



**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 October 2020 at 2.00 pm**

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/ql36F7qzaE8>

An Agenda is set out below.

## **Part One – Open to the Public**

**Pages**

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<b>2</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
<b>3</b>	<b>Declarations of Lobbying and Responses to Lobbying</b> To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
<b>4</b>	<b>Minutes</b> To confirm as a correct record the Minutes of the Meeting held on 25 August 2020	<b>1 - 18</b>
<b>5</b>	<b>East Suffolk Enforcement Action - Case Update ES/0536</b> Report of the Head of Planning and Coastal Management	<b>19 - 37</b>
<b>6</b>	<b>DC/20/1033/FUL - Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ ES/0537</b> Report of the Head of Planning and Coastal Management	<b>38 - 53</b>
<b>7</b>	<b>DC/20/2081/FUL - 8 Haywards Fields, Kesgrave, IP5 2XH ES/0538</b> Report of the Head of Planning and Coastal Management	<b>54 - 59</b>
<b>8</b>	<b>DC/20/2835/FUL - The Nursery, Main Road, Pettistree, IP13 0HH ES/0539</b> Report of the Head of Planning and Coastal Management	<b>60 - 68</b>
<b>9</b>	<b>DC/20/1035/FUL - Former Rendlesham Sports Centre Site, Walnut Tree Avenue, Rendlesham, IP12 2GF ES/0540</b> Report of the Head of Planning and Coastal Management	<b>69 - 106</b>
<b>10</b>	<b>DC/19/2513/FUL - Land North of Mill Close, Orford, Woodbridge, IP12 2FE ES/0541</b> Report of the Head of Planning and Coastal Management	<b>107 - 132</b>
<b>11</b>	<b>DC/20/3067/FUL - Seaton Recreation Ground, Seaton Road, Felixstowe, IP11 9BS ES/0542</b> Report of the Head of Planning and Coastal Management	<b>133 - 141</b>
<b>12</b>	<b>DC/20/1666/FUL - Former Itron Factory, Carr Road, Felixstowe, IP11 2ER ES/0543</b> Report of the Head of the Planning and Coastal Management	<b>142 - 158</b>

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13	<b>DC/20/2772/FUL - Land Adjacent to Peeler, Elmham Drive, Foxhall ES/0544</b>	<b>159 - 169</b>
	Report of the Head of Planning and Coastal Management	

**Part Two – Exempt/Confidential**

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There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

**Speaking at Planning Committee Meetings**

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

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

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

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

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

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

## **Filming, Videoing, Photography and Audio Recording at Council Meetings**

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email:

[democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)



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**Unconfirmed**



Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 25 August 2020 at 2.00 pm**

**Members of the Committee present:**

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

**Other Members present:**

Councillor Paul Ashdown

**Officers present:**

Katherine Abbott (Democratic Services Officer), Liz Beighton (Planning Manager), Charlie Bixby (Planner), Alexis Burns (Assistant Planner), Sarah Carter (Democratic Services Officer), Matt Makin (Democratic Services Officer), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner)

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**1 Apologies for Absence and Substitutions**

There were no apologies for absence received.

**2 Declarations of Interest**

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in items 6 and 8 of the agenda as both a member of Felixstowe Town Council and also as the Chairman of that Council's Planning and Environment Committee.

Councillor Chris Blundell declared a Local Non-Pecuniary Interest in item 10 of the agenda as both a Ward Member for Martlesham and as a member of Martlesham Parish Council.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in items 6 and 8 of the agenda as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared a Local Non-Pecuniary Interest in item 7 of the agenda as a Ward Member for Little Bealings.

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

Councillor Tony Fryatt declared that he had been lobbied by email on item 7 of the agenda; he advised that he had not responded to any of the emails he had received.

**4 Minutes**

## **RESOLVED**

That the Minutes of the Meeting held on 21 July 2020 be agreed as a correct record and signed by the Chairman.

