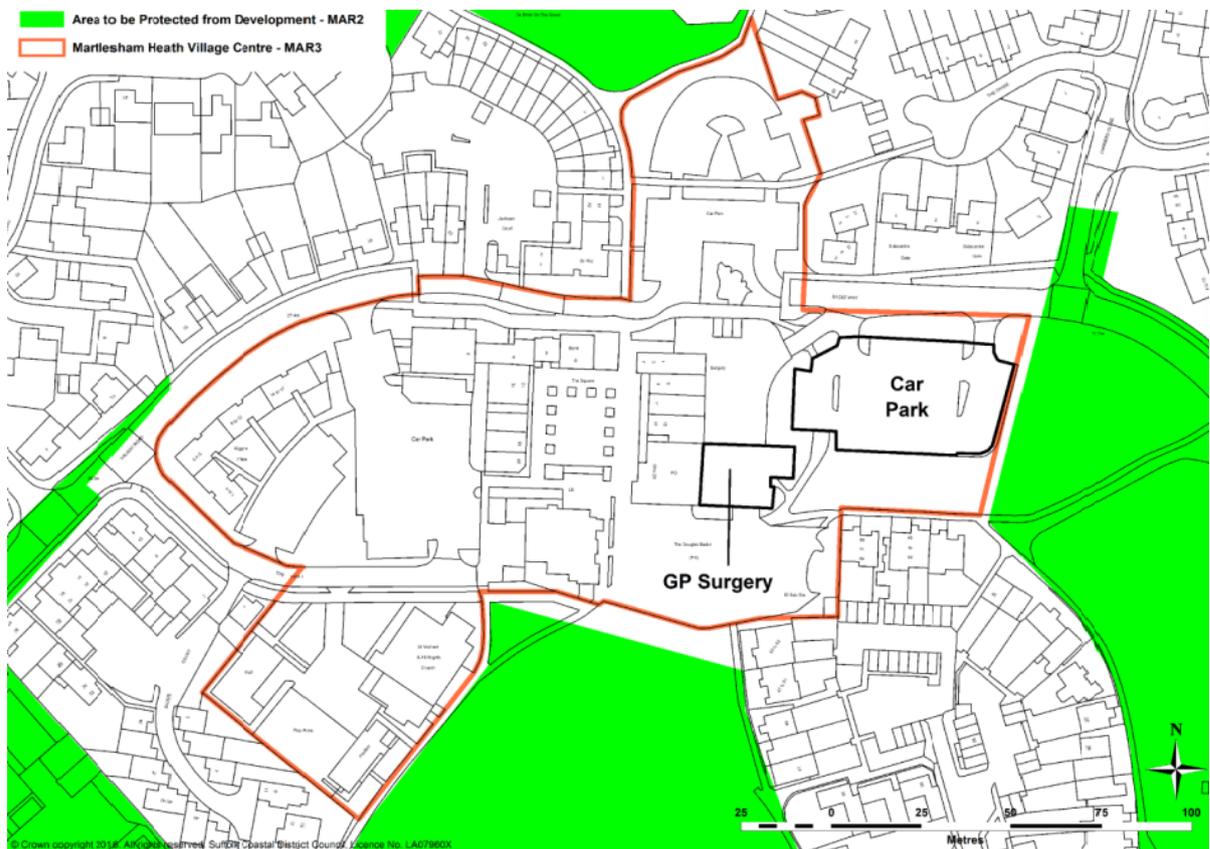


Figure 1 – Policy MAR3 Martlesham Neighbourhood Plan

Development within Martlesham Heath

- 9.6 The policies map within the neighbourhood plan shows that the subject site falls within the extent of Martlesham Heath village centre (Policy MAR3: Development within Martlesham Heath). As stated within the neighbourhood plan, there are some small areas within the area close to the centre that have the potential for further development - however, such proposals are required to be well designed and enhances the area rather than detracts from the 'village green' setting of the village centre, whilst avoiding the likelihood of people

parking along the Eagle Way - the existing amount of parking provision should be retained as it is important to the viability of the business located there.

9.7 The site-specific policy sets out a number of parameters, as noted below:

- a. Within the physical limits boundary of Martlesham Heath, but outside the areas to be protected from development (Policy MAR2), proposed new development should be in keeping with the character of the individual hamlet in which the site is located or is adjacent to.
- b. In particular, development should be at broadly the same density as the existing density of the hamlet. It must also take into account the requirement for an appropriate level of parking (Policy MAR15).
- c. Development must demonstrate a high quality of built design and layout. It must allow for the retention of tree belts that surround sites as well as generally providing well landscaped edges to development sites in order to provide a buffer between developments.
- d. Any existing leisure uses on sites accessible to the public should be retained or re-provided in line with Policy MAR8.
- e. Development specifically within the village centre, as identified on the Policies Map, must also address the following criteria:
 - It must retain and enhance the visual quality of the village green setting, its accessibility by all users and the common activities carried out on the green; and
 - It should contain car parking for village centre users and should not result in the loss of existing public off-street car parking in the immediate local area; and
 - It should not result in additional car parking along Eagle Way, particularly close to the village centre.
- f. Any development proposals must demonstrate that they have engaged with the Clinical Commissioning Group in respect of the existing primary healthcare facility. Proposals shall not prejudice the potential for expansion of the existing healthcare facility unless it is clearly demonstrated that this is not necessary to support the growth proposed in the Neighbourhood Plan area and at the strategic site at Adastral Park during the plan period.

9.8 The relevant aspects of this criteria will be addressed under each respective report section - as set out below.

Housing mix

9.9 Policy SCLP5.8 (Housing Mix) seeks to increase the stock of housing to provide for the full range of size, type and tenure of accommodation to meet the needs of the existing and future population. This includes providing housing that will address the needs of an ageing population. Such provision is to be made in a manner that addresses both the immediate needs of the local resident population and the longer-term, future needs of the population, in accordance with the principles of sustainable development and sustainable communities.

- 9.10 In this instance, Policy MAR5 (Residential Mix) of the neighbourhood plan specifically identifies that there is a significant need for sheltered housing (i.e. independent living with some support), allowing for a mix that provides properties to meet the needs of older people looking to downsize and local people looking to remain in the area. This is further supported by national planning policy guidance 'Housing for older and disabled people' (published 2019), which highlights the importance to plan for the housing needs of older people and defines such need as 'critical'.
- 9.11 The Suffolk Healthy Ageing Needs Assessment (2018) identifies tackling social isolation and loneliness as one of its recommendations, and there is a particular need for older and vulnerable people to have opportunities to access sustainable transport and modes of travel other than the car. Opportunities should be taken to integrate older persons housing into the community, in order to address potential issues of isolation and to promote inclusivity. For example, older persons housing on sites that are well related to schools, community centres or other focal points can help to create integrated communities.
- 9.12 With this in mind, the provision of sheltered housing for the elderly - is deemed an optimum use for this location, given its very close proximity to the village centre and all its associated facilities (surgery, shops, public house, church, green open space); its integration into the mixed-use character and population of the area; and the desirability to provide this facility as part of the residential mix at Martlesham Heath, where all age demographics will be provided for.
- 9.13 With regard to the proposed use, sheltered housing based on self-contained accommodation with simply a warden or scheme manager and no direct provision of care is deemed as housing and would therefore fall under use Class C3 (Dwellinghouses). The development is therefore 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).
- 9.14 As the proposal comprises a solely flatted scheme on a brownfield site, the requirement for a proportion of affordable housing does not apply (Policy SCLP5.10 Affordable Housing on Residential Developments).
- 9.15 All levels of the building are fully accessible in accordance with Building Regulations via an eight-person lift supplemented with ambulant disabled staircases. All apartments conform to Approved Document Part M4(2) – the Lifetimes Homes equivalent. The building benefits from a mobility scooter store which is discreetly contained within the building envelope for the benefit of its residents; this is accessed both internally and externally to ensure a safe and dry transition to/from the scooter. Furthermore, in accordance with Part M of the Building Regulations, a ground floor disabled WC features off the reception area and unimpeded access is provided straight through into the homeowner's lounge with level threshold access beyond to the external terrace overlooking the protected open space.

Design quality and residential amenity

- 9.16 With reference to Policy MAR4 (residential design and amenity) of the neighbourhood plan, local residents wish to see *"new infill housing...particularly for larger developments, this should not stifle good design and that a wider range of styles could be appropriate, provided*

they were not out of keeping with the overall feel of Martlesham."

- 9.17 Related to this, it is considered that the character meant relatively low-density development, even if this meant using more land to accommodate development - with a height no greater than three storeys. Nonetheless, it is accepted that in larger development plots such as this, design can be *"more flexible, particularly where this enables development to address the needs of the community in terms of the mix of housing, e.g. smaller mixed tenure properties, with an element of 'sheltered' housing for the elderly."*
- 9.18 The proposal provides the site with the designed opportunity to create a local landmark by virtue of scale, architectural presence, massing and appearance. The location is deemed appropriate for such a building type, due to its siting within the village centre, where buildings that are of a relatively large scale would be expected to cluster - for example the Douglas Bader PH, church and the retail square with apartments over. These larger buildings signify 'centre' in the sense of urban legibility, as well as mixed use. The proposed building will, therefore, relate well in terms of scale to those in its village centre surroundings. It will also have the dual benefit of signifying the centre on approach along Eagle Way, which the current spatial arrangement singularly fails to do.
- 9.19 The site offers good scope for design possibilities, with three positive edges that can address - the green open space to the east; the tree-lined edge to the south-east; and Eagle Way with the houses opposite to the north. Such configuration allows for a fourth edge to be utilised for necessary parking, access and service arrangements. These are optimum conditions for development and producing a viable scheme.
- 9.20 The L-shaped form of the building permits the longest extent of elevation to face outwards, which positively addresses and engages with the street and the green open space adjacent. This form also allows for the creation of an 'internal' courtyard that is more private in character, which both private outdoor amenity space and accommodates the parking provision and principal entrance. In this way, there is a demarcated difference between public-facing spaces and private ones and is a simple and effective manner in which to organise the site.
- 9.21 The semi-private space is demarcated by the use of boundaries along the frontages and parking/service area - this approach is correct in identifying space and to whom it belongs and is intended to be used by, whilst providing a secure setting. Good connectivity into and through the site layout validates the benefits of utilising this site for development.
- 9.22 The frontage to Eagle Way is designed to include double doors providing access to small terraces and shared garden space. Although not quite the same as front doors that engage directly with the street, this arrangement will, at least, provide for some degree of active frontage - this is appropriate and welcomed. The east elevation is particularly successful in addressing and engaging the open space, having, somehow a more domestic scale through the iteration of parts.
- 9.23 Concerns have been raised that the frontage to Eagle Way provides for single-aspect north-facing apartments. It was encouraged that this arrangement was designed out early in the scheme design, either through the provision of dual aspect units or the reorientation of the built form. However, it is appreciated that the site is constrained by the need to appropriately address all aspects whilst apartment layouts tend to be single-aspect due to

their access gained from internal corridor arrangements. McCarthy and Stone have advised that residents often prefer north facing apartments so as not to have overheated apartments during the summer months, primarily due to health concerns. It is unfortunate that the design revisions did not include the provision of balconies along the northern aspect – nonetheless, the scheme does provide a reasonable amount on communal amenity space for residents to enjoy.

- 9.24 Most apartments will have an interesting and/or attractive outlook - onto a street, an open space, a car park with green space beyond. In the case of this building type, it should not be underestimated that aspect onto a car park can provide visual interest and stimulation to residents who can observe and enjoy comings and goings.
- 9.25 The stepped gabled form of the building adjacent to the dwellings of Lark Rise has been designed without fenestration (except for window within the second-floor roof line) as a means of further limiting overlooking. Although this may comprise the design quality of this aspect to a slight degree, it is considered to be an appropriate means of alleviating residential amenity impacts on the neighbouring properties. Climbing plants along this elevation will help to reduce the blank façade and create some interest, resulting in a green wall type effect.
- 9.26 The form and mass of the building are broken down through the articulation of varied forms, stepped building lines, stepped eaves lines, stepped ridges and materials, with differing elements expressed through varied choices of roofing and cladding materials. This variable and interesting design successfully reduces the scale effect of the massing that often arises from building of this typology (large mass of repetitive units).

Architecturally, the overall presentation is conventional. However, the unpretentious and quiet treatment along with the application of traditional architectural details, reflects the general design ethos of Martlesham Heath reasonably well. An adventurous and contemporary design here would have appeared quite alien to its context. It is important for this scheme to be contextual, to acknowledge its neighbours and take its place. On that basis, the scheme is judged to be reasonably successful in achieving a somewhat landmark status by virtue of its siting, scale and massing.

Former runway

- 9.27 The former runway (area to the south of the surgery and east of the Douglas Bader PH) has been identified as a Non-Designated Heritage Asset within Martlesham Neighbourhood Plan and has been defined as having both social and communal value. It is the last remaining section of the main runway, which formed part of RAF Martlesham Heath.
- 9.28 Martlesham Heath has a significant heritage as a military aviation testing site - with RAF Martlesham Heath having been one of the most important aviation sites in the UK, conducting Aircraft testing (Civilian and Military), Weapons Testing, Parachute Experimentation and Ballooning, an active Support Station for Fighters involved in the Battle of Britain, an important USAAF base providing fighter escort to bombers flying into Europe, an Air Sea Rescue operation and Blind Landing and Bombing Ballistic (Nuclear) testing post war. The first Battle of Britain memorial flight over London was made from Martlesham Heath. In March 1979 aircraft flew from the Heath for the last time - this signalled the closure of RAF Martlesham Heath but not in the minds of those who served there.

