



## Committee Report

**Planning Committee North - 8 December 2020**

**Application no** DC/20/2862/FUL

**Location**

Oak Tree Farm  
Cox Common  
Westhall  
IP19 8RJ

**Expiry date** 23 September 2020

**Application type** Full Application

**Applicant** Mr Roger Wharton

**Parish** Westhall

**Proposal** This application seeks full planning permission for the conversion of an agricultural building/barn into two residential dwellings following Class Qa & b prior approval DC/19/0915/PN3, including associated landscaping, with use of existing access.

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

### 1. Summary

1.1 The application seeks full planning permission for the conversion of the existing agricultural building to form two four-bedroom dwellings. The building benefits from an extant prior approval (ref. DC/19/0915/PN3) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for the conversion to two dwellings. This represents the fallback position for the site.

1.2 The proposed conversion of the building is similar to the extant prior approval scheme, and whilst contrary to the adopted Local Plan, being a residential conversion of an agricultural building that has no clear historic or architectural merit, the fallback position is a key material consideration in the determination of this application. Compared to the extant scheme, this proposal would result in a better design solution for the amenity of future residents, and ensure that field access to the wider farmland is retained, negating the need

to relocate an agricultural access toward Ivy Grange Farm. Thus, there are material reasons to depart from the Local Plan.

- 1.3 There has been no objection from consultees or the Parish Council. Officers consider that the concerns raised by one local resident have now been resolved and the application can be recommended favourably.
- 1.4 The application has been brought direct to Planning Committee (North) for determination because the proposal is contrary to the adopted Local Plan but recommended for approval.

## **2. Site description**

- 2.1 Oak Tree Farm is located to the north of Wangford Road to the north west of the villages of Cox Common and Westhall. The wider site at Oaktree Farm includes the barn subject of this application as well as further agricultural buildings to the south, also in control of the applicant.
- 2.2 The application site comprises one agricultural building located towards the north of a wider agricultural complex. The site is accessed by an existing farm access off Wangford Road which serves the site itself along with the secondary barn to the south.
- 2.3 The application site is located outside of any development boundary and therefore for planning purposes is in open countryside. The site is not in a Conservation Area, but the main farmhouse at Oak Tree Farm is a listed building and, thus, the application falls within its setting.
- 2.4 The application barn proposed for conversion comprises a long rectangular blockwork pitched roof barn formed by steel frame. The frames form nine bays and each bay has a steel column along both of the long sides of the building. These support steel angle roof trusses are constructed in a typical Fink pattern with a pitch of 28°. The trusses in turn support timber purlins standing between the trusses at regular centres, with five timber purlins down the roof slope with a profiled metal sheet roof covering.
- 2.5 The buildings had an historic use for agricultural purposes as part of the farm at Oak Tree Farm, being used as a grain store, storage of feed and housing of agricultural machinery. The buildings are now redundant.

### Relevant Planning History

- 2.6 The application barn benefits from an extant grant of prior approval (ref. DC/19/0915/PN3) for the conversion of the barn to two dwellings.
- 2.7 The building to the south of the application barn benefits from an extant planning permission (ref. DC/19/4064/FUL) for conversion into a single dwelling. This dwelling would share vehicular access with the application site.
- 2.8 There is an existing concrete pad to the western side of the access drive that, under DC/19/4064/FUL, was shown for removal as part of the residential conversion. This then led to a separate application under DC/20/1578/FUL to create a new agricultural access off Butts Road, to the northwest, in order to provide access to the wider land holding. The

objective of that access application was to direct agricultural traffic away from the residential development approved at Oak Tree Farm. Officers raised concerns with DC/20/1578/FUL because the proposed field access would be close to a tourism use at Ivy Grange Farm, creating potentially harmful impacts to visitors and residents of that site through noise and disturbance. The applicant therefore agreed to make a minor non-material amendment to DC/19/4064/FUL (via application ref. DC/20/4091/AME) to retain the concrete pad to the west side of the shared access. With that being approved to retain access to the wider landholding, DC/20/1578/FUL was subsequently withdrawn. Members will note below, in section 4 of this report, the objection from the resident/business owner at Ivy Grange Farm, which was made before the approval of the non-material minor amendment and withdrawal of the separate access application. Officers therefore consider that those concerns raised have now been addressed.