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

The Committee received report **ES/0456** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 28 July 2020. The report detailed 19 such cases.

The Chairman invited questions to the officers.

A member of the Committee asked if there was an estimated timescale for a resolution to the enforcement case at Rosery Cottage Barn and also asked for an update on the site at The Chestnuts, Little Bealings. The Planning Manager advised that she would speak to the relevant case officers and respond to the Member directly outside of the meeting.

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

## **RESOLVED**

That the report concerning outstanding enforcement matters up to 28 July 2020 be received.

### **6 DC/20/1794/FUL - 1 College Green, Felixstowe, IP11 7AP**

The Committee received report **ES/0463** of the Head of Planning and Coastal Management, which related to planning application DC/20/1794/FUL.

The application sought permission for a single storey side and rear extensions and new garden wall. The side and rear extensions and a garden wall have already been granted permission on application DC/19/4442/FUL. The only change proposed through the current application is an extension in length of the garden wall.

The initial submission of the application included proposals for recladding on the front elevation of the property. The proposals were later removed from the application.

The application was recommended for approval by the Planning Officer and Felixstowe Town Council had recommended refusal of the planning application; as the Town Council's recommendation was contrary to that of the Planning Officer, the application was reviewed by the Referral Panel.

The Referral Panel considered the application on 11 August 2020 and referred the item to the Committee on the basis of the level of public objections and the previous discussion surrounding the wall at the Planning Advisory Panel meeting of 24 March 2020, and to enable discussion of the impacts upon visual amenity and the Conservation Area.

The Committee received a presentation on the application from the Assistant Planner, who was acting as the case officer. The site location was outlined, and the Committee was shown the proposed block plan in contrast to the approved block plan.

The approved and proposed elevations were displayed. The Assistant Planner explained that the height of the wall would remain unchanged and that the changes would elongate the wall along the front of the property.

The Committee was in receipt in photographs of the site which showed the front of the property and street views.

The Assistant Planner explained that several letters of objection had been received; the objections were similar to those received on the approved application.

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

The Chairman invited questions to the Planning Officers.

It was confirmed that two-metre high fence could not have been constructed under permitted development rights as it would have been next to the highway and the limitation for such fences was one-metre high. The Assistant Planner stated that the height of the wall, two metres, had already been approved in the extant planning permission and the new application was to extend the wall laterally.

A member of the Committee queried what the limit on fence height under permitted development. The Planning Manager explained that the limit was two metres unless the fence bordered a highway, where the limit would be one metre.

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 spoke in support of the application and said that as long as the wall was constructed from suitable materials, it would not have a detrimental effect on the surrounding area. This view was supported by another member of the Committee.

A different member of the Committee took a contrary view and considered that as the application site was in a conservation area and part of a planned and designed estate, the extension of the wall would have a detrimental effect on the surrounding area. He noted that the dwelling was at the opening of the estate and occupied a prominent position in the road, and that the extended wall would detract from the open plan nature of the area.

In response to a request for clarity from the Chairman, the Planning Manager read out the comments of the Planning Advisory Panel at its meeting on 24 March 2020, as contained in the update sheet.

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

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

## RESOLVED

That the application be **APPROVED** subject to conditions.

Conditions:

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

*Reason: This condition is imposed in accordance with Section 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 2632.20.02 (Site Plan), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received on 15 May 2020 and the requirements of other conditions on this consent.

*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 in writing with the local planning authority.

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

4. Notwithstanding what is shown on drawings 2669:20:01 (existing elevations and floor plans), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received 15 May 2020, the cladding on the existing house above the ground floor level windows shall be retained in its existing form (mock tudor) and shall not be replaced with Resin Cement Boarding or any other form of cladding, unless otherwise agreed through further application to the Local Planning Authority.