9.29 Development proposals affecting non-designated heritage assets either directly or indirectly, should respect the significance of and context of the asset and demonstrate how they will contribute to the conservation and enhancement of the heritage asset. As noted by paragraph 197 of the NPPF - the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Therefore, it must be demonstrated how understanding the significance and setting has informed the development of the proposals - reflecting and enhancing local character and distinctiveness is identified as a means of conserving/enhancing heritage assets. The design and use of the former runway should reflect the importance of its former use whilst providing public benefits through enhancing the public realm.

9.30 Subsequent discussions with the applicant have led to an indicative design that allows for the retention of the runway surface material and the incorporation/prominence of design features (e.g. demarcations, lights, minimal/directional landscaping etc.) that reflect the nature of the heritage asset. It is clear that this approach more appropriately addresses the historic context of the asset whilst allowing for the prioritisation of cycle/pedestrian movements.

9.31 Given the local importance of the asset and the requirement for its enhancement to be of public benefit, further detail would need to be presented via a subsequent detailed Design, Heritage & Landscaping Strategy, to ensure a high-quality design is achieved to the betterment of multi-functional public space, along with a Public Heritage Scheme (secured by condition). Innovative design approaches that increase public awareness of the conservation of historical heritage are welcomed - the details of any interpretation provision should include public participation in its formation.

Connectivity and accessibility

9.32 The proposed site layout has been subject to extensive design changes following feedback from both the local community and the highways authority. Such revisions were an important requirement in ensuring that the proposed use allows for the continuation of its public use and to accommodate the known desire lines for both pedestrian and cycle connections, providing a supportive scheme.

9.33 The proposed layout incorporates the existing footpath, which passes through the middle portion of the site, and leads west/east - linking the village centre to the Martlesham business/retail park to the west via a footbridge over the A12. It is understood that this is a well-used route by many users, including school children, and their continued safety is of great concern by residents. This has been addressed on the site layout plan with the indication of a raised demarcated crossing – however, specific landscaping details relating to surface treatments, signage, surface materials, lighting etc. are to be agreed via condition. Such details will ensure that safe and reasonable access is provided for all users and result in improvements to the existing crossing point at Eagle Way.

9.34 Boundary treatments relating to the residential development are adequately set back from the footpath, allowing for users to easily pass one another.

- 9.35 Cycling improvement opportunities in this area have been identified within the recent East Suffolk Cycling and Walking Strategy consultation. The Council is currently reviewing what cycle infrastructure might be required to better link the communities east of Ipswich. The gap between the existing pedestrian and cycle bridge and Martlesham Heath Square has been noted as an area which is currently not served by a dedicated cycle lane and it is an obvious missing link in the network. This development provides an opportunity to deliver that connection in developing adjacent land and it is the applicant's land which is required to achieve that link. The dedicated cycle lane now proposed on the southern edge of Eagle Way is therefore a proportionate and necessary provision as part of the application and to be delivered by condition and a Section 278 agreement with the Highway Authority. This is a significant benefit arising from the proposals and it will serve the wider community in its benefits to sustainable transport and health and wellbeing as is strongly supported by Policy MAR13.
- 9.36 Successful design changes to the former runway car park have been achieved through the rearrangement of car-parking spaces to a circulatory formation, allowing for larger areas of 'free space', and the provision of sufficiently sized footpaths along the northern, western and southern perimeters. The footpaths along the northern and western perimeters are approximately three metres wide, allowing for all users to pass with ease – and gaps within the proposed landscaping provides the continuation of movement across the area from the south western and south eastern access points, with direct access to the green retained.
- 9.37 Parking spaces along the western edge of the car park have been sufficiently set back and a good width of footpath and landscape edge has been provided to ensure a continual visual linkage is retained through to the green further to the south, allowing for the line-of sight looking south from the village centre towards the green is uninterrupted by views of parked cars.
- 9.38 The most recent design changes accommodate active travel users from the green travelling across the southern car park area in a north easterly direction, with minimal landscaping and the removal of landscaping bunds to avoid obstruction to active travel users accessing the former runway area. Introduction of routes (with a bound and sealed surface) for users to access the car parking area from the peripheral footpaths and The Square – providing a connecting route in the north western corner to allow access to/from The Square, and two routes along the southern boundary to allow access to/from the green.
- 9.39 Whilst the subsequent design iterations alleviate the concerns the highway authority to an acceptable level, conflicting views regarding landscaping still remain – specifically, the provision of a landscape bund to the southern extent (which is a requirement by the parish council to ensure cars are suitably screened from the green) is resisted by highways as it unnecessarily interferes with the permeability of access for active travel users crossing from the green on to the former runway.
- 9.40 As a result, the proposed layout relating to the former runway is marked as indicative and is to be resolved via the submission of a Design, Heritage and Landscape Strategy (via condition). This will include 'detailed design elements' (layout; quantity of car parking spaces; surface materials; landscaping, lighting; cycle parking; street furniture and signage; and appearance of all car parking features), whilst addressing all pertinent matters associated with the overall vision and character of the area and its setting; the design

approach to the public realm; measures to reflect and enhance the historic importance; and the principles of car park/public space hierarchy to address, movement and permeability.

9.41 The manner in which the former runway area is used flexibly as a public space is somewhat reliant on its future management. It is the applicant's intention that the former runway car park is transferred to Martlesham Parish Council to manage in perpetuity, at no charge. This matter (along with the open space area to the east of the site) has been previously discussed with the parish council, and they seem interested in this as an acceptable proposition. The mechanisms of this transfer are to be set out under a S106 legal agreement. Ownership by the parish council will ensure that the former runway, in particular, is utilised as a community asset and used multifunctionally for free-of-charge overflow parking, events, markets etc.

Parking provision for development

9.42 As identified within the Suffolk Guidance for Parking Technical Guidance 2019, the minimum parking requirements for retirement developments (e.g. warden assisted independent living accommodation) is one space per dwelling, including 0.25 visitor spaces per dwelling (unallocated), two cycle parking spaces per eight units (visitors); two powered-two-wheel vehicle spaces; and one space per two dwellings for mobility scooters. On the premise that there are 41 dwellings, the calculated parking provision is as follows:

- Car parking spaces: 41 (25 provided)
- Visitor spaces: 10 (public car parking available)
- Cycle spaces: 10 (subject to condition)
- PTW spaces: 2
- Mobility scooter spaces: 20 (scooter store area measuring 34 sq. metres provided)
- Disabled parking: As visitor/unallocated.

9.43 This advisory residential parking guidance is the minimum required; however, a range of factors are taken into account including location and use. Despite the shortfall in the car parking provisions, the highways authority is satisfied by the justification put forward by the applicant that the level of spaces is appropriately calculated based on other schemes within similar locations.

9.44 A Residential Car Park Management Plan is to be secured by condition to help ensure that the car parking spaces allocated for the residential units are used to their maximum effectiveness and reduce the likelihood that service vehicles and motorist visitors, to the residential element of the development, might choose to, or need to, park elsewhere locally offsite.

Loss of car parking

9.45 The loss of car parking is a matter of concern raised by the highway authority, the parish council and numerous objectors, which is thought to result in additional on-street parking, particularly along Eagle Way. This issue is upheld by Policy MAR3 and Policy MAR15 of the neighbourhood plan, whereby proposals that would reduce the existing level of off-street parking provision will be resisted unless it can be satisfactorily demonstrated that the amount of overall provision is adequate.

- 9.46 As stated within the submitted Transport Assessment (by Dr Allan Burns, dated February 2020), the existing car park comprises a total of 69 spaces. This is the largest of the three existing car parks, with the northern car park comprising 56 spaces and the western car park comprising 59 spaces. The proposal includes the provision of 68 spaces (25 spaces associated with the residential development and 43 indicative spaces within the former runway area). As the spaces associated with the residential component are accounted for separately, the overall net loss is 25 public car parking spaces.
- 9.47 However, due to the site's sustainable location within the village centre it is plausible to suggest that a higher density development would lead to reduced reliance on the use of cars, increased social cohesion and safety, and greater accessibility to the village amenities. Such sustainable ambitions have been addressed, in part, by a pedestrian/cycle led design approach, where such modes of transport take priority over vehicular movements. Furthermore, the retirement living model proposed for the site is unlikely to place additional parking demands beyond the on-site parking provision. This is a location where retirement car free living would be very possible with all services and facilities within walking distance or available via public transport.
- 9.48 The reliance on cars and the subsequent barrier of parking requirements often disrupts fundamental placemaking principles – creating liveable places/spaces where people want to spend time. In this case, the greater concern is not the loss of parking but the displacement onto the former runway (an informal plaza). Unfortunately, this concept is not wholly supported by the parish council, who are resistant to the further loss of car parking spaces proposed despite there being alternative car parks within the vicinity – with the northern car park often appearing underutilised, perhaps due to the current ease of access the eastern car park provides.
- 9.49 Without a good estimate of the current parking demand in the village centre it is difficult to objectively ascertain as to whether the proposed overall provision is adequate. The applicant does not appear to have supplied such an estimate beyond two days of car parking surveys. However, with a combination of separate suitable management plans for the private and public car parks, and possible Traffic Regulation Order (TRO) control of parking on the adjacent public highway, it is possible that the car parking arrangements could prove successful - better management of the car parks use could offset the decrease in number of spaces. To prove successful the management of the private car parking spaces within the site's security railings may need to be unallocated, and the 'private' spaces currently proposed to be protected by rising bollards may need to be a kind of hybrid public/private car parking area.
- 9.50 The Highway Authority confirms that the provision of the former runway site as an area of 'accessible community parking for business needs and vitality of the local centre' would be acceptable as one of the provisions to mitigate the negative highways and transportation impact. Along with the provision of a frontage cycle track linking USRN38680534 (Cycle Track: Eagle Way to Valiant Road) and USRN38606516 (Cycle track Eagle Way to Gloster Road), and speed control features including a raised footway/cycleway crossing where the cycle and footpath routes cross Eagle Way.
- 9.51 Overall, although there will inevitably be a degree of impact resulting from the loss of parking and the nature of the former runway, such concerns can be minimised down to an acceptable level if accompanied by suitable mitigation measures, including the promotion of

efficient use of both private car park and public car park spaces (via approved car park management plans). The use of a planning obligation to provide improved cycle infrastructure to help mitigate the negative impacts of a development would help compensate for the negative impacts on the active travel use of the previously car free former runway area, and a returnable £15k bond to monitor local parking issues and progress any necessary TRO to prevent adjacent on-street parking (including on Eagle Way) would help address the harm risk from any localised on-street parking that might potentially arise out of the development.

Flood risk, sustainable urban drainage and holistic water management

- 9.52 Following review of the Flood Risk Assessment & Drainage Strategy (Version 3, dated 02 March 2021) and the Site Investigation Report (ref. CCL03241.CK21, dated November 2019), the lead local flood authority (Suffolk County Council) recommend approval subject to conditions. Broadly, the conditions will ensure that principles of sustainable drainage are incorporated, clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage, and that the development does not cause increased flood risk, or pollution of watercourses or groundwater.
- 9.53 Indicative locations of the proposed rain gardens are outlined in the Flood Risk Assessment & Drainage Strategy, the details of which shall be submitted and included within the drainage strategy as part of detailed design.
- 9.54 The implementation of such conditions will ensure that the development is in accordance with Policy SCLP5.9 (Flood Risk), Policy SCLP9.6 (Sustainable Drainage Systems), and Policy SCLP9.7 (Holistic Water Management).

Landscaping

- 9.55 The proposed layout ensures that the area to the east comprising an 'area to be protected from development' is retained in its majority along with the associated protected trees. A substantive landscaping plan has been submitted which ensures there is no 'hard' boundary treatments that would detract from the openness of the existing space when viewed from the Eagle Way, with the exception of suitably placed railings/hedging alongside the highway that provides a form of screening for future residents. The planting proposals will provide a diverse and interesting range of new planting that will also make a useful contribution to the amenity of the neighbourhood and will be beneficial to observers outside of the proposed development.
- 9.56 A Tree Preservation Order was served on a number of trees on the open space to the east of this development site, it was noted at the time that these trees were not necessarily of prime quality, but the benefit of legal protection was considered appropriate. These trees are included in the submitted tree survey and the assessment of their condition is considered accurate and appropriate.
- 9.57 As stated within the submitted Tree Survey and Impact Assessment (by Keen Consultants, dated February 2020), the application necessitates the removal of 14 trees, one of which is covered by the TPO (T10) – a Category C Norway Maple. Of the remaining trees, five are Category B Silver Birch, and the rest at Category C trees being Birch, Sycamore, Pine and False Acacia. The Category C trees thus graded largely on account of their poor form through lack of management and formative pruning. Overall, Category C trees

(BS5837:2012) are not considered to be a block to development, and the Category B trees, being Birch are not considered to be long lived trees. In order to mitigate these losses, the proposed landscape planting plan includes 19 new trees, of which 13 are considered to be usefully long-lived species (Hornbeam and Field Maple). On this basis, the proposed tree losses will be suitably mitigated by the described new tree planting, and the planting is considered to be a useful long-term contribution to local landscape amenity.

- 9.58 Although the proposed side planting area to the west of the site will intrude into the root protection areas of the adjacent trees, this can be mitigated by the use of appropriate construction methods (no-dig), which will be secured by condition.
- 9.59 Overall, there are no objections to the proposal from a landscaping or arboricultural perspective. Subject to the provision and implementation of appropriate tree protection measures, which can be confirmed by way of condition.

Biodiversity and geodiversity

- 9.60 An East Suffolk Council ecologist has reviewed the Low Impact Ecological Impact Assessment Report (by Ramm Sanderson, dated January 2020) and is satisfied with its conclusions. Overall, there is no objection to the proposal with regard biodiversity and geodiversity subject to the implementation of conditions, which collectively ensure ecological receptors are adequately protected and enhanced as part of the development, nesting birds are protected, impacts on ecological receptors from external lighting are prevented, and that the development delivers ecological enhancements.
- 9.61 As stipulated under Policy SCLP10.2, the Council has a duty to ensure that development proposals will not result in an increase in activity likely to have a significant effect upon sites designated as being of international importance for their nature conservation interest. The application site is located within 13km of a designated European Site. The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk Coast 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 (upon submission of an application) to ensure the scheme is in accordance with the objectives of Policy SCLP10.1 (Biodiversity and Geodiversity), which seeks to protect designated sites in accordance with The Conservation of Habitats and Species Regulations (2017). The financial contribution is to be secured by a planning obligation - this provision will be delivered via an agreed Section 106 (S106) legal agreement.