### **3. Proposal**

- 3.1 The application seeks full planning permission for the conversion of the existing agricultural building to form two four-bedroom dwellings. The proposed conversion will include a mezzanine floor to each dwelling.
- 3.2 Vehicular access to the site would be via the existing access and drive off Wangford Road which serves the site and nearby farm buildings to the south. The proposal incorporates two parking spaces per dwelling internally.
- 3.3 The adjacent redundant Dutch Barn and associated silos to the east are to be demolished.

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

- 4.1 One letter of objection has been received from the resident/business owner at Ivy Grange Farm, raising the following key concerns (inter alia):
  - Planning application DC/20/2862/FUL should be considered alongside existing application DC/20/1578/FUL - a proposal to re-locate the existing field access at Oak Tree Farm.
  - The proposal to relocate the agricultural access it assumed to be in order to facilitate a more peaceful environment for the residential dwellings planned for the Oak Tree Farm site;
  - DC/20/1578/FUL proposes to create a completely new access point with a new pad, concrete entrance and a track from Butts Road, which would run immediately adjacent to our southern field boundary, within 10 metres and 13 metres of two of our five yurts; and
  - The relocation of the access will direct agricultural traffic toward Ivy Grange Farm, which will cause amenity harm.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Westhall Parish Council	4 August 2020	21 August 2020
<p>Summary of comments:</p> <p><i>“Due to Covid-19 social distancing restrictions and the timescale required for a response the Parish Council has been unable to hold a public meeting to consider the planning application DC/20/2862/FUL. However, the Parish Council has consulted internally by email and has ‘no objections’ to the proposed conversion of an agricultural building/barn into two residential dwellings at Oak Tree Farm, Westhall IP19 8RQ. However, the Parish Council would like the following observations considered:</i></p> <p><i>a. Structural Form and Integrity.</i></p> <p><i>There are significant amendments to the line drawing and proposed layout contained in DC/19/0915/PN3 which also included the comment that ‘no new structural elements are proposed’. The design was to use ‘existing external walls and roof with new elements limited to the insertion of external walls in the East facing elevation and the insertion of doors and windows. The new proposal, with the inclusion of a Gallery and Bedroom 4 on a second floor, is a significant amendment to the original single-story dwellings.</i></p> <p><i>b. Highway Safety</i></p> <p><i>Westhall Parish Council has previous comments on the access arrangements for the adjacent property (same access) under DC/19/4064/FUL which is included here for reference:</i></p> <p><i>We wish to make two observations:</i></p> <p><i>The planning application form (Ser 6) states that there is no intention to provide additional pedestrian or vehicle access. However, the Planning, Design and Access statement (Ser 2.1) clearly states that the proposal includes the ‘removal of an area of concrete hard standing adjacent to the access, with access to fields to be provided by new field access and track off Butts Road to the West’. Butts Road is a narrow single-track road with limited passing places and is not suitable for another field entrance for large agricultural machinery. There is no indication where the proposed ‘new field access’ will be located and whether Suffolk Highways has been consulted about the proposals. We would wish to retain the current field access using the concrete access track that provide safe access and egress for large farm machinery.</i></p> <p><i>The Planning, Design and Access statement (Ser 6.7) states that ‘the proposals would utilise an existing access which is of adequate width and provides sufficient visibility in either direction given the nature of the adjacent rural road network’. Unfortunately, the coniferous hedge that borders the property and road is overgrown and protrudes onto the road. Despite several requests from Suffolk Highways the landowner has not made any attempt to reduce the size of the hedge to improve visibility prior to a dangerous bend. The existing hedge forces vehicles into the middle of the road and blocks visibility when exiting from the property. If the planning application is granted, we would request that a pre-condition to any demolition or construction work is the reduction in the width of the hedge to the approval of Suffolk Highways (Ser 6.15 applies).</i></p> <p><i>More recently, we objected to the planning application for a new access from Butts Road, Westhall under DC/20/1578/FUL on the grounds of highway safety, which remains outstanding.”</i></p>		

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	4 August 2020	25 August 2020
Summary of comments: No objections. Conditions recommended.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	4 August 2020	24 August 2020
Summary of comments: No objections. Conditions recommended.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	4 August 2020	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	4 August 2020	17 August 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	4 August 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	7 September 2020	29 September 2020
Summary of comments: Internal planning consultee. See planning considerations for details.		