*Reason: In the interests of clarity as to the works hereby granted planning permission as this element was removed from the description of development but no revised plans were received for consideration during the application process.*

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](mailto:CIL@eastsoffolk.gov.uk) A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action. CIL forms can be downloaded direct from the planning portal: [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5) Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is hereby advised that the cladding initially proposed during this application and referred to in condition 4 would require Planning Permission. Class A of Part 1 of Schedule 2 of the General Permitted Development Order (England) 2015 (As Amended) allows for the installation of cladding, but not on dwellings within article 2(3) land, which includes Conservation Areas. This property is located within the Felixstowe Conservation Area, and therefore does not benefit from the Permitted Development Rights for the installation of cladding.

## **7 DC/20/1909/FUL - Bealings Holt, Martlesham Road, Little Bealings, IP13 6LX**

The Committee received report **ES/0460** of the Head of Planning and Coastal Management, which related to planning application DC/20/1909/FUL.

The application sought full planning permission on land to the west of Bealings Holt, Martlesham Road, Little Bealings. The site was located in the countryside, more than 150 metres from the nearest settlement boundary on a road with no pavement, so the proposed dwelling would not meet the current local plan policy relating to dwellings in clusters in the countryside (policy DM4).

A dwelling had previously been granted on this site under NPPF paragraph 55 (now paragraph 79), and that consent remained extant. However, the current scheme was not proposed under paragraph 79, but under emerging Local Planning Policy SCLP5.4 (Housing in clusters in the countryside).

As the recommendation was contrary to the current Local Plan, the application was before the Committee for determination in accordance with the Council's Scheme of Delegation.

The Committee received a presentation on the application from the Principal Planner, who was acting as the case officer. The site's location was outlined, and its relationship with neighbouring properties Marchwood and Bealings Cottage was established.

Images from Google Earth were displayed showing views of the site from the north, south, east and west.

The Principal Planner outlined the extant planning permission on the site. The proposed access for the new application was unchanged from that approved previously.

The Committee was in receipt of photographs that showed a view of the site from road and the site boundary with Marchwood.

An aerial photograph of the site and the proposed block plan were displayed. The Principal Planner also displayed a copy of the proposed block plan that indicated the distances between

the proposed dwelling and neighbouring properties. Officers were of the view that the scheme was acceptable in terms of residential amenity.

Details of the completed tree survey were outlined, which detailed the trees that would be protected during construction.

The proposed floor plans and elevations were displayed, as well as a computer-generated image of what the completed development would look like.

The material planning considerations and key issues were summarised as the principle of development, landscape and visual impact, impacts upon trees, on-site ecology, off-site ecology, highway safety and residential amenity, and permitted development rights.

The Principal Planner said that it was considered that the emerging policy SCLP5.4 could be given significant weight, as the proposed main modifications to the policy did not affect the principle of this proposal, and the examination process was nearing completion. The Principal Planner advised that the proposed dwelling complied with policy SCLP5.4 and was acceptable in terms of all other relevant planning policies and material planning considerations.

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

*The meeting was adjourned at 2.47pm to allow the Chairman to address the connection issues that she was experiencing. The meeting was reconvened at 2.50pm.*

The Chairman invited questions to the Planning Officers.

A member of the Committee asked how many times in the previous three months had a similar application of policies been applied to planning applications. The Principal Planner stated that she was unable to comment on this and that any similar situations would have needed to come to the Committee as per the Council's Scheme of Delegation.

The Chairman invited Mr Ransome, representing Little Bealings Parish Council, to address the Committee.

Mr Ransome said that Little Bealings Parish Council felt very strongly about the application and considered that it was not within the designated settlement boundary of the village. He noted that the application site was within a Special Landscape Area (SLA) and that this should be the prime driver for the Committee in determining the application.

It was noted by Mr Ransome that a previous application for a two-storey dwelling on the site had been refused and considered that the application before the Committee should also be refused as it was not in accordance with the existing Development Plan.