Environmental quality

- 9.62 The proposal has been reviewed by the East Suffolk Council Environmental Protection team, who confirm that based on the conclusions of the combined Phase 1 and Phase 2 contaminated land assessments, conditions requiring a Construction Management Plan and further reporting should unexpected confirmation be identified must apply. This is 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 – in accordance with Policy SCLP10.3 (Environmental Quality).

- 9.63 Is it important to note that the recommendations of the aforementioned report state that the separate UXO report must be taken into consideration during construction; and that there is likely to be a requirement for a multi-layer pipe for potable water depending on the water company requirements.
- 9.64 The inclusion of electric vehicle charging points are highlighted as a positive element of the proposal.

Sustainable construction

- 9.65 The proposed development should achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations. Exceptions should only apply where they are expressed in the Building Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards. Optional technical standard in terms of water efficiency of 110 litres/person/day should also be achieved.
- 9.66 The use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion developments – with measures set out for minimising waste arising from the construction process.
- 9.67 Detail is to be submitted by way of a Sustainability Statement to address the requirements outlined under Policy SCLP9.2 (Sustainable Construction), which is to be secured by a pre-commencement condition.

Archaeology

- 9.68 Suffolk County Council archaeological service confirms that there would be no significant impact on known archaeological sites or areas with archaeological potential. As such, they have no objection to the development and do not believe any archaeological mitigation is required.

Unexploded ordnance

- 9.69 The Detailed Unexploded Ordnance (UXO) Risk Assessment (by 1st Line Defence Ltd, dated 28 October 2019) has assessed that there is a 'medium risk' from both Allied and German UXO across the site. A condition of consent is required to ensure the recommendations and measures as set out in the report shall be undertaken in full along with the implementation of other necessary mitigation required under Government guidance.

Secured by design

- 9.70 The Suffolk Constabulary's Designing Out Crime Officer raises a number of points with a design elements of the proposal, particularly the loss of car parking spaces and the subsequent increase in anti-social behaviour and the preference for a flush elevations, with no recesses. Considering the building is a securely gated retirement development it would seem reasonable to assume access to/around the site would be limited - the perimeter of this building is protected to reduce the risk of casual entry.
- 9.71 The applicant is advised to consider the recommendations outlined in the consultee's

response to ensure the development is safe and secure without detriment to the design and aesthetic of the scheme. Matters noted in relation to car park security can be addressed within the required management strategy.

Key facility - GP surgery

- 9.72 Any future planning decisions made in the village centre should take account the need for future expansion of the healthcare facility and must demonstrate that the proposal will not prejudice the viability or potential for expansion of the existing healthcare facility, unless it is clearly evidenced that this is not necessary to support the growth proposed.
- 9.73 In accordance with criteria 'f' of Policy MAR4, the application has been reviewed by the Ipswich and East Suffolk Clinical Commissioning Group (CCG), who confirm that the proposal is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).
- 9.74 Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to expand surgery provision in the area. This would be combined with significant Section 106 funding for this purpose, which is secured as part of the 2000 home Brightwell Lakes development.
- 9.75 East Suffolk are currently working with the CCG to identify the long-term primary healthcare expansion opportunities for this area.

Infrastructure provision

- 9.76 Infrastructure requirements needed to support and service the proposed development must be considered in the proposed development, with the expectation that the scheme contributes towards infrastructure provision to meet the needs generated. Off-site infrastructure will generally be funded by the Community Infrastructure Levy (CIL), and on-site infrastructure will generally be secured and funded through Section 106 planning obligations. The CIL contribution will include a 25% proportion transferred to Martlesham Parish Council to spend on their identified local infrastructure needs within five years of receipt.
- 9.77 The development is expected to contribute to the delivery and enhancement of infrastructure that encourages active lifestyles and healthy communities. This has been achieved in part by the proposed cycleway that further establishes the strategic cycle network that runs along Eagle Way, linking Ipswich and Woodbridge (it forms part of the National Cycle Network Route 1 - a long-distance route in sections from Dover to the north of Scotland).
- 9.78 Fire hydrant requirement will be covered by appropriate planning conditions. Suffolk County Council strongly recommends the installation of automatic fire sprinklers and The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting.

- 9.79 As stated by Policy MAR20, all new residential development should be served by a superfast broadband (fibre-optic) connection. The only exception will be where it can be demonstrated, through consultation with Next Generation Access (NGA) Network providers, that this would not be either possible, practical or economically viable. In such circumstances sufficient and suitable ducting should be provided within the site and to the premises to facilitate ease of installation at a future date on an open access basis. A condition of consent will apply to ensure such requirement is allowed for within the development.
- 9.80 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).
- 9.81 Infrastructure requirements to be secured by CIL for this development include the following:
- Libraries improvement and stock (approx. £8,640);
 - Waste infrastructure (approx. £4,400);
 - Healthcare (tba).

Section 106

- 9.82 A Section 106 legal agreement is to be formally agreed between interested parties. The draft Heads of Terms include the following:
- Provision to secure in perpetuity the former runway site as an area of 'accessible community parking for business needs and vitality of the local centre'.
 - Inclusion of a 'returnable £15k bond to monitor local parking issues and progress any necessary TRO to prevent adjacent on-street parking (including on Eagle Way)'.
 - Suffolk Recreation Avoidance Mitigation Strategy (RAMS) financial contribution.

10 Conclusion

- 10.1 Overall, the proposed development for sheltered housing within the physical limits boundary of Martlesham Heath and within close proximity to the village centre, is a sustainable form of development that meets the growing demands of an ageing population. It provides for beneficial use of previously developed brownfield land and enhancement of its surroundings via a building of reasonable design quality that outweighs the loss of the parking facility and includes the provision of a required cycle lane link on Eagle way, which is a significant benefit of the development.
- 10.2 The overall character of the proposed building in terms of varying scale and architectural materials is considered to be in keeping with the character of the individual hamlet in which the site is located and reflects the visual language within the area, whilst remaining proportionate to the wider street and from key vantage points, including Eagle Way and the village green.
- 10.3 Despite acknowledged concerns regarding the subsequent loss of parking, a high-quality design led approach that allows for the continuation of cycle/pedestrian movement whilst

enhancing the former runway takes precedent in this instance. This is a fundamental placemaking requirement that is supported by paragraph 110 of the NPPF, whereby proposals should “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas”. The proposal also delivers a beneficial improvement to the cycle route network, addressing a current ‘missing link’ on Eagle Way between the village centre and the pedestrian and cycle bridge.

- 10.4 Displacing a level car parking onto the former runway area has been designed to appropriately reflect the historical significance of the non-designated heritage asset, whilst achieving a sympathetic design and allowing for the area to remain as a public and transient space. Detailed design elements, the overall aesthetic of the space, and future management is to be agreed via condition to ensure high a quality and coordinated development in accordance with Policy MAR3 (Development within Martlesham Heath); Policy MAR12 (Non-Designated Heritage Assets); Policy MAR13 (Cycling, Walking and Disability Access Routes; and Policy MAR15 (Parking Provision) of the Martlesham Neighbourhood Plan.
- 10.5 Subject to the imposition of the conditions set out below and the signing of a S106 legal agreement, the development is considered sustainable and in compliance with the local plan and national planning policy.

11 Recommendation

- 11.1 Recommended for authority to approve subject to final Highways comments of no objection and conditions and S106 legal agreement to secure the TRO parking bond and RAMS contribution.

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:

- Site location plan (000 Rev. P00) [received 03 March 2020]
- Proposed site layout (001 Rev. P09) [received 06 April 2021]
- Landscape proposals (17688 Rev. C) [received 01 April 2021]
- Proposed ground floor plan (002 Rev. P05) [received 15 March 2021]
- Proposed first floor plan (003 Rev. P03) [received 21 September 2020]
- Proposed second floor plan (004 Rev. P03) [received 21 September 2020]
- Proposed roof plan (005 Rev. P02) [received 21 September 2020]
- Elevations (north and east) (006 Rev. P03) [received 08 April 2021]
- Elevations (south and west) (007 Rev. P04) [received 15 March 2021]

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 (Elevations (north and east) (006 Rev. P03) [received 08 April 2021] and Elevations (south and west) (007 Rev. P04) [received 15 March 2021]) 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. The occupants of the development hereby permitted shall be over 55 years of age.

Reason: The development is specifically designed for the elderly and does not have the necessary parking or amenity space that would be required for a residential development occupied by people of pre-retirement age.

5. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Low Impact Ecological Impact Assessment report (by Ramm Sanderson, dated January 2020).

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

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

Reason: To ensure that nesting birds are protected.

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

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

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

8. No development shall take place (including any demolition, ground works, site clearance) until a method statement for clearance of vegetation and hardstanding from the site has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant); and
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details.

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

9. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development delivers ecological enhancements.

10. Development must be undertaken in accordance with the measures identified within Tree Survey and Impact Assessment (by Keen Consultants, dated February 2020) and the Tree Protection Plan (by).

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

11. The approved landscaping scheme (excluding the former runway area) [17688 Rev. C] 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 five 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.

12. No operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement (AMS) in accordance with

'BS5837:2012 Trees in relation to design, demolition and construction – Recommendations' has been submitted to and approved in writing by the local planning authority and the protective fencing is erected as required by the AMS.

Reason: To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

13. At no time during or after the construction of the hereby approved development, shall there be any materials, plant or equipment stored, or excavation works beneath the canopies of the trees which overhang the application site.

Reason: To protect the trees during the course of development in the interest of visual amenity.

14. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

15. No development shall commence until there has been a Landscape Management Plan for maintenance of the access drive/parking areas, the associated landscaped areas, and the open space submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

16. In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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 local planning authority.

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

17. Recommendations and measures as set out in the Detailed Unexploded Ordnance Risk Assessment (by 1st Line Defence Ltd, dated 28 October 2019), shall be undertaken in full along with the implementation of other necessary mitigation required under Government guidance. If, at any time during development, high risk UXO not previously identified in the aforementioned report is encountered / found to be present on the site, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a revised and/or additional UXO risk management and mitigation programme / plan is submitted detailing how the high risk UXO not previously identified shall be dealt with and is approved in writing by the local planning authority. The revised and/or additional UXO risk management and mitigation programme / plan shall be implemented as approved and following completion of mitigation a completion verification report shall be prepared and submitted in writing to the local planning authority for approval confirming that all risks to (including the possible evacuation of) existing and proposed premises have been satisfactorily mitigated.

Reason: To ensure that the risks from site wide unexploded ordnance to future users of the land and existing neighbouring land are eliminated and or minimised to ensure that development can take place without unacceptable risk to workers, residents and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of the use associated use of the site.

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

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

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

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

20. Within 28 days of practical completion of the building, surface water drainage verification report shall be submitted to the local planning authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in

accordance with the approved designs and drawings. The report shall include details of all sustainable drainage system components and piped networks, in an agreed form, for inclusion on the Lead Local Flood Authority's (LLFA) Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and 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 required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

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

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

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

- Temporary drainage systems.
- Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- 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.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

22. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

23. No development shall commence until a Design, Heritage and Landscape Strategy for the former runway area has been submitted to and agreed by the local planning authority. The strategy shall include 'detailed design elements' (layout; quantity of car parking spaces; surface materials; landscaping, lighting; cycle parking; street furniture and signage; and appearance of all car parking features). It shall also address all pertinent matters associated with the overall vision and character of the area and its setting; the design approach to the

public realm; measures to reflect and enhance the historic importance; and the principles of car park/public space hierarchy to address, movement and permeability.

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure the development will not harm the historic character of the non-designated heritage asset, to ensure the satisfactory appearance of the development in the interest of visual amenity, and to allow for a safely designed layout for the benefit of public use.

24. The approved Design, Heritage and Landscape Strategy under Condition 23 shall be implemented prior to occupation of the residential units and shall thereafter be retained and maintained.

Reason: To ensure the implementation of a well-laid out scheme in the interest of visual amenity, historic character and highway safety.

25. The landscaping scheme approved under Condition 23 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 five 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.

26. Prior to the use of the former runway car park, a Public Heritage Scheme shall be submitted to and agreed by the local planning authority. It shall set out a strategy of engagement and delivery of a heritage installation on the site. It shall include details of how the management body and community will influence the delivery of the installation and how, if possible, other on site and adjacent organisations could contribute to that delivery. This may include Martlesham Aviation Society and other occupiers of Martlesham Heath. The heritage installation shall be agreed and delivered within a timeframe set out in that document.

Reason: To ensure that the proposed heritage installation makes the appropriate provision of community led involvement whilst ensuring the feature suitably represents the historical importance of the non-designated heritage asset.

27. Prior to commencement of development, a sustainability statement shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the optional technical standard in terms of water efficiency of 110 litres/person/day unless it can be demonstrated that it is not viable or feasible to do so. Development shall be undertaken in accordance with the approved statement, unless otherwise approved in writing by the local planning authority.

Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development.

28. Confirmation shall be provided to the local planning authority prior to occupation of the proposed residential development that the residential premises should be served by a superfast broadband (fibre-optic) connection.

Reason: To ensure that all new housing, community and commercial development in the neighbourhood area is connected to superfast broadband, in accordance with Policy MAR20.

29. No part of the development shall be commenced until details of the proposed Eagle Way access junction shown indicatively on 'SITE PLAN – PROPOSED Drawing No 9158-001-REV-P09' (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the local planning authority. The approved access shall be laid out and constructed in its entirety prior to the first occupation of any residential unit. 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.