## 6. Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Affects Setting of Listed Building	14 August 2020	7 September 2020	Beccles and Bungay Journal

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Affects Setting of Listed Building	14 August 2020	7 September 2020	Lowestoft Journal

## 7. Planning policy

National Planning Policy Framework (NPPF)

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

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

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

WLP8.11 - Conversion of Rural Buildings to Residential Use (East Suffolk Council - Waveney Local Plan (March 2019))

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

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

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

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

## 8. Planning considerations

### Policy Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.
- 8.2 The development plan comprises the East Suffolk Council - Waveney Local Plan ("The Local Plan") and any adopted Neighbourhood Plans. The relevant policies of the Local Plan are

listed in the section above and will be considered in the assessment to follow. It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.

### Principle of Development

- 8.3 The site lies in open countryside, for planning purposes, and therefore policies of restraint within the Local Plan generally indicate against residential development. Policy WLP8.7 allows for some small-scale residential development in the countryside, but the proposal is not supported by that policy. The most relevant policy is WLP8.11 which allows for the conversion of rural buildings to residential use subject to compliance with certain criteria. However, an overarching requirement of WLP8.11 is that the conversion must involve a building of some architectural and/or historical merit that would be worth preserving through conversion. Given that the building subject of this application is a modern agricultural building, not displaying such architectural/historical merit, its conversion to a residential use is contrary to policy.
- 8.4 However, the building benefits from an extant prior approval for conversion to two dwellings (DC/19/0915/PN3) that expires on 26 April 2022. This scheme would need to be completed by that expiry date, but it represents a clear and realistic fallback position that the applicant would likely implement were this application refused. Accordingly, it should be given significant weight in favour of this application and, in the view of officers, justify the principle of conversion as a departure from the Local Plan.
- 8.5 It is noted that the proposed scheme now includes a small mezzanine floor to each of the dwellings, and this was not part of the extant prior approval scheme. However, the National Planning Practice Guidance is clear that internal works such as a first floor does not represent development; therefore, the mezzanines could be incorporated into the extant prior approval scheme without recourse to this Authority. Thus, officers do not consider that the inclusion of a mezzanine floor to each dwelling makes the application proposal significantly different from the extant prior approval scheme, in terms of the principle of development.

### Residential Amenity

- 8.6 Policy WLP8.29 (Design) seeks, amongst other things, to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers.
- 8.7 Given the separation of the application building from existing residential properties, no material amenity harm would arise. There would be some minor disturbance to future occupiers of the conversion approved under DC/19/4064/FUL, through passing vehicles, but that would not be significant or contrary to the aims of WLP8.29.
- 8.8 The extant prior approval scheme only allows, as per the Class Q regulations, a very restrictive curtilage for each new dwelling. This application proposes a much more spacious layout which will benefit the amenity of future occupiers.

8.9 The key amenity consideration is linked to the application for an agricultural access of Butts Road, which generated objection from residents at Ivy Grange Farm. As set out in the planning history/site description section of this report, that access application has been withdrawn, and the concrete pad, to the west of the access drive linked to this barn conversion proposal, will be retained for field access. This, officers consider, resolves the objection received. Undoubtedly it will see the proposed residential access partially shared with agricultural traffic (at least for a short section off Wangford Road); however, it seems reasonable that occupiers of a development of converted agricultural buildings may expect some disruption from agricultural related activity in the vicinity. In any case, given the concrete pad access is reasonably well-separated from the proposed dwellings, any impact on their amenity is likely to be limited.

### Design

- 8.10 The existing building is open on one side but, as evidenced by a structural survey, of robust construction and suitable for conversion. This was accepted in the extant prior approval scheme.
- 8.11 The proposal seeks to retain the agricultural appearance of the building, with the roof being covered in zinc sheeting; the walls clad in vertical timber boarding; and rooflights being conservation-style. The pattern of fenestration seeks to utilise mostly existing openings, and new openings are not deemed to be excessive or harmful. The use of internal bays for parking represents a neat arrangement that will ensure the layout is not dominated by parked vehicles.
- 8.12 Compared to the extant prior approval scheme, this application also incorporates a more spacious layout to the external areas with a comprehensive scheme of landscaping. This will allow for a better design outcome, subject to the full details being agreed by planning condition.
- 8.13 For the reasons given, the proposal accords with WLP8.29 (Design).