Mr Ransome asked what weight should be given to emerging policy SCLP5.4 and if it was appropriate for it to be interpreted in a way that allows for approval of an unsustainable development in an SLA. Mr Ransome said that the Parish Council did not comply with policy and considered that if approval was given, no care would have been exercised in terms of the policy. He added that approval of the scheme would significantly alter the character of the area and leave the Council with no grounds not to approve other infill sites along the whole of Martlesham Road.

It was highlighted by Mr Ransome that Martlesham Road had no pavement, lighting, or public transport links and that more cars for residents and visitors would exacerbate existing traffic issues in the area.

Mr Ransome considered that paragraph 6.49 of the report contained an error, as the son of the occupant of Marchwood had objected on behalf of the residents, highlighting many of the same points made by the Parish Council.

Mr Ransome said that the Parish Council was not opposed to development where it was appropriate, sustainable and of benefit to the residents. He considered that the Council would be in grave error if it interpreted policy SCLP5.4 as providing grounds for unsustainable development in the SLA.

At the conclusion of Mr Ransome's address, the Chairman sought clarification on whether objections had been received from the residents of Marchwood. The Principal Planner advised that the objections made by the son of the occupants of Marchwood had been written from a different address and had not explicitly stated that they were on behalf of the residents of Marchwood.

There being no questions to Mr Ransome the Chairman invited Mr Price, agent for the applicant, to address the Committee.

Mr Price noted that there was extant planning permission on the site which had been approved under paragraph 55 of the NPPF (now paragraph 79). He noted that the new Suffolk Coastal Local Plan was at an advanced stage, that there were no outstanding issues with policy SCLP5.4, and that the plan was due to be adopted in due course.

It was the view of Mr Price that the application was in accordance with the new policy and that there was no demonstrable harm. He stated that paragraph 48 of the NPPF made it clear that where a Local Plan was at an advanced stage and there were no major issues, its policies could be given significant weight. He sought approval of the application.

There being no questions to Mr Price the Chairman invited Councillor Colin Hedgley, Ward Member for Little Bealings, to address the Committee.

Councillor Hedgley stated that the previous application had been approved as an exception under paragraph 55 (now paragraph 79) of the NPPF. He was of the opinion that the new application did not meet the standards for this exception.

Councillor Hedgley considered that the emerging Local Plan had not been adopted and said it felt wrong to give significant weight to its policies. He said that it was a moral issue to determine the application based on the existing Local Plan rather than trying to circumvent it by pretending that the new Local Plan was already in place. He said that he objected to the application.

There being no questions to Councillor Hedgley the Chairman invited Councillor Tony Fryatt, Ward Member for Little Bealings, to address the Committee.

Councillor Fryatt was concerned about the route being taken with the application. He concurred with Councillor Hedgley's view that the new application was not of the same standard as what had already been approved on the site and said that although he understood that more weight should be given to an emerging Local Plan as it progresses, it should not be acquiesced to until it is adopted. Councillor Fryatt was very unhappy about approving this application based on the presumed adoption of the new Local Plan.

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

Several members of the Committee expressed concern about giving significant weight to policy SCLP5.4 when determining the application. Several Members stated that, morally, more weight should be given to the existing Local Plan and Members considered they could not support the application as it was contrary to policy DM4 of the existing Local Plan. One member of the Committee considered that the approval of the application would lead to ribbon development on Martlesham Road.

One member of the Committee initially spoke at length in support of the application, noting that it had not been submitted under paragraph 79 of the NPPF but under policy SCLP5.4 of the emerging Local Plan. However, as debate continued the Member advised that the significant strength of feeling from those members of the Committee opposed to the application had swayed him to support their views and that he would not be voting in favour of the application.

The Chairman of the Committee invited the Planning Manager to address the Committee. The Planning Manager referred the Committee to paragraph 48 of the NPPF, which set out the significant weight that should be given to policies of the emerging Local Plan, given its advanced state. The Planning Manager detailed the differences between policy DM4 and policy SCLP5.4 and noted that the application site had development on two sides of it and therefore accorded with the latter policy.