30. No part of the development shall be commenced until details of the new Eagle Way frontage shared use cycle track linking USRN: 38680534 to USRN Detail: 38606516, including details of how the cycle track will safely cross Eagle Way to the A12 bridge link, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be laid out and constructed in its entirety prior to the first occupation of any residential unit.

Reason: In the interests of highway safety and to encourage the sustainable transport benefits of active travel, as per National and Local Planning Policies and to allow for residents' mobility scooter access to the attractor services and amenities north of the A12.

Comment: The provision of the cycle track would help compensate for the negative impacts of the development (including negative impact on pedestrians and cyclists using the currently car free former runway area; the reduction in quantity and quality of public car parking; landscaping loss of green open space and mature vegetation) as outlined in LTN 1/20 14.3.

31. The highway element of the development shall not commence until the Road Safety Audit (Stages 1 and 2) process has been carried out in accordance with current Road Safety Audit Practice and Guidance and any necessary amendments or changes undertaken. The development shall not be [occupied / open for public access] until any requirements under Stage 3 of the Road Safety Audit have been completed or a programme of remedial works has been agreed.

Reason: In the interests of highway safety to ensure the approved layout is properly designed.

32. No part of the development shall be commenced until the initial Residential Car Park Management Plan (RCPMP) and timescales for later ongoing reviews of the RCPMP, have been submitted to and approved in writing by the local planning authority.

Reason: A Residential Car Park Management Plan (RCPMP) is to be employed to help ensure that the 25 spaces (for the 41 residential units) are used to their maximum effectiveness and reduce the likelihood that service vehicles and motorist visitors, to the residential element of the development, might choose to, or need to, park elsewhere locally offsite.

Comment: A pre-commencement condition is required to ensure any changes to layout, identified during the preparation of the RCPMP, would not require expensive remedial action making such layout changes unviable.

33. No part of the development shall be commenced until the initial Public Car Park Management Plan (PCPMP) and timescales for later ongoing reviews of the PCPMP, have been submitted to and approved in writing by the local planning authority.

Reason: A Public Car Park Management Plan is to be employed to help ensure that the public spaces are used to their maximum effectiveness and reduce the likelihood that motorist visitors to the Village Centre services and amenities, might choose to, or need to, park elsewhere locally outside of the public car parks. A pre-commencement condition is required to ensure any changes to layout, identified during the preparation of the PCPMP, would not require expensive remedial action making such layout changes unviable.

34. Before the development is commenced details of the areas and infrastructure to be provided for the [loading, unloading,] manoeuvring and parking of vehicles including electric vehicle charging points, and secure covered lit 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: In the interests of highway safety and sustainable travel, to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring could be detrimental to highway safety. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

35. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

36. Before the development is commenced details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be

carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

37. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. Thereafter, the approved construction statement shall be adhered to throughout the construction of the development. The Construction Management Plan shall include the following matters:

- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- piling technique
- storage of plant and materials
- provision and use of wheel washing facilities
- programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- site working and delivery times
- a communications plan to inform local residents of the program of works
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- haul routes for construction traffic on the highway network and
- monitoring and review mechanisms.
- details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development

Informatives:

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. A number of trees within the boundary of the application site are protected by Tree Preservation Order 267/2018. It is an offense 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.
3. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act

(1981). It is therefore recommended that any works take place outside the nesting season. If birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

4. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
5. 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.
6. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.
7. This consent is also the subject of a Section 106 legal agreement which must be adhered to.
8. 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. 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.
9. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence
10. The works within the public highway will be required to be designed and constructed in accordance with Suffolk County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council

regarding noise insulation and land compensation claims, commuted sums regarding the provision of new electrical equipment and energy, and changes to the existing street lighting and signing.

11. 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 condition(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.
12. 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).

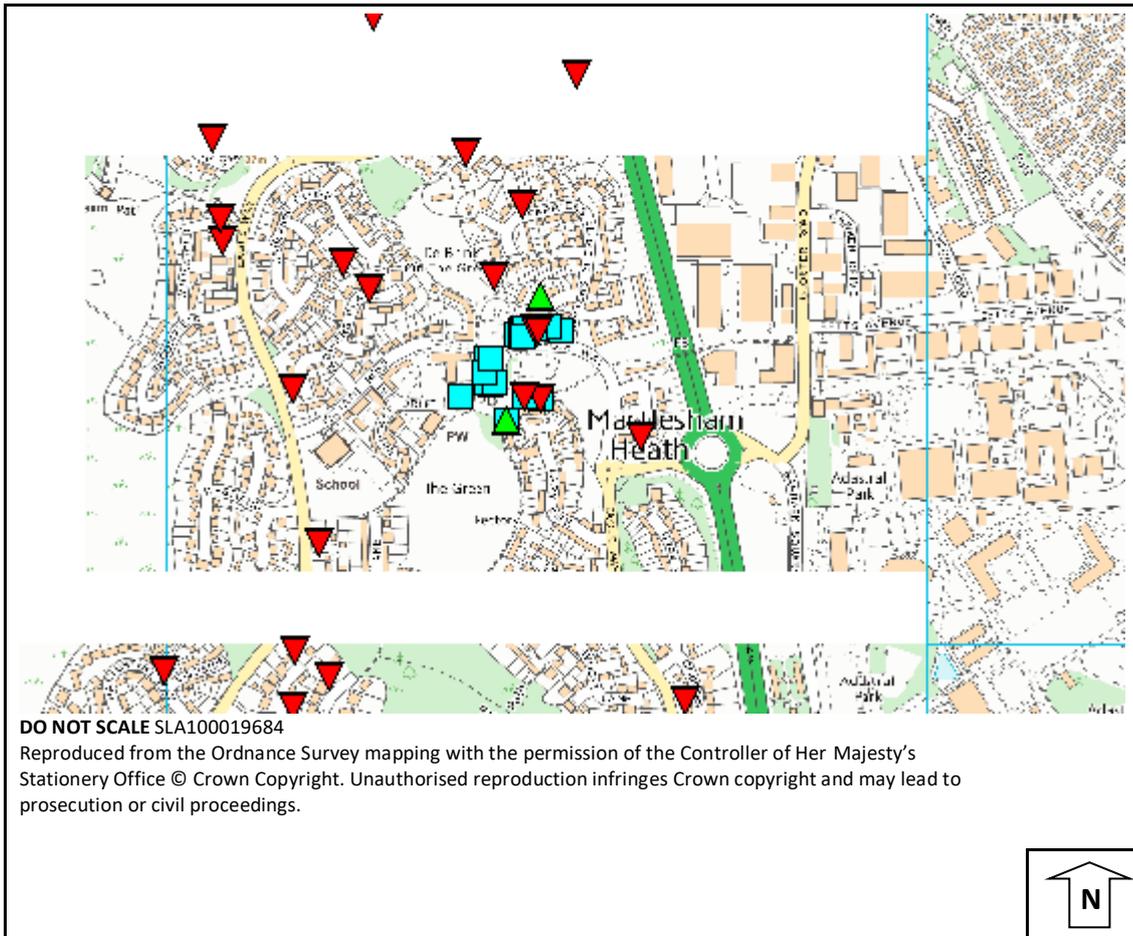
Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and 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/>

13. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.
14. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.
15. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).
16. Consultation should be made with the Water Authorities to determine flow rates in all cases.

Background information

See application reference DC/20/1036/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/0311/FUL

Location

Land East Of 5 And 6
St Marys Way
Westerfield
IP6 9BQ

Expiry date 18 March 2021

Application type Full Application

Applicant Mr & Mrs Gittins

Parish Westerfield

Proposal Erection of 1no. new dwelling, with detached double garage, and extension of vehicular access driveway.

Case Officer Natalie Webb
07825 754344
natalie.webb@eastsoffolk.gov.uk

1. Summary

- 1.1. The application seeks the erection of one dwelling on land east of 5 and 6 St Marys Way, Westerfield, IP6 9BQ.

Reason for Committee

- 1.2. The application is presented to planning committee in accordance with the Constitution of East Suffolk Council as the Planning Application is, 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 is contrary to policies within the Development Framework

Recommendation

- 1.3. The application is recommended for approval, subject to conditions outlined below.

2. Site description

- 2.1. The application site occupies an elevated position to the east of 5 and 6 St Mary's Way and north of housing on Westerfield Road and Church Lane. The site comprises an undeveloped area of rough grassland, trees and shrubs to the east of 6 St Mary's Way. Access to the site is from St Mary's Way. The site lies outside of, albeit immediately adjoins the settlement boundary for Westerfield. The site doesn't affect the setting of a listed building, nor is it within any designated areas.
- 2.2. The site is abutted by residential development to the south and west, with an area of undeveloped grassland immediately north and east of the site, with agricultural fields further north. Planning permission has been granted at appeal for the erection of five dwellings to the rear of The Mount just to the east of St Mary's Way (planning reference: DC/16/2765/FUL, appeal reference APP/J3530/W/17/3167309).
- 2.3. Planning history for the site includes:

DC/17/5215/OUT - Erection of five dwellings

Application refused and subsequent appeal dismissed (APP/J3530/W/18/3200488), however this appeal established that the principle of development was acceptable, subject to overcoming the impact to residential amenity (more information in Planning Considerations below).

DC/18/5206/FUL - Erection of three dwellings

Application refused on 25 February 2019, as matters within the Inspectorate's decision had not fully been overcome.

DC/19/2583/FUL - Erection of three dwellings

As above, the application had not fully overcome initial concerns about the impact to residential amenity, therefore was advised to withdraw the application and reconsider the scale and amount of units on 'plot 2.'

DC/19/3662/FUL - Construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway

The application was presented to the planning committee on 26 November 2019, where officers recommended approval, as it was considered that the aforementioned reasons for refusal had been overcome. However, the officers recommendation was overturned and the application was refused by the planning committee. The development was subsequently allowed on appeal (reference APP/X3540/W/20/3244496).

3. Proposal

- 3.1. The proposal is a new application seeking approval for one dwelling on the plot of land identified as plot one by DC/19/3662/FUL. The other additional parcel of land, previously known as plot 2, is not included in this application.

- 3.2. This application is for planning permission to erect one new dwelling on land to the rear of 5 St Marys Way/to the east of 6 St Marys Way. The works will include providing a new access drive into the site as an extension of the existing access that currently serves No.6 St Marys Way. This will provide vehicular access to the new dwelling, as well as maintaining access to the existing parking area to the front of No.6.
- 3.3. The development will provide one open market dwelling, in the form of a chalet bungalow. The chalet-bungalow is a detached 4-bedroom property of approximately 238m² gross internal floor area. It will also benefit from a double garage and off-road parking spaces. The dwelling will have front and rear gardens.

4. Consultations/comments

- 4.1. One third-party objection was received which comments on the application in respect of:
- Access
 - Landscape impact
 - Loss of Privacy
 - Overlooking
 - Traffic or Highways
 - Trees
- 4.2. In summary, the comments state that: the access should be made up and adopted by the local highways authority as an extension to the existing close; landscaping between no.6 and the site to be sufficient to protect amenity; the landscaping should be protected by a tree preservation order. A copy of the full comments can be found on the council's website.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Westerfield Parish Council	4 February 2021	25 February 2021
<p>This application was considered at a meeting of Westerfield Parish Council on February 24, 2021. The Parish Council does not object to the construction plans. But it notes that the driveway extension from the existing road is included within the red line defined site, as it is also for the new bungalow site (21/0649). Does this mean that the driveway is to be subject to shared ownership by the two sites? Will it be possible for the driveway to be adopted by Suffolk Highways? The Parish Council feels this matter should be clarified at planning stage in order to avoid future problems when either property is sold on or when maintenance or access issues arise.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	4 February 2021	15 February 2021
Summary of comments: Recommends conditions as on the previous application.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Head of Housing	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	4 February 2021	24 February 2021
<p>Summary of comments: Suffolk County Council, Flood & Water Management is a statutory consultee under the Town and Country Planning Act for major applications only.</p>		

Publicity

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

Category	Published	Expiry	Publication
Departure	25 March 2021	15 April 2021	East Anglian Daily Times

Site notices

General Site Notice
Reason for site notice: Contrary to Development Plan
Date posted:
Expiry date:

General Site Notice
Reason for site notice: General Site Notice
Date posted: 5 February 2021
Expiry date: 26 February 2021

5. Planning policy

5.1 National Planning Policy Framework 2019

5.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies

- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP5.3 - Housing Development in the Countryside
- SCLP7.2 - Parking Proposals and Standards
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity

6. Planning considerations

- 6.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2. The East Suffolk, Suffolk Coastal Local Plan was adopted on 23 September 2020. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan, Core Strategy and Site Allocations and Site Specific Policies were 'Saved,' and others were superseded or abandoned.
- 6.3. It should be noted that application DC/19/3662/FUL was considered under the former Core Strategy Policies, however the allowed appeal (dated 26 October 2020) was determined under the new Local Plan Policies.
- 6.4. The application site lies outside of the Settlement Boundary for Westerfield, as identified within Policy SCLP3.2 and is therefore considered to be within the countryside for planning purposes. The site is however adjacent to the settlement boundary, which identifies Westerfield as a 'Small Village'. The services and facilities within the village include employment sites, a public house, village hall, church, railway station and bus stops.
- 6.5. Local Plan Policy SCLP5.3 states that outside of the defined Settlement Boundaries, new residential development will be limited to:
 - a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);
 - b) Limited development within existing clusters (in accordance with Policy SCLP5.4);
 - c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;
 - d) Subdivision of an existing larger dwelling;
 - e) Conversion of an existing building (in accordance with Policy SCLP5.5);
 - f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);
 - g) Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.
- 6.6. The proposal does not accord with any of the above exception policies for new development in the countryside, as such is considered to be a departure from the development plan. However, given the recent appeal decision, which remains extant and could be implemented, it is considered in this instance that the principle of development is acceptable.
- 6.7. As such, this report will focus on the changes from the previously permitted scheme. This application seeks to make amendments to the dwelling known as 'plot 1'. The changes include:
 - The addition of four rooflights on the principle (south) elevation;
 - A lean-to extension to the rear (increased open living space) including a glass canopy on the rear (north) elevation);

- An increase in footprint to the single-storey side (west) elevation (increased utility room), including the insertion of a access door and two rooflights on the western elevation;
- Replacement of the access door to the utility room on the rear (south) elevation with a window;
- Two additional rooflights (four in total) on the side (eastern) elevation

6.8. The proposed materials for the development are:

- Clay pantiles to upper roof, natural slate tiles to lower roof;
- Multi red brickwork and black stained weatherboard for the walls
- Timber fascias, soffits, bargeboards - stained black;
- Gutters and downpipes black uPVC;
- Aluminium windows and doors - grey.

