

Our ref: 1827  
Your ref: 19/3746/FUL

Mr Matthew Gee  
East Suffolk District Council  
Planning Department  
Riverside  
4 Canning Road  
Lowestoft  
NR33 0EQ

31<sup>st</sup> March 2020

Dear Matthew

**Re - DC/19/3746/FUL**

**Description of development - Use land to give young people and adults with learning disabilities &/or needs / facing barriers, to access services. An opportunity to learn new skills and be involved in countryside activities. Additional hedging, grass reinforced parking, mobility issues caravan/ outdoor camping 4-6 pitches, log cabins for toilets, showers, community activities, educational events- woodland and wildlife walks- wildlife, picnic benches, allotments, replace existing sheds to match existing, new 3.6 by 6.0 metre shed.**

**Site Address - Project Gold Crest Rushmere Road and Chapel Road Rushmere Suffolk NR34 8ED**

I write on behalf of Rushmere Parish Council in relation to the current application referenced above. Please read this letter of representation in conjunction with the submission made by Mr A Cann of Planning Direct previously.

I am aware that the application is yet to be determined and is the subject of substantial opposition locally including my clients, Mutford Parish Council and your own Senior Design & Conservation Officer.

I have considered the scheme in context of the details available online and note that there are several discrepancies and omissions that have yet to be resolved. I assume that despite the length of the time the application has been under consideration further information is still awaited, as based on the current scheme, a grant of planning permission will be vulnerable to legal challenge. I can advise that, upon the instruction of my clients, Steven Bell of Birketts Solicitors LLP has reviewed the application and has confirmed this is the case.

I will set out for the avoidance of doubt the omissions and discrepancies as follows:

#### Omissions –

Referring in the first instance to your own validation requirements I note the following submissions are missing

- Flood Risk Assessment (FRA) –The site is over 1 hectare in area at 1.36 ha. An FRA is required for every major development and has not been submitted. There is high risk, high velocity surface water flooding in Church Lane directly at the point where access would be taken into the site. This needs to be addressed and appropriate mitigation proposed. Flooding of Church Lane would materially affect the ability to secure safe access and egress from the site. This is not addressed anywhere in the application documents.
- Foul Drainage Assessment – The use would most likely result in a significant uplift in foul water discharge, this has not been adequately addressed.
- Sustainable Drainage Strategy – This should accompany the application to ensure that surface water run-off is adequately managed on site, it is currently lacking and hence there is no mechanism to ensure that surface water flooding already present in the area will not be exacerbated by the development proposal, resulting from the likely increase in impermeable surfaces.
- Contaminated Land Assessment – The site was previously in commercial use as a horticultural nursery, it is highly likely that various chemicals and other contaminants are present on site and need to be taken account of in connection with the proposed development which purports to cater for some of the most vulnerable in society.
- Lighting Assessment – The site is currently located in one of the darkest areas of the Country in Band 2 at 0.25-0.5 nanowatts per sqm (CPRE England). The development proposal is silent on how the scheme will manage lighting on site and mitigate the potentially very harmful effects, particularly those associated with the camping pitches which often increase pressure for lighting after dark to facilitate access to washroom facilities.
- Planning Statement – The scheme is not accompanied by a planning statement setting out the detailed nature of the proposals, including (1) the numbers of staff on site at any one time, (2) the numbers of visitors on site at any one time for each activity; (3) how the site would be used on a daily/weekly basis, and (4) the length of season, days and hours of use. Without this information, it is impossible to accurately assess the intensity of the use. This in turn prevents an accurate assessment of the proposed development's impact on the site's immediate and wider surroundings in terms of effects on neighbouring occupiers from noise and disturbance, impacts on the highway network from vehicle movements to and from the site, and impacts on the ecology and biodiversity of the area arising from the development of the site.
- Transport Assessment – Further to the point raised above, no detailed transport assessment has been provided which sets out the likely effects of the development in transport terms. The development suggests that multiple uses could take place on site simultaneously, but this is not explained or expanded upon anywhere in the submission. It would seem that educational activities could be taking place, whilst the café/shop is open for business, whilst people who have rented allotments could be visiting site, whilst the camping facilities are in use, as well as school/nursery trips taking place.