The Planning Manager advised that if the Committee was minded to refuse the application and the decision was appealed, the Planning Inspectorate (PINS) would consider the application against emerging and established policies in place at the time of the appeal decision and was of the view that any refusal would be difficult to defend at appeal.

There being no further debate, the Chairman moved to the recommendation set out in the report; it was proposed but not seconded and therefore the recommendation **FAILED**.

The Chairman sought an alternative recommendation. Following further debate by members of the Committee, it was suggested that the application be refused as it was not in accordance with policy DM4 of the existing Development Plan, when weighed against policy SCLP5.4 of the emerging Suffolk Coastal Local Plan.

The Chairman then moved to the alternative recommendation. On the proposition of Councillor Hedgley, seconded by Councillor Fryatt it was by a majority vote

## **RESOLVED**

That the application be **REFUSED** as it was not in accordance with policy DM4 of the existing Development Plan, when weighed against policy SCLP5.4 of the emerging Suffolk Coastal Local Plan.

*Following the conclusion of this item, the meeting was adjourned at 3.23pm for a short break. The meeting was reconvened at 3.30pm.*

## **8 DC/20/1893/OUT - 21 Fleetwood Avenue, Felixstowe, IP11 9HR**

The Committee received report **ES/0459** of the Head of Planning and Coastal Management, which related to planning application DC/20/1893/OUT.

The application site comprised part of the rear garden of 21 Fleetwood Avenue, Felixstowe. The application was made in outline form and proposed the erection of a detached dwelling.

The application was presented to the Referral Panel on 30 June 2020 with a recommendation of refusal, which was contrary to the Town Council's recommendation in support of the application. At this meeting, Members were content that the application could be delegated to Officers for a decision.

Following this meeting, Officers were supplied with a number of example cases whereby similar proposals had been permitted within Felixstowe. On balance, it was therefore considered that the recommendation of refusal due to the plot being cramped within the streetscene and out of character with the area would be difficult to argue and therefore the recommendation should be to approve.

The application was therefore taken back to the Referral Panel on 14 July 2020 where Members decided that in the interests of transparency, following Officers' change of recommendation that the application ought to be determined by the Committee.

The Committee received a presentation on the application from the Senior Planner, who was acting as the case officer. The site's location was outlined, and the Committee was shown photographs of the site outlining views from the corner of Fleetwood Avenue and Dellwood Avenue, the front of the application site, and to the right of the proposed plot.

The indicative site layout plan was displayed; the Senior Planner explained that these details would be approved at the Reserved Matters stage and that the plan was being displayed to show how the development could be accommodated on the site. An indicative streetscene view was also displayed.

The Committee was in receipt of plans of similar developments that had been approved in Felixstowe.

The main consideration was summarised as whether development of the site would result in an acceptable design and layout, in keeping with the character and appearance of the streetscene and/or harm neighbours' amenity.

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

The Chairman invited questions to the Planning Officers.

The Senior Planner confirmed that one letter of objection had been received on behalf of the resident of 19 Fleetwood Avenue, regarding the principle of development and overlooking. The Senior Planner noted that it had been processed against the sender's address

on receipt, and that Officers would look in to how such letters written on behalf of neighbours were logged in future.

It was stated by the Senior Planner that when looking at this type of application Officers took into account the size of the garden, if the property would fit in such a space, if the property would have amenity space and the impact on the residential amenity of neighbouring properties.

The Senior Planner advised that there would be on-plot parking 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 the case to be straightforward as the proposed plot could accommodate a dwelling easily. He said that the illustrative cases in other areas of Felixstowe where similar developments had been allowed with less amenity space than would be retained for the proposed property.

Another member of the Committee spoke in objection to the application and stated that the application should not be approved because mistakes had been made elsewhere in Felixstowe. He highlighted the negative impact of a similar development in the town and considered that the proposed application would negatively impact on 19 Fleetwood Avenue.