6.9. The appearance of the garage is as previously permitted; materials finishes will be similar to those of the main dwellinghouse. A condition was previously included for details of materials to be submitted, however these have been provided, therefore the condition will be one of compliance with the submitted details.

6.10. The above changes are considered acceptable in accordance with SCLP11.1, this is because they are not adversely different from what has previously been considered acceptable. It is also noted that permitted development rights were not restricted by the appeal decision. As such, some of the above amendments would be permitted development if undertaken after the dwelling has been built.

6.11. However, the reason for refusal of DC/19/3662/FUL related to the impact on residential amenity. The reason for refusal stated:

"The proposal sought full planning permission for the construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway at Land Adjacent to Mallards, 5 St Mary Way, Westerfield, IP6 9BQ.

Whilst the number of units and orientation had been amended from the previous applications and with additional landscaping and removal of permitted development rights, it was determined that due to the elevated position of the proposed dwellings and ground levels changes within the site and the land to the west, there would be overlooking and loss of privacy between the proposed units and the existing (nos 5 and 6 St Mary's Way). The application had not overcome the concerns raised by the Planning Inspector on appeal decision APP/J3530/W/18/3200488.

Therefore, the scheme is contrary to East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Development Plan Document Policy DM23 (Residential Amenity) point A: privacy/overlooking."

6.12. The Inspector states within their decision that:

"Contrary to the Council's refusal reason, I consider that the reduction from five to two dwellings, both now orientated to face onto an extended cul-de-sac and laid out so as to reflect the present spacious grain of housing on St Mary's Way, would avoid any material harm to the living conditions of any existing occupiers. On an elevated site and occupying land that is presently vacant, the two dwellings would inevitably have a visual presence in the immediate neighbourhood. However, the plot 1 chalet would broadly follow the building line and orientation of the house at no. 6 and, without windows in the adjacent end elevation and set apart a reasonable distance, cause no mutual loss of privacy or any unduly overbearing impact on outlook. Despite the relative site levels, and due to the degree of separation of the proposed chalet and the scope for intervening planting, neither would there be any harmful degree of overlooking of the garden areas at no. 6. By the same token, the plot 1 chalet would provide acceptable living conditions for its future occupiers.

I can appreciate that many existing residents in this area would prefer the site to remain undeveloped. However, the scale, siting and design of the two dwellings would secure acceptable living conditions for both future occupiers and neighbouring households, including in respect of maintaining adequate privacy and outlook, such that there would be no conflict with LP Policy SCLP11.2 in respect of any harm to residential amenity."

- 6.13. It is therefore paramount that the proposed changes would not have more impact than the previous permission.
- 6.14. With the exception of the rooflights, the changes are largely to the single-storey section of the dwelling, which are not considered to adversely impact the amenity of no.6 St Marys Way. A 2m close boarded timber fence is proposed along the western boundary. A landscaping condition was also included within the appeal decision (for both plots 1 and 2) which is still considered appropriate to ensure that there is no loss of residential amenity due to the changes in levels from the application site and no.6 St Marys Way. Whilst the removal of permitted development rights was previously considered, these were not found necessary by the Inspector. It is therefore not considered that the changes would be so significant when considered against the previously permitted scheme, that permitted development rights should be removed.
- 6.15. In respect of highways considerations, both the third-party representation and the Parish Councils response refer to the ownership of the access road for the two sites. It is noted that preference is for Suffolk County Council to adopt the access as a continuation of St Marys Way, rather than the access being within private ownership, however given the scale of the development, this is not a requirement that the Local Planning Authority can insist upon; rather would be a civil matter for the developer(s) to consider whether the access would be constructed to an adoptable level and for Suffolk County Council to consider whether it would adopt and maintain it. A condition in respect of the details of the access was included within the Inspectors decision, which is also recommended by officers.
- 6.16. All other conditions as outlined by the Inspector are also recommended to be included with any grant of permission (outlined at the base of this report).
- 6.17. The proposal has previously been considered acceptable in ecological, landscape and visual impact terms; the proposed scheme is also considered acceptable.

- 6.18. The site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).
- 6.19. A RAMS payment of £321.22 per dwelling (total contribution of £642.44 for both plots) was paid on 4th November 2019 for application DC/19/3662/FUL. The applicants have requested that this contribution is transferred to this application. It is therefore considered that the required contribution or mitigation has been received; the proposal therefore accords with SCLP10.1.

7. Conclusion

- 7.1. This application seeks a revised scheme for Plot 1 (chalet bungalow) of DC/19/3662/FUL which was allowed on appeal and gave consent for the "Construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway." Whilst the application site lies outside of the settlement boundary and would not accord with any of the exceptions of which new development is considered acceptable, appeal APP/J3530/W/17/3167309 provides an extant consent, by which the principle of development is considered acceptable.
- 7.2. The main considerations of the previous scheme related to the impact on residential amenity to the neighbouring properties (no 5 and no.6 St Marys Way). The changes to this scheme when considered against what has previously been permitted and that permitted development rights for the property are intact, are considered acceptable. The proposed development is therefore considered to accord with SCLP7.2, SCLP10.1, SCLP10.4, SCLP11.1 and SCLP11.2 of the East Suffolk, Suffolk Coastal Local Plan (September 2020).

8. Recommendation

- 8.1. Approve planning permission.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 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 plans/reports received on 22 January 2021:

PW1020-PL101
PW1020-PL102
PW1020-PL103
PW1020-PL104

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. Prior to the occupation of the dwellings hereby permitted, the areas for storage and presentation of refuse/recycling bins shall be provided in accordance with details that shall have had the prior written approval of the local planning authority. These areas shall be retained thereafter for these purposes.
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users
5. Prior to the occupation of the dwellings hereby permitted, the new vehicular access from St Mary's Way, and the respective parking and manoeuvring areas, shall have been provided in accordance with detailed specifications that shall have had the prior written approval of the local planning authority. These shall thereafter be retained for these purposes.
Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is occupied.
6. Within 3 months of commencement of development, details of a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.
7. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local

planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 48 days of the report being completed and approved in writing by the local planning authority.

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

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

3. 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/

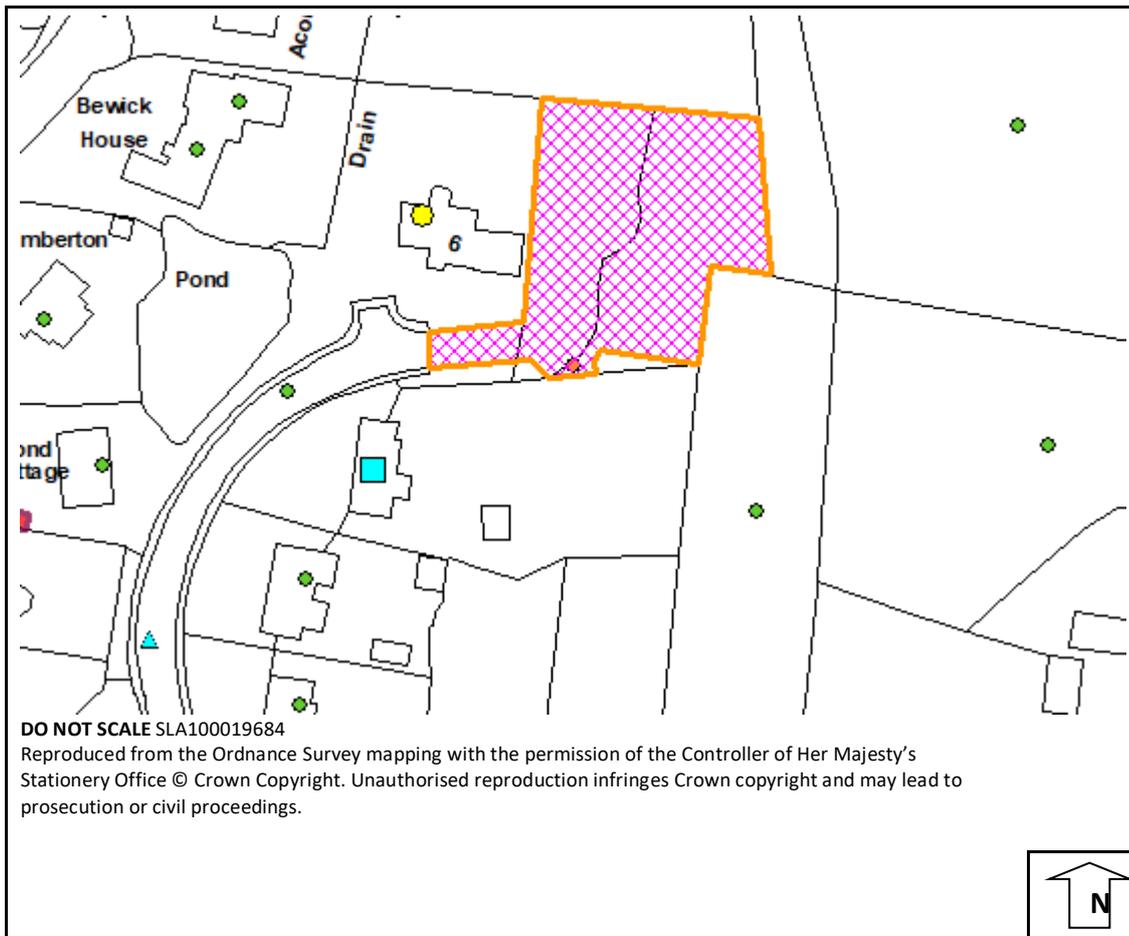
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

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

Background information

See application reference DC/21/0311/FUL on [Public Access](#)

Map



Key

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



Appeal Decision

Site visit made on 19 October 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/X3540/W/20/3244496

Land adjacent to Mallards, 5 St Mary's Way, Westerfield, Ipswich IP6 9BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Gittins against the decision of East Suffolk Council.
 - The application Ref DC/19/3662/FUL, dated 18 September 2019, was refused by notice dated 28 November 2019.
 - The development proposed is the erection of 2 no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages and extension of vehicular access driveway on land adjacent to Mallards, 5 St Mary's Way, Westerfield, Ipswich IP6 9BQ, in accordance with the terms of the application Ref DC/19/3662/FUL, dated 18 September 2019, subject to the conditions set out in the attached Schedule.

Main Issue

2. Whether this would be an appropriate site for two dwellings, with particular regard to securing acceptable living conditions for existing and future occupiers in respect of privacy and outlook.

Preliminary Matters

3. The Council adopted the Suffolk Coastal Local Plan (LP) on 23 September 2020. This covers the former Suffolk Coastal District, administered by the current East Suffolk Council. This newly adopted LP provides the policies relevant to my decision.
4. The appellant has made the payment sought by the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk Coast RAMS), so as to satisfy the Habitats Regulations and enable me to carry out the necessary appropriate assessment, should the proposal be otherwise acceptable.

Reasons

5. Westerfield lies within the countryside a short distance beyond the built-up edge of Ipswich. It is defined a small village in the settlement hierarchy provided by LP Policy SCLP3.2. St Mary's Way is a cul-de-sac located within this

village. The proposal is effectively to extend this to provide an additional residential plot to either side. The proposed dwellings would face each other across the lengthened road, occupying somewhat elevated land adjacent to the end properties at nos. 5 and 6. The site currently comprises the rear half of the back garden to no. 5 and a further undeveloped area which extends along the far side of no. 6 opposite.

6. LP Policy SCLP3.3 refers to the boundaries defined around settlements, outside of which land is defined as countryside. The settlement boundary for Westerfield here runs along the far side of no. 6 and continues across the back garden of no. 5 opposite. It then turns at a right angle to follow the rear boundaries of properties along Church Lane before extending out so as to encompass the not yet started five dwellings permitted on appeal¹ to the rear of The Mount, just to the east of St Mary's Way. The appeal site is thus outside this settlement boundary but forms part of an indent into this, between the rear of no. 5 and the five-dwelling commitment.
7. Outside of the defined settlement boundaries, LP Policy SCLP5.3 limits housing to specific categories acceptable in the countryside, none of which apply to this proposal. On this basis, the two dwellings would conflict with LP policy over where new housing is allowed. However, the Council's reason for refusal is not based on this policy conflict. It refers specifically to another earlier appeal decision over a proposal for five dwellings, but one that was dismissed and related to this site². This dismissal was solely on the grounds of the scheme having an unacceptable impact on the living conditions of neighbouring occupiers, particularly those at no. 6 in terms of privacy and outlook.
8. Contrary to the Council's refusal reason, I consider that the reduction from five to two dwellings, both now orientated to face onto an extended cul-de-sac and laid out so as to reflect the present spacious grain of housing on St Mary's Way, would avoid any material harm to the living conditions of any existing occupiers. On an elevated site and occupying land that is presently vacant, the two dwellings would inevitably have a visual presence in the immediate neighbourhood. However, the plot 1 chalet would broadly follow the building line and orientation of the house at no. 6 and, without windows in the adjacent end elevation and set apart a reasonable distance, cause no mutual loss of privacy or any unduly overbearing impact on outlook. Despite the relative site levels, and due to the degree of separation of the proposed chalet and the scope for intervening planting, neither would there be any harmful degree of overlooking of the garden areas at no. 6. By the same token, the plot 1 chalet would provide acceptable living conditions for its future occupiers.
9. The appellants currently reside at no. 5, the rear elevation of which faces towards the side of the proposed plot 2 bungalow. However, with the intervening double garage, there would be no potential for window to window overlooking and the degree of separation would preserve reasonable living conditions for future occupiers of both. There would remain more than adequate back to back distances between the plot 2 bungalow and Carleford and Wentworth, dwellings fronting Church Lane with relatively long back gardens, so as to also preserve mutual privacy and acceptable living conditions.