Collectively, this could result in significant movements to and from the site over the course of a day which are not currently accounted for or explained meaningfully in any documentation accompanying the application.

- Preliminary Ecological Assessment (PEA) – I am aware that a PEA may well have been submitted but I am unable to view it online, so cannot assess its contents. I would ask that it is uploaded as soon as possible. I appreciate that there may be sensitive data contained within it, but a redacted version could be provided for public inspection.
- Landscape Appraisal – The scheme has not been accompanied by any form of landscape assessment, reliance is placed on existing screen hedges and proposed planting to ‘hide’ development. A formal assessment would analyse and assess the effects of the development more accurately. The site is directly adjacent to an Area of Outstanding Natural Beauty and is located within the Hundred Tributary Valley Farmland (H3) area as defined by the 2008 Suffolk Landscape Character Assessment. This landscape is characterised by big skies, open farmland and sparsely developed hamlets and settlements. The impact of the scheme needs to be assessed in detail in order to establish what harm would result from a development of this nature. The suggestion that merely screening and enclosing various elements of the proposal to mitigate the scheme’s landscape impacts does not properly address the effects on the wider landscape character and would result in harm to this sensitive, rural location.
- Arboricultural Impact Assessment (AIA) – The application forms are incorrect in stating that there are no trees on site, and none will be affected by the proposed development. There is a legitimate requirement for an AIA to assess the impacts of the proposal on the landscaping features present on site.
- Noise Impact Assessment – The proposed activities have real potential to create noise and disturbance in this otherwise tranquil location that enjoys extremely low background noise levels. I have been made aware that from the recent unauthorised activities where the applicant’s clients have been taken to site to plant trees that noise, and general disturbance were very noticeable by neighbours who were disrupted by the activities taking place. It is important to understand what noise levels are likely to result as this forms an important element in considering the impact of the proposed development on the amenities of neighbouring occupiers and the tranquillity of the wider area.

Turning now to the discrepancies in the submission, it remains unclear what the exact nature of the proposal includes. The scheme lacks detailed plans of the proposed buildings, but instead provides schematics and photomontages which cannot be accurately assessed particularly in establishing the floor areas for each use (shop A1 and café A3), this is significant as will be highlighted below.

The description of development also refers to 4-6no. pitches being proposed but the supporting statement (original and revised) refers to 10no. camping pitches and 3no. touring caravan pitches. The lack of clarity is deeply concerning although it seems the latter is the likely outcome. A camp site with 13no. pitches is considered quite differently in policy terms, particularly in terms of accessibility to the site and overall sustainability of the scheme. Policy WLP8.15 draws a clear distinction in how a small-scale tourist facility (10 pitches or less) is assessed when compared to a medium sized site (11 pitches or more) by stating that such

accommodation should have good access to A & B roads as well as choices in the modes of public transport. There are no public transport choices in Rushmere, and users would be exclusively reliant on cars to visit the site. It is concerning that the Highway Authority do not appear to have considered this aspect and we will be raising it with them also.

Leading on from that point, the number of parking spaces shown in connection with the development are severely lacking. The site is being advocated as a multi-use facility yet only 8no. parking spaces (including minibuses) are provided. The Suffolk County Council Parking Guidance 2019 is of significant relevance and contains standards for several the uses on site. It states that –

A3 (café) uses should provide 1 space per 5 sqm with 2 cycle spaces per 100 sqm.

A1 (shop) uses should provide 1 space per 16 sqm with 2 cycle spaces per 200 sqm.

D1 (educational) uses should provide 1 space per 15 students and the same for staff with 2 cycle spaces per 3 students.

A caravan park (closest standard to the camping use) should provide 1 space per pitch and 1 space per FTE staff member, as well as 2 cycle spaces per 5no. pitches.

All parking standards apply a 6% uplift in provision for disabled car parking spaces.