### Heritage Considerations

- 8.14 For listed buildings, s.66 of The Act imposes a duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The duty is engaged when the local planning authority is considering whether to approve development which affects a listed building or its setting.
- 8.15 These statutory duties are reflected in national and local planning policy. The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *“an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
- 8.16 Paragraph 189 says that when determining planning applications, *“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate*



*to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*

8.17 NPPF paragraph 192 sets out that, *"in determining planning applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness."*

8.18 The NPPF at paragraphs 193 and 194 requires planning authorities to place *'great weight'* on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. It is also clear that *"any harm or loss should require clear and convincing justification."*

8.19 NPPF paragraph 196 sets out that:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

8.20 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected in the Historic Environment section of the Local Plan – policies WLP8.37 (Historic Environment).

8.21 The proposal will see a group of agricultural buildings change to a residential development, and that will represent a notable change to the historic farmstead setting of the grade II listed Oak Tree Farmhouse. However, the buildings to be demolished are modern and not particularly attractive and make little contribution to the significance of the listed building. The conversion is well-designed, and the proposal incorporates an indicative landscaping strategy that, with details secured by condition, could secure a well-designed layout sensitive to the setting of the listed building.

8.22 Whilst some very limited harm would arise from the change of farmstead setting to residential development, that would likely be outweighed by the public benefit of job creation through the construction process; two dwellinghouse contribution to housing supply; and potential for future residents to support local shops and services. More significantly, similar listed building impact would arise from the implementation of the extant prior approval scheme, whereas this more comprehensive proposal, with details secured by condition, would represent a better design outcome in the setting of that listed building. On balance, therefore, the proposal accords with WLP8.37 and the heritage objectives of the NPPF.

## Highways Safety and Parking Provision

- 8.23 Local Plan policy WLP8.21 relates to sustainable transport and seeks, amongst other things, to ensure development is acceptable in highways safety terms. NPPF paragraph 109 gives clear guidance that:

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

- 8.24 The proposal provides ample parking provision and is served by an existing access that already benefits from approval for a total of three dwellings (combining the extant prior approval and the permitted conversion of the barn to the south of the application site). The County Highways Authority raise no objection. The County do however recommend conditions to secure bin storage/presentation areas and secure cycle storage. Given the extant approval that does not have these conditions attached, it is considered unreasonable to apply the conditions in this instance. However, there are no reasons to refuse permission on highways grounds, and the development accords with WLP8.21.

## Ecology and Habitats Regulations Assessment

- 8.25 The application is supported by a Preliminary Ecological Appraisal and the Council’s ecologist is satisfied with the conclusions of the consultant. Should planning permission be granted, the mitigation and enhancement measures identified in that appraisal should be secured by planning condition.
- 8.26 The Habitats Regulations Assessments (HRAs) of the Waveney District Council Local Plan (2019) identified that increased levels of residential development would have a Likely Significant Effect (LSE) on Habitats sites (European designated sites) on the Suffolk coast.
- 8.27 Officers have carried out a stage 2 Appropriate Assessment under the Conservation of Habitats and Species Regulations (2017) and conclude that, subject to a per-dwelling financial contribution to fund Suffolk Coast RAMS being secured, the proposed development will not have an adverse effect on the integrity of the European sites within the 13km ZOI, from recreational disturbance, when considered ‘in combination’ with other development. The RAMS contribution has already been made in respect of the extant prior approval development and can therefore be used to mitigate either this application, if permission granted, or the prior approval application, should that scheme be implemented instead.

## Other Matters

- 8.28 Given the past use of the building and proposed sensitive end-use, there is a risk of contamination and therefore standard conditions are recommended by the Environmental Health Officer to deal with this.

## **9. Conclusion**

- 9.1 Whilst the proposed development is contrary to the adopted Local Plan, being a residential conversion of an agricultural building that has no clear historic or architectural merit, there

is a fallback position where a similar residential conversion of the barn - to two dwellings - can be implemented under the extant prior approval (DC/19/0915/PN3). This planning application would actually result in a better design solution for the amenity of future residents and ensure that field access to the wider farmland is retained, negating the need to relocate an agricultural access toward Ivy Grange Farm. Thus, there are material reasons to depart from the Local Plan and recommend the application for approval.

## **10. Recommendation**

10.1 Approve with conditions as recommended below.

## **11. Conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with Drawing Nos. 20-001, 20-002, 20-004 and 20-205, received 30 July 2020.

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

3. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey report (JP Ecology, October 2018) 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.