¹ Appeal reference APP/J3530/W/17/3167309

² Appeal reference APP/J3530/W/18/3200488

10. I can appreciate that many existing residents in this area would prefer the site to remain undeveloped. However, the scale, siting and design of the two dwellings would secure acceptable living conditions for both future occupiers and neighbouring households, including in respect of maintaining adequate privacy and outlook, such that there would be no conflict with LP Policy SCLP11.2 in respect of any harm to residential amenity.

Habitats Regulations Assessment

11. I have had regard to the Suffolk Coast RAMS, and the underpinning Technical Report³. This aims to deliver the mitigation necessary to avoid significant adverse effects on the natural environment from the combined impacts of residential development anticipated in the adjacent parts of coastal Suffolk. This is to protect the European sites along the Suffolk coast from the impacts of increasing visitor pressure and to avoid any adverse effects on their integrity, so as to meet the requirements of the EU Habitats Directive.
12. This proposal is within the evidenced Zone B of Influence defined under the Suffolk Coast RAMS. In combination with other housing growth, this proposal would likely have a significant effect upon the Suffolk coast European sites, due to increased recreational disturbance from the added population. To address this, a financial contribution has been made by the appellants, based on a standard tariff for Zone B. I am satisfied that the level of further recreational disturbance resulting from the two dwellings would be effectively offset by the contributions made to these strategic mitigation measures. Having reviewed the evidence before me, I am able to ascertain that this proposal would not have an adverse effect on the integrity of the European sites along the Suffolk coast.

Balance and Conclusion

13. I have had regard to further matters raised by interested parties, including the Parish Council, at both the application and appeal stages. Westerfield has made a significant contribution towards meeting overall housing supply through existing allocations and permissions and is now classified a small village. This limits further growth to small groups or infill within the settlement boundary. In this context, and despite the village having quite limited services, I find no material harm either in respect of the capacity to accommodate a further two dwellings or the lack of a need for these. Nor do I find adverse effects in respect of the character and appearance of the settlement, highway safety, drainage, land contamination or biodiversity.
14. With regard to the principle of the development, and the conflict with the recently adopted LP, I note the settlement boundary for this site remains unchanged from that defined previously. The earlier appeal decisions relating to this site and the land to the rear of The Mount were made in the context of a 'tilted balance', due to uncertainty over a five-year housing land supply situation that no longer exists. Nevertheless, the Inspector in dealing with the previous decision on this site found no harm in terms of accessibility to services and facilities or the effect on the character and appearance of the area. The sole reason for the dismissal of a scheme for five dwellings, over the harmful effects on residential living conditions, has been addressed in this substantially

³ Recreational Disturbance Avoidance & Mitigation Strategy for Ipswich Borough, Babergh District, Mid Suffolk District and East Suffolk Councils. Footprint Ecology 23 May 2019

reduced and re-designed scheme for just two dwellings. Given the relationship of the appeal site and that of the five dwellings approved to the rear of The Mount, the circumstances exist to countenance this small development rounding off the settlement boundary, without establishing any universally applicable precedent.

15. There would be modest social and economic benefits from two further dwellings, against which I have been unable to find any environmental or other significant harm. Taking into account my colleague's findings in the previous appeal relating to this site, I find on balance that the material considerations exist to indicate a decision other than in full accordance with the development plan.

Conditions

16. I have considered the conditions suggested by the Council on the basis of paragraph 55 of the National Planning Policy Framework. This requires these be kept to a minimum and imposed only where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In addition to one setting the standard time period for commencement (1), a condition is necessary for certainty that specifies the plans that should be followed (2). For succinctness, I have included the arboricultural, risk assessment and ecological reports in this condition so as to apply the recommendations these make. Further to adhering to the risk assessment, a shorter condition necessary to address potential site contamination is appropriate (7).
17. To ensure satisfactory storage and presentation of refuse/recycling bins, a condition is needed addressing this (4). The various requirements sought over the completed access, parking and manoeuvring areas can be addressed in a single condition governing agreement to the full specifications of these elements, so as to secure satisfactory implementation of these (5). In the interests of the suitable appearance of the finished development, a condition is necessary requiring agreement to the facing materials used (3). To help the development blend into its surroundings, a condition requires agreement to and implementation of a landscaping scheme (6).
18. Subject to the conditions specified, and having had regard to all other matters raised, I conclude that the appeal be allowed.

Jonathan Price

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/reports: PW1020-PL01 rev B; PW1020-PL02 rev D; PW1020-PL03 rev C; PW1020-PL04 rev B; PW1020-PL05 rev B; OAS/17/237/TS01 rev B; Arboricultural Implications Assessment and Preliminary Method Statement OAS/17-237-AR01 Rev B; Phase 1 – Desk Study and Preliminary Risk Assessment

3987,DS,DESK,PC,GF,28-05-19,V1; Ecological Appraisal by Liz Lord Ecology ref:1522.

- 3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwellings hereby permitted, the areas for storage and presentation of refuse/recycling bins shall be provided in accordance with details that shall have had the prior written approval of the local planning authority. These areas shall be retained thereafter for these purposes.
- 5) Prior to the occupation of the dwellings hereby permitted, the new vehicular access from St Mary's Way, and the respective parking and manoeuvring areas, shall have been provided in accordance with detailed specifications that shall have had the prior written approval of the local planning authority. These shall thereafter be retained for these purposes.
- 6) Within 3 months of commencement of development, details of a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 48 days of the report being completed and approved in writing by the local planning authority.

Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/0631/FUL

Location

Felixstowe Rugby Club
Mill Lane
Felixstowe
Suffolk
IP11 2LN

Expiry date 8 April 2021
Application type Full Application
Applicant Felixstowe Rugby Union Football Club

Parish Felixstowe
Proposal Clubhouse extension and recladding
Case Officer Jamie Behling
07919 303788
Jamie.Behling@eastsuffolk.gov.uk

1. Summary

- 1.1. The proposed development seeks permission to extend and clad the existing Felixstowe Rugby Club clubhouse.

Reason for Committee

- 1.2. As the owner of the Land is East Suffolk Council, the proposal is to be determined at Planning Committee, in accordance with the Scheme of Delegation.

Recommendation

- 1.3. The application is recommended for approval subject to conditions, because the scheme accords with Planning Policy and is acceptable in terms of all relevant material planning considerations, including visual and residential amenity.

2. Site description

- 2.1. Felixstowe Rugby Club is a large playing field within the settlement boundary of Felixstowe. The site is surrounded by residential dwellings that border the site. In the northern corner is the clubhouse accessed from Mill Lane, with a few other small buildings surrounding it making up a grouping ancillary to the playing field. The clubhouse is single storey, of a fairly simple box design with shallow pitched roof, appearing slightly dated and in need of a refurbishment. The clubhouse is used for many events beyond that directly associated with the club including other sports events, birthdays, weddings, discos, corporate events etc.

3. Proposal

- 3.1. The proposal seeks to extend the building with a deeper footprint towards the field and increase the height of the building with a new flat roof. The whole building will then be covered in an aluminium cladding and a new sign on the rear elevation facing the field reading 'Felixstowe Rugby Club'. A canopy covering a seating area is also proposed on the rear. The works will allow the club to develop its community and outreach facilities in an updated, spacious and flexible building.

4. Consultations/comments

- 4.1. Two letters of No Objection:

The two comments received by neighbours did not raise any material planning considerations but advised on further improvements that could be done to the playing field in the future and a point that larger scale development maybe in consideration at a later date.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	17 February 2021	25 February 2021
"Committee recommended APPROVAL"		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 18 February 2021

Expiry date: 11 March 2021

6. Planning policy

6.1 National Planning Policy Framework 2019

6.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020

SCLP8.1 - Community Facilities and Assets

SCLP8.2 - Open Space

SCLP11.1 - Design Quality

SCLP11.2 - Residential Amenity

7. Planning considerations

Principle

7.1. The Council considers it is important to retain community facilities across the plan area to both serve the local community and support tourism activities in the area. The open space and recreational facilities and the continued management of these areas across the plan area are vital for the promotion of healthy communities and active lifestyles for all. Under policy SCLP8.2: Open Space, the Local Planning Authority will support applications which help to preserve the long-term viability of community facilities and promote healthy lifestyles whilst complying with other relevant policies within the Local Plan. The addition of a disabled toilet on the site is also welcomed by officers. As the proposal seeks to improve the sports facilities at Felixstowe Rugby Club, the proposal is deemed to be acceptable in principle.

Visual Amenity, Street Scene and Landscape

7.2. The club house is set a reasonable distance away from the road within the site with a parking area between the building and the road. The access is quite narrow and the boundaries are built up with houses and hedgerows restricting views into the site. The single storey nature of the building although being heightened from 3.85 metres to 4.3 metres, remains relatively low and would not be prominent within the street scene or appear within the wider townscape. The size and scale of the building is relative to the wider site and is not considered over development while the overall appearance of the building would not harm the character of the area being within a built up, residential area of Felixstowe.

7.3. The layout and massing of the building will remain relatively unchanged within the site and would not encroach toward neighbouring buildings, retaining a good physical relationship.

The high-level windows around the sides and rear create the appearance of a clubhouse rather than a domesticated property while the glazing on the south elevation provides the views across the fields one would expect from a sports club.

- 7.4. The extension increases the footprint of the building by an additional 60sqm and by another 30sqm including the canopy for the outdoor seating area. The proposal retains the fairly simple box design with a slightly more modern appearance using the aluminium cladding. The proposal is not considered to harm the visual amenity of the area and is in keeping with the nature of the site. The proposal is therefore deemed to comply with policy SCLP11.1 and is acceptable in terms of design.

Residential Amenity

- 7.5. The proposed increase in height of the building is 0.45 metres which is modest relative to the size of the wider site. This increase would not have an impact to neighbouring properties in the form of loss to light or increased shading due to the distance the building is away from the nearest neighbour to the northeast, approximately 14 metres. As the closest neighbours are to the northeast, the impact would only be noticeable during the mid-afternoon period however due to the modest increase in height and the proximity, officers would consider this impact as negligible. The same would be said for any increased sense of overbearing which is not judged to be given significant weight in this case.
- 7.6. Overall, the proposal does not raise substantial concerns over the negative impact it would have on the neighbouring properties residential amenity and would potentially improve the appearance of the rugby club from the rear windows of these said dwellings. The proposal is therefore considered to comply with policy SCLP11.2 and would not significantly harm the amenity of neighbours.

Parking and Highway Safety

- 7.7. The proposal will not be altering the existing parking arrangement on the site so there would be no impact to highway safety or the provision of parking. The proposal is not considered to be to enlarge the facilities to such a degree that it would involve a significantly higher number of vehicles visiting the site.

8. Conclusion

- 8.1. As the design is acceptable and as noted above there is no significant impact on neighbour's amenity, the development is therefore considered to comply with the policies listed above.

9. Recommendation

- 9.1. The application is recommended for approval.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 2699.20.02C received 09/02/2021, 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

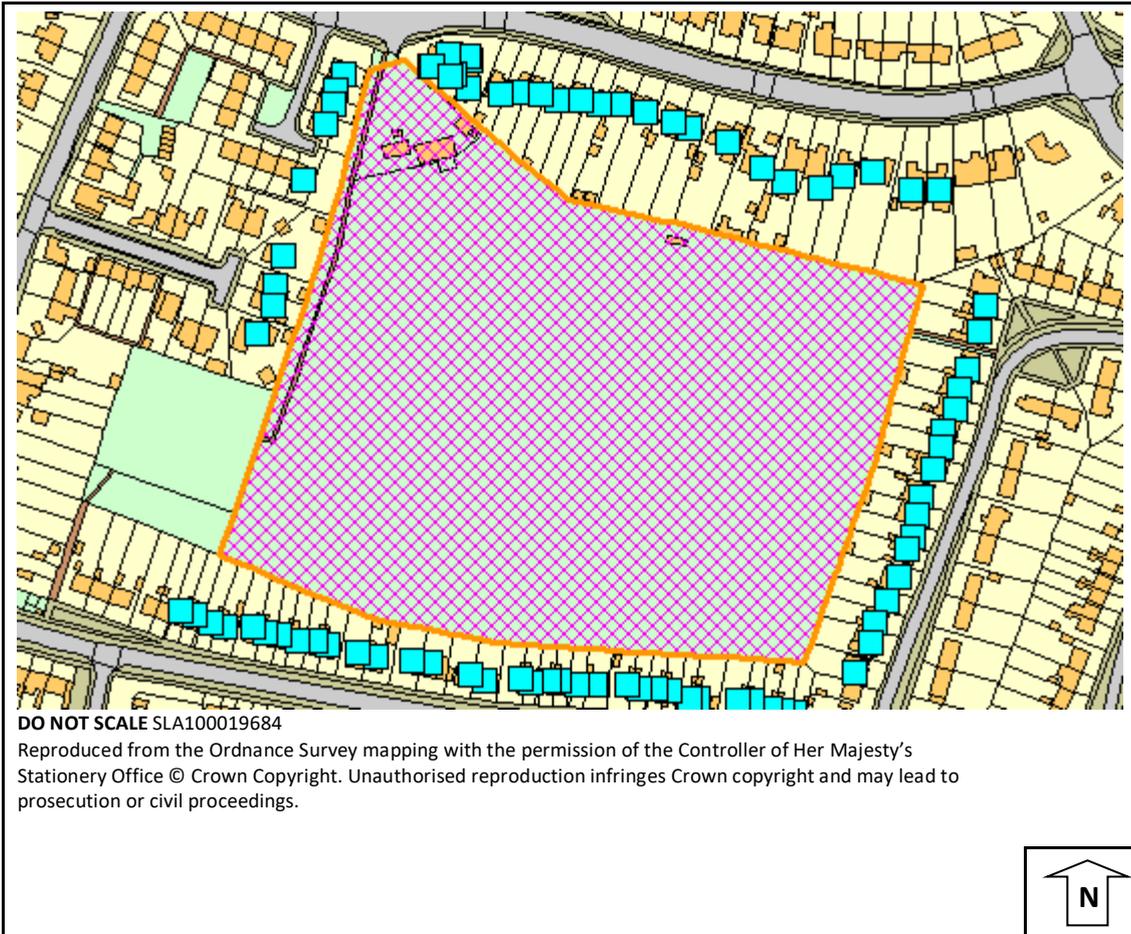
Informatives:

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

Background information

See application reference DC/21/0631/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/0647/FUL

Location

Newlands
Boulge Road
Hasketon
Suffolk
IP13 6LA

Expiry date 11 April 2021

Application type Full Application

Applicant Mr Ivan Baker

Parish Hasketon

Proposal First floor (chalet style) extension and small rear extension to existing house.