The nature of the proposed use is such that a significant uplift in car parking is likely to be required to service the needs of the development. We cannot assess what those needs are yet as the information is not forthcoming within the application ie. floor areas and visitor numbers, but the likely result is that levels of activity, vehicle movements and the physical impacts of vehicles parked on site would have a material and detrimental impact on the character and appearance of the site and both its immediate and wider setting.

We are aware that a Heritage Impact Assessment (HIA) has recently been submitted, it will be interesting to see the views of the Design & Conservation Officer, who has previously objected to the scheme. We are of the view that the HIA does not adequately address the functional relationship of the site with the setting of the Grade I listed church, which historically has formed part of its setting at this prominent road junction over hundreds of years. As a consequence, the conclusion reached within the HIA that the impact on its setting is effectively negligible is flawed and does not follow the advice contained within the NPPF or the Council's own Local Plan policies (WLP8.37).

I am aware that reference has been made to the former use of the site as a horticultural nursery. That is accepted but it is also noted that the use in question has been abandoned and has fallen into significant disrepair. The suggestion that a lawful use exists that facilitates the activities now taking place on site are flawed. The former use and proposed uses are materially distinct and their impact on their surroundings vastly different. A small-scale horticultural business which ceased 11 years ago and is now abandoned cannot be compared to the current proposal which could potentially bring a significant unknown number of people to the site, potentially 7 days a week over an unknown period during the year. Even if the horticultural use had not been abandoned, the small-scale agricultural activities operated by a single family does not bear any resemblance to the proposed development. In any event the recent activities on site, do not fall within the

auspices of the former use, as the current proposal is essentially a tourism/leisure/educational facility not a modest agricultural business.

Further to the issues raised above, I am aware that there was a refusal of planning permission for a caravan on this site in 1993. The current application also proposes the stationing of a mobile home on site. At present, no details are available online setting out the details of that case. In our view, the previous refusal is a material consideration in the determination of this application and those details should be made available forthwith so that a comparison can be drawn with the current proposal.

I have also been made aware of an application for a small scale tourist development that was refused in August last year at Beech Tree Farm House in Rushmere (DC/19/1682/FUL) involving the conversion of an existing outbuilding to a holiday let. The application was refused because of the potential impact the development could have on the site and its surroundings, highway safety concerns regarding the use of the access, potential ecological impacts associated with the development, the impact of the development on the character and appearance of the area and the indirect effects arising from the development and the likely impacts that would have on the neighbouring European Designated Sites. All those concerns are highly relevant and pertinent to the consideration of this application. In that case, the application was the subject of close scrutiny by officers and the application was found wanting. The current proposal is on a significantly larger scale, the potential effects on the site's immediate and wider environment will be significantly more adverse and severe. It is imperative that the same close scrutiny is applied to this major development as it was to the modest proposal at Beech Tree Farm.

You will see from the concerns expressed in this letter that there are serious concerns regarding the nature of the proposed use in this location, because of the severe adverse impacts the scheme could have on both immediate neighbours and the wider area. The woeful lack of information demonstrates that the scheme has been poorly thought out and presented, and its impacts cannot be accurately or properly assessed. The application has been under consideration for some months now and it is unlikely that the information will be forthcoming at this juncture. That being so, the application should be **refused** without delay.

In the event that additional information is received, a further period of consultation should be undertaken to allow all consultees and interested parties to assess and comment on the application before any formal decision is made as we would want the opportunity to consider its contents properly.

I would be grateful for confirmation of the course of action you propose to take as soon as possible.

Yours sincerely

A handwritten signature in black ink that reads "Debi Sherman". The signature is written in a cursive style with a large, stylized initial "D".

Debi Sherman  
Head of Planning **MRTPI**  
One Planning Ltd  
c.c.

Liz Beighton, Planning Development Manager  
Philip Ridley, Head of Planning & Coastal Management  
Ben Chester, Suffolk Highways Department  
Cllr Steve Gallant, Leader  
Cllr Norman Brooks, Ward Member

Members of the Planning Advisory Panel North –

Cllr Paul Ashdown  
Cllr Jenny Ceresa  
Cllr Graham Elliott  
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