The Member also noted that the site was opposite Felixstowe and Walton United Football Club and highlighted that it was difficult to park in the area on matchdays. He considered that the development was inappropriate and said that he would be voting against the application.

There being no further debate, the Chairman moved to the recommendation as set out in the report. The recommendation was proposed, seconded and by a majority vote **FAILED**.

The Chairman sought an alternative recommendation. Following further debate by Members it was suggested that the application be refused as it was a cramped form of development contrary to policy DM7 of the existing Development Plan and policy SCLP5.7 of the emerging Suffolk Coastal Local Plan.

The Chairman moved to the alternative recommendation. On the proposition of Councillor Deacon, seconded by Councillor Deacon it was by a majority vote

## **RESOLVED**

That the application be **REFUSED** as it was a cramped form of development contrary to policy DM7 of the existing Development Plan and policy SCLP5.7 of the emerging Suffolk Coastal Local Plan.

### **9 DC/20/1418/FUL - Iken Hall, Tunstall Road, Iken, IP12 2EP**

The Committee received report **ES/0457** of the Head of Planning and Coastal Management, which related to DC/20/1418/FUL.

The application site was located in the countryside within the parish of Iken. It was also within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The proposal involved the erection of a building to house equipment for the maintenance of a meadow to the north and west of Iken Hall.

The application was presented to the Referral Panel on 14 July 2020 as the Parish Council had objected to the proposal which was being recommended for approval. The Referral Panel considered that given the previous refusals for storage buildings on the site, the application should be determined by the Committee.

The Committee received a presentation on the application from the Senior Planner, who was acting as the case officer. The site's location was outlined; it was noted that adjacent land to the application site was also in the applicant's ownership.

Photographs of the site were displayed that showed views along Tunstall Road towards the existing and proposed access, the existing field access, inside the driveway of Iken Hall looking towards the application site, and from the riverpath towards the site.

The Senior Planner explained that due to the local topography and vegetation, the application site was only visible from one specific point on the riverpath.

The Committee was shown a map detailing the public rights of way; the route that entered the application site was a dead end.

The proposed block plan and elevations were displayed.

The Committee was in receipt of plans for the refused schemes. The Senior Planner said it was not sure where exactly the refused buildings would have been located.

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

There being no questions to the Planning Officers, the Chairman invited Mr Hutson, the applicant, to address the Committee.

Mr Hutson said that the building would be constructed from traditional materials and would be in a discreet corner of a field. Mr Hutson explained that he had purchased Iken Hall in 2003 which had already been separated from its historic storage buildings.

The refused applications were acknowledged, and Mr Hutson considered that the issues that had led to refusal had been addressed in the new application, including issues around height and screening. Mr Hutson said the planting in the area provided a windbreak to the field and had encouraged the return of wildlife to the area.

Mr Hutson said that the barn would be for the storage of agricultural equipment; he also said that previous equipment had been sold as it had deteriorated due to being stored uncovered. Mr Hutson explained that it was his intention to grow lavender and keep bees on the site to produce lavender oil and lavender honey and said that he also wanted to plant more trees to contribute to the environment.

Mr Hutson said that the barn was of a traditional design, designed by a local architect, and would not be visible from outside the site and would not cause a loss of outlook.

The Chairman invited questions to Mr Hutson.

Mr Hutson confirmed that work had already taken place to move a water source near to the site, which could be used for fire-fighting if so required.

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

Members of the Committee supported the application and considered that it was sympathetic to the area and would fit in well to its surroundings.

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

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

## **RESOLVED**

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

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with Site Plan and Block Plan received 21 May 2020 and drawing no. 2612/19/1 received 6 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

4. None of the existing trees or hedgerow on the southern site boundary shall be 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 hedgerow 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

and/or shrubs of a size and species which have previously been agreed in writing by the local planning authority.

*Reason: To safeguard the visual amenity provided by the trees and hedgerows.*

5. The building hereby approved shall