Case Officer Jamie Behling
07919 303788
Jamie.Behling@eastsoffolk.gov.uk

1. Summary

- 1.1. The proposed development seeks permission to extend the property by raising the height of the roof and creating a single storey rear extension.
- 1.2. Considered against all relevant material planning matters, the application is deemed acceptable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.

Reason for Committee

- 1.3. The referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Planning Officer is contrary to the Parish Council's recommendation to refuse due to concerns relating to Design and Residential Amenity.

- 1.4. The application was therefore presented to the referral panel on Tuesday 6th April 2021 where members felt that the application should be referred to Planning Committee to enable debate to take place in relation to the new size and added dormers of the extension which may have a harmful impact to residential amenity of the neighbours.

Recommendation

- 1.5. The application is recommended for approval subject to conditions, because the scheme accords with Planning Policy and is acceptable in terms of all relevant material planning considerations, including visual and residential amenity.

2. Site description

- 2.1. Newlands is a detached residential bungalow situated on the west side of Boulge Road. The dwellings along this side of the road are all bungalows with the exception of the house adjacent to the site, which is located to the south and has been converted into a chalet style bungalow. The site falls within the settlement boundary of Hasketon and has a small parcel of land set behind it which has been fenced off but is not considered to fall within the curtilage of the main house. The dwelling currently has a pitched roof with front facing gable with a side gable extending across the plot linked onto a single bay garage.
- 2.2. The application originally included the erection of a large annexe on the parcel of land behind the house however this has since been removed from the proposal as it was considered unacceptable by the Local Planning Authority and the use of the land was questioned.

3. Proposal

- 3.1. The proposal seeks to extend the property by raising the height of the roof to form a chalet bungalow with accommodation in the new roof space. This will include dormer windows on the side and rear roof slopes and also an extension to the rear in the form of a lean-to extension with a relatively shallow pitch. A natural timber cladding will also be applied to the upper halves of the front and rear facing gable.

4. Consultations/comments

- 4.1. 12 objections have been received raising the following material planning considerations:
- Principle of development - The annexe in the rear garden is outside the settlement boundary.
 - Foul water dispersal - The drainage from the Annexe to the surrounding area.
 - Ecology - The impact of the annexe on the wildlife of the area.
 - Outlook - The properties to the south will lose their existing outlook across the parcel of open land.
 - Overdevelopment - The annexe is creating too much habitable space for a small plot.
 - Setting Precedent - The approval of an annexe would encourage others to build on their plots of land at the rear of their houses.
 - Parking - The addition of potentially three more bedrooms on a site with limited parking.

- Design - The design is domineering and overbearing.
- Loss of light - Neighbour to the north will lose light due to the increased height of the dwelling.
- Overlooking and Loss to privacy- The dwelling will be able to overlook properties on the opposite side of the road and the new dormer window to the rear will overlook the rear garden of the adjoining neighbour Fernlea, to the north.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Hasketon Parish Council	17 February 2021	12 March 2021
<p><i>"Hasketon Parish Council have considered the available documents and recommend refusal of this application for the following reasons:</i></p> <p><i>1) the annex appears to be outside the existing village settlement boundary,</i></p> <p><i>2) the area of 'garden' was agricultural land which has been incorporated into the domestic plot and is so it may require a change of use for building purposes,</i></p> <p><i>3) the size of the annex is more in the scale of a small bungalow,</i></p> <p><i>4) this area of the village has been subject to extensive developments over recent years and there is a real danger of over development of what is still predominantly a rural aspect,</i></p> <p><i>5) the annex could set a precedent of 'garden' developments which would effectively create a second row of dwellings behind the properties in Boulge road,</i></p> <p><i>6) Disposal of both foul water and surface water is unclear and of concern,</i></p> <p><i>Concern is also expressed regarding the appearance of the annex and the use of black metal roofing materials. "</i></p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Rights Of Way	17 February 2021	No response
<p>Summary of comments: No comments received.</p>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 18 February 2021

Expiry date: 11 March 2021

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.
- 6.2. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:
- SCLP11.1 - Design Quality
SCLP11.2 - Residential Amenity
- 6.3. SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance) is also considered relevant.

7. Planning considerations

Visual Amenity, Street Scene and Landscape

- 7.1. The proposal will be noticeable from the highway as it will be raising the overall height of the roofs of the dwelling by approx. 1.5 metres. This includes the main roof to an overall height of 6.4 metres and the side facing gable to a height of 5.9 metres. The overall size and scale of the dwelling will be increased however it is not considered to be to a point that would be out of character with the surrounding dwellings as the neighbour to the south already has a height to 6.5 metres and has a similar layout with a side gable extension, facing north.
- 7.2. The massing and bulk remain more or less on the existing footprint except the proposed single storey, lean-to extension to the rear. This part of the extension is not considered large enough to warrant refusal as the top of the extension, only just clears the eaves of the existing house and would not be considered over development due to the size of the plot.
- 7.3. The new dormer on the front is larger than other dormer windows in the area, however, is not at a size which substantially harms the character of the building or the wider area.
- 7.4. A new natural timber cladding is proposed for the upper half of the property and although not necessarily in keeping with the exterior finishes of surrounding properties, is not judged to significantly harm the character of the area as other areas within the proposal retain the original faced brick.
- 7.5. As these changes within the street scene are primarily increasing the size of the roof by an additional 1.5 metres, the proposal is not considered to harm the visual amenity of the area to such an extent that the proposal should be refused. Therefore, the application is deemed to comply with policy SCLP11.1 and is acceptable in terms of Design

Residential Amenity

- 7.6. The proposal retains the existing form of the dwelling however will raise the ridge height of both roofs by 1.5 metres. This increase in height, is not considered to substantially block any light or cause unreasonable shading as the immediate neighbours are due north and south of the site. The neighbour to the north Fernlea, has no primary windows on the southern elevation which would be affected by the proposal while the neighbour to the south is unlikely to be impacted at all. As the topography of the area slopes down southward, Fernlea is at a slightly higher ground level reducing the overbearing effect of the increase in height. However, as the bulk of the dwelling is positioned toward the south boundary this is already not judged as a significant issue.
- 7.7. There will be two new sets of dormer windows within the first floor. The first is at the front of the dwelling on the north roof slope facing toward the neighbour Fernlea. This over looks the neighbours front garden area, already in the public domain. There are no primary windows on the elevation facing back toward the site and it is judged there would be no material loss to privacy from this window. The concern of overlooking is also considered but not judged to be substantially harmful due to the set back position away from the boundary and the nature of the room being a bedroom and not used for much of the day.
- 7.8. The second and larger dormer window will be across the rear roof slope facing back into the garden. Although it is unfortunate that such a large dormer window will now be facing backward, it is not significantly more than what could be achieved through permitted development rights in regards to a roof conversion and therefore any potential loss of privacy to neighbours would not warrant the refusal of this application.
- 7.9. Only a further two roof lights are proposed on the south roof slope serving the first-floor bathroom and bedroom 4. These windows would face onto the side gable of the neighbour to the south which also contains a window. It is not considered that these new roof lights would cause an unreasonable loss to privacy or sense of being overlooked, due to their position and angle within the roof.
- 7.10. Concerns were also raised over the ability to overlook front gardens of the houses opposite on the east side of Boulge Road from the new front window within the gable end and also the new front dormer window. The front areas of these properties are considered to already have a certain amount of being overlooked due to their nature of being front gardens. The addition of these new windows may provide new viewpoints to see into these areas however they are not considered close enough that they would cause an unreasonable sense of being overlooked.
- 7.11. The scheme is acceptable in terms of residential amenity and would accord with Policy SCLP11.2.

Parking and Highway Safety

- 7.12. Now that the annexe has been removed from the proposal, it is considered that the site which has the provision for at least three vehicles, contains enough parking for a dwelling

of four bedrooms as required within the SCC Highways Parking Technical Guidance. The proposal would also cause no greater danger to highway safety than currently.

Other Issues

- 7.13. The other objections raised around the initial development which include principle, foul water dispersal, ecology, outlook and setting precedents for other back land development, are no longer relevant concerns as the annexe has been omitted from the proposal and the impact of the extension would not give rise to any of these concerns within the residential curtilage.

8. Conclusion

- 8.1. As the design is acceptable and as noted above there is no significant impact on neighbour's amenity, the development is therefore considered to comply with the policies listed above.

9. Recommendation

- 9.1. Approve subject to the conditions set out below.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with B2/SIT/01, B2/SIT/02 and B2/ELE/01 received 19/03/2021, 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

Informatives:

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

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

CIL forms can be downloaded direct from the planning portal:

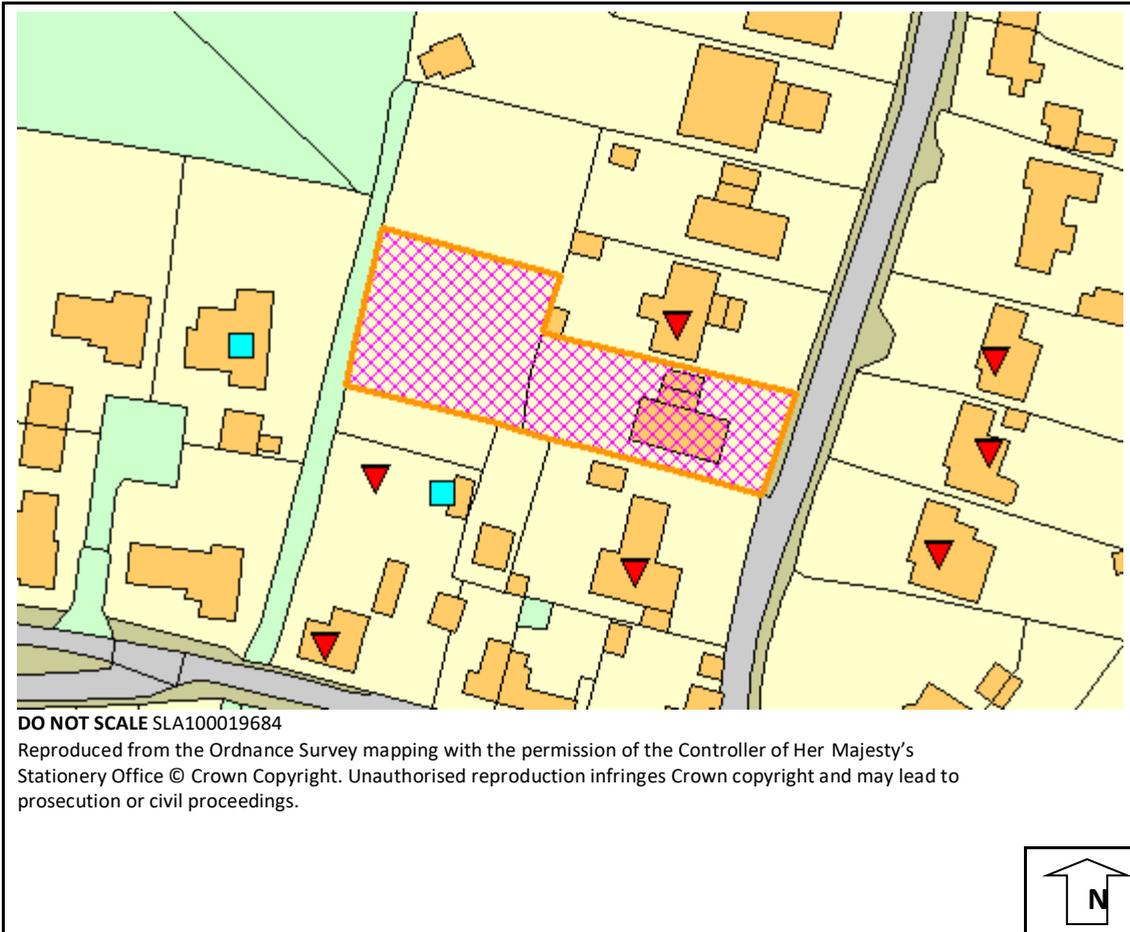
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_in_frastructure_levy/5

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

Background information

See application reference DC/21/0647/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 27 April 2021

Application no DC/20/4597/FUL

Location

148 Bucklesham Road
Purdis Farm
Suffolk
IP3 8TZ

Expiry date 20 January 2021

Application type Full Application

Applicant Mr & Mrs Senthill

Parish Purdis Farm

Proposal Proposed two storey & single storey extensions and alterations. Repositioning of cartlodge (previously approved) and new vehicular access.