4. Within 3 months of commencement of development, precise details of a scheme of landscape works (which shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be carried out at the first planting season following approval of the scheme of landscape works, 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 that there is a well laid out landscaping scheme in the interest of visual amenity and preserving the setting of the listed building.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 [or any Order revoking or re-enacting the said Order with or without modification] no development of any kind specified in Parts 1 and 2 of

Schedule 2 of the said Order shall be carried out unless express planning permission for such development is granted by the local planning authority.

Reason: In order to ensure that the setting of the listed building is preserved.

6. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:
- a) A desk study and site reconnaissance, including:
- a detailed appraisal of the history of the site;
  - an inspection and assessment of current site conditions;
  - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
  - a conceptual site model indicating sources, pathways and receptors; and
  - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
- b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:
- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
  - an explanation and justification for the analytical strategy;
  - a revised conceptual site model; and
  - a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
- All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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

7. 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.

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

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

9. 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.

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

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

#### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

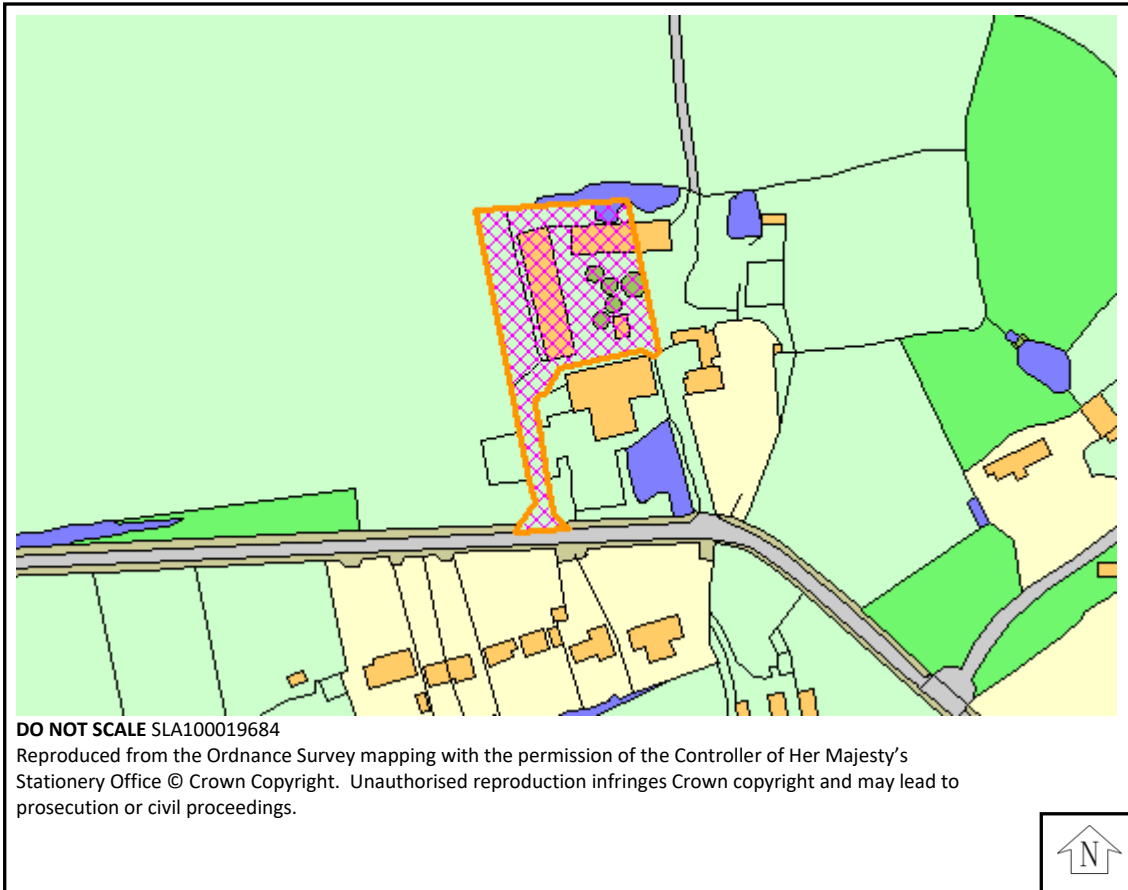
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

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





## **Background Papers**

See application reference DC/20/2862/FUL on [Public Access](#)

## Map



## Key

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