Case Officer Jamie Behling
07919 303788
Jamie.Behling@eastsoffolk.gov.uk

1. Summary

- 1.1. The proposed development seeks planning permission to erect a part two storey, part single storey rear extension to the host dwelling. The scheme also includes the repositioning of the cart lodge within the front garden (previously approved) and creating a new vehicular access.
- 1.2. Considered against all relevant material planning matters, the application is deemed acceptable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.

Reason for Committee

- 1.3. The referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Planning Officer is contrary to the Parish Council's recommendation to refuse due to concerns relating to Design and Residential Amenity.
- 1.4. The application was therefore presented to the referral panel on Tuesday 30th March 2021 where members felt that the applications should be referred to Planning Committee for debate, on the basis that the size and scale of the extension may have a substantially harmful impact to residential amenity of the neighbours.

Recommendation

- 1.5. The application is recommended for approval subject to conditions, because the scheme accords with Planning Policy and is acceptable in terms of all relevant material planning considerations, including visual and residential amenity.

2. Site description

- 2.1. The application property, 148 Bucklesham Road is a detached, two storey, residential dwelling within the settlement boundary of Purdis Farm. The dwelling is set back from the road with a tree line across the front boundary which has recently seen a number of protected trees removed with consent from the local planning authority.
- 2.2. Planning permission was historically given to erect a dwelling to the east within the garden area, now No. 148A Bucklesham Road, under ref. C/00/1358 in November 2000. Subsequently permission has also been given to erect a dwelling within the garden area to the west which has not yet been built under ref. DC/16/3954/FUL in December 2016. This application included the erection of a new cart lodge to the front of No. 148.
- 2.3. An earlier application for a similar scheme to the current proposal was withdrawn as it was considered that it would have a harmful impact to neighbouring dwellings under ref. DC/20/3438/FUL. That application was for larger additions than those currently proposed.

3. Proposal

- 3.1. The proposal seeks to erect a part two-storey extension, which includes the extension of the existing rear facing two-storey gable and the addition of another with a flat roof link in between. The existing gable will extend in its current form by 4.3 metres. The ground floor extension to the rear of the dwelling in the form of a flat roof extension will extend at its deepest point eight metres from the rear of the dwelling. The extensions will be finished in matching render and tiles.
- 3.2. A new private access is proposed from the road so that it would no longer be shared with the new dwelling to the west and the garage is to be repositioned towards the west boundary so that the new access can be created, and turning space provided.
- 3.3. A flat roofed side extension to the house was originally included within the proposal but was subsequently omitted.

4. Consultations/comments

4.1. One representations of Objection raising the following material planning considerations:

- Loss of Light/Shading - The two-storey element of the proposal would create additional shading onto the side and rear of the neighbouring dwelling to the east. The single storey side element of the proposal has been removed from the plans.
- Overbearing Structure - The new extensions would be an overbearing structure close to the boundary.
- Impact of the access to the street scene - The new access further removes the green frontage of Bucklesham Road.
- Highway Safety - The impact the new access would have on the safety of Bucklesham Road.
- Loss of Privacy - Loss of privacy from new access.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Purdis Farm Parish Council	27 November 2020	16 December 2020
<p><i>"The Parish Council objects to this revised application as we consider that the building of an extension of the size proposed will potentially have a significant detrimental impact on the residential amenity of the occupiers of the neighbouring property at number 148A in terms of access to daylight in their kitchen and breakfast room in particular.</i></p> <p><i>In their letter of objection, the occupiers of number 148A have raised a number of concerns which should be carefully considered by the planning officer particularly about the Arboriculture Report, the need to protect nearby trees and highway safety with the new access proposed.</i></p> <p><i>The overall issue of highway safety along Bucklesham Road continues to be of concern to the Parish Council with speeding being a continuing problem. "</i></p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	27 November 2020	15 December 2020
Summary of comments: No objections with standard conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	27 November 2020	8 December 2020
Summary of comments: Internal Planning Services Consultee, comments included within officers recommendations.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	27 November 2020	No response
Summary of comments: No comments received.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 4 December 2020

Expiry date: 29 December 2020

5. Planning policy

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

5.2. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

5.3. The following East Suffolk Supplementary Planning Guidance Document is also relevant:

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

6. Planning considerations

Visual Amenity, Street Scene and Landscape

- 6.1. Since the area to the west side of the dwelling has been sub divided for a new dwelling, the only space to extend is to the rear. The new proposed rear extensions to the dwelling are to the south elevation and would not be prominent within the street scene. The extensions follow the existing form of the dwelling at the first-floor gable, while creating a new smaller gable to the west side of the property, in keeping with the character of the building. The new flat roof elements of the extensions do not significantly detract from the character of the dwelling and are seen as subservient, recessive additions that connect the new elements together. The proposals would have little impact to the visual amenity of the area or wider landscape and can be seen to respect the original features of the property. The massing and bulk of the extensions remain central to the plot and although the building is extending into the rear garden of the property, due to the size of the curtilage it is not judged as over development.
- 6.2. The creation of the new access has been achievable through the loss of a cluster of trees that were within the front garden and on the raised verge fronting Bucklesham Road. The consent was granted to remove these trees prior to the submission of this application. Part of the raised verge would need to be excavated out in order to create the new access which is not deemed unreasonable. The majority of dwellings in the area, specifically to the west, have private driveways and the addition of a further one is not considered to substantially detract from the character of the area or its visual amenity. It is unfortunate that the trees were lost in order to accommodate this further access, however it would not appear out of place with the remaining trees left to act as a natural barrier.
- 6.3. The proposed cart lodge is to be repositioned from the west boundary to the east boundary and set closer to the road. The separated plot to the west retains the original cart lodge for the property which is positioned in front of the new build. This cart lodge will also be built in front of the existing dwelling but set further forward so that vehicles can entire the site and haver space to turn while leaving a large enough gap to retain an outlook from the front elevation of the dwelling. Although the character of the road is made up of open frontages other dwellings along the road also have cart lodges positioned in front of the dwellings while this plot along with its neighbour now has a much narrower plot width. Although the position of the cart lodge it not ideal, it is considered that it would not be significantly more harmful to the street scene than the original position and that its new location is acceptable.

Residential Amenity

- 6.4. The proposed rear extension would have a degree of impact to the neighbour to the east as the existing gable will be extended 4.3 metres out beyond its existing line. This will be the element of the proposal that will have the greatest impact now that the side extension has been omitted from the plans. This element will have a height of 4.2 metres to the eaves with an overall height of 7.85 metres to the ridge, the same as the existing gable. There is currently a gap of approx. four metres separating the two sides of the neighbouring dwellings with the kitchen/breakfast bar areas being the affected rooms.

- 6.5. The new two-storey element of the proposal just meets the 45 degree light test for accessible light into the neighbours rooms. Although the extension will be large in comparison to the existing massing of the dwelling, it is judged that the proposal is acceptable and would not substantially inhibit the access to daylight or significantly reduce the outlook of the neighbour, No. 148A. This is due to the orientation of the sun and the position of the proposed extension. It is acknowledged that there could be the creation of a tunnelling effect when looking out the rear of the breakfast bar area of No. 148A, however this is partly caused by the extension already built on the neighbours property while the gap left between the two dwellings helps to reduce this effect.
- 6.6. Also of material consideration is the potential for additions using Permitted Development Rights. Under permitted development rights the applicant could add a two-storey extension on the rear of the existing dwelling with a depth of projection of three metres without the need for planning permission. The two-storey element along the east boundary, that would have the largest impact on the neighbour No.148A, is 4.3 metres in depth. Therefore, consideration has to be given to whether the additional 1.3 metres beyond the fallback position of the applicant is harmful to such a degree that the application should be refused on this basis. It is considered that the additional length would not give rise to such a level of harm that the proposal should be refused on these grounds.
- 6.7. Two new first floor windows are proposed on the west elevation, both obscured and serving en-suites. An obscured single first floor window is also proposed on the east elevation serving the en-suite for the master bedroom. All of these windows are considered not to cause unreasonable overlooking or loss to privacy.
- 6.8. The access would not substantially harm the residential amenity of No.148A to a degree where the application should be refused. Although both the front gardens are fairly open with a 1-metre-high fence along the boundary, it is judged that there would be no uncommon movements going into and out of the property that would be considered reasonably detrimental in this built up, residential location.
- 6.9. The size and position of the garage would not cause a loss of light or over shadowing that would be harmful to either neighbour. The garage is positioned away from the dwellings in a front garden location that would not overlook or cause a sense of overbearing to either neighbour.

Landscaping

- 6.10. Although it is unfortunate to lose the trees within the front garden area, these have been previously removed with consent, from the local planning authority. In consultation with the Arboricultural manager, the proposed works can be completed without harming the roots of surrounding trees in the form of a pre-commencement condition and therefore it is deemed acceptable, as no protected plants would be harmed due to the development. Although concerns were raised over the motives of removing the trees at the front, consent was granted on the basis of the evidence provided by the applicant at the time and although permission is now sought to create an access where they used to be, this has to be judged on the merit of this proposal alone.

Parking and Highway Safety

- 6.11. SCC as Local Highway Authority have no objection to the new access and do not consider it to cause any significant danger to highway safety subject to the addition of standardised conditions. Due to the existing access and parking area plus the topography of the land and the generally porous front garden area, it is considered some of the proposed conditions recommended by SCC Highways were not necessary in order to approve the application and have been omitted from the recommended decision.

7. Conclusion

- 7.1. The design is acceptable and as noted above there is no significantly harmful impact on neighbour's amenity. The new access would not cause a danger to highway and the landscaping required is considered acceptable for the development. The scheme is therefore considered to comply with the policies listed above.

8. Recommendation

- 8.1. The application is recommended for approval subject to the conditions set out below.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with 3680-11P and 14F received 24/02/2021, 3680-15A and 01B received 26/11/2020 and LSDP 11426-01 received 13/11/2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. The vehicular access onto the plot shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

5. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

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

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

6. In respect of the new garage, ground investigation should be carried out to determine position of tree roots and in consequence, details of the construction methodology for the new garage shall be submitted to the local planning authority for approval. The submitted methodology shall take full account of the findings of the ground investigations and shall respond accordingly.

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.

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. 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.

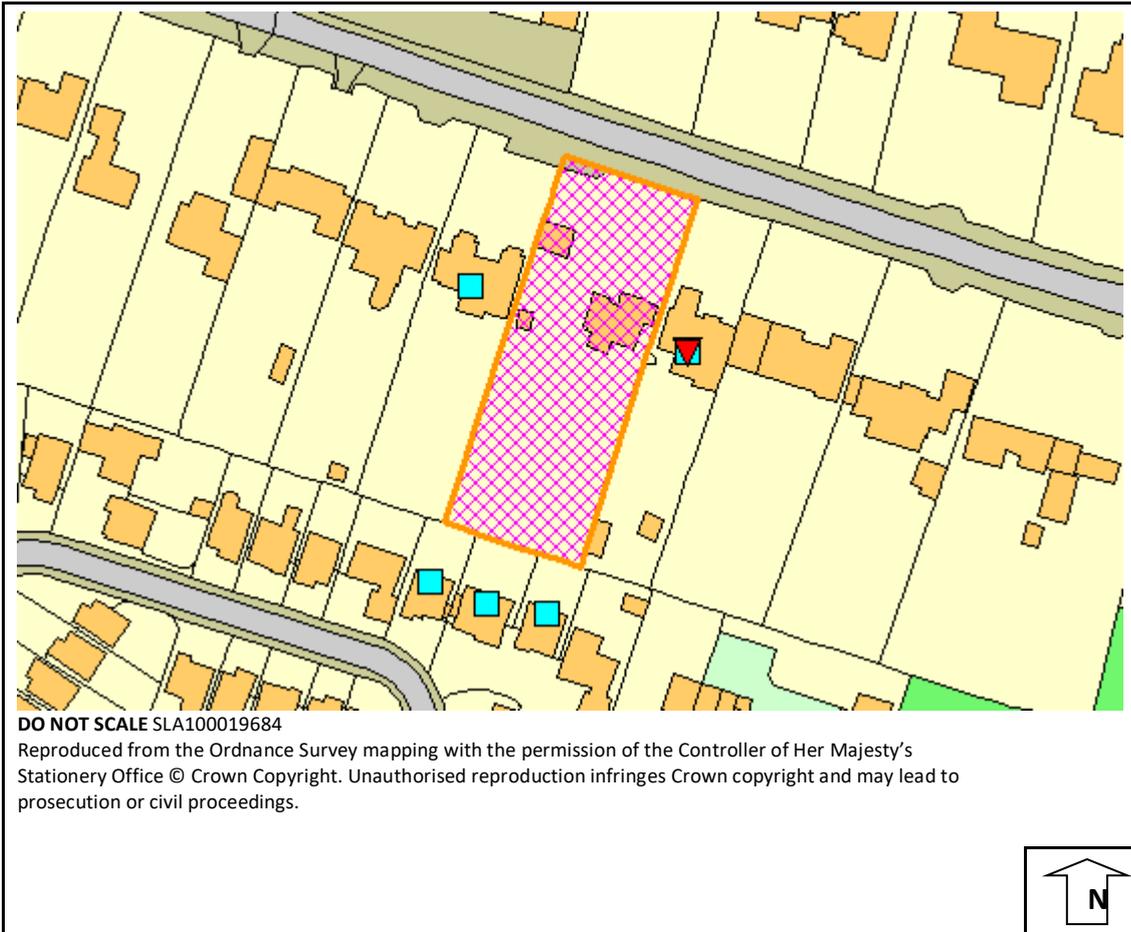
The County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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.

Background information

See application reference DC/20/4597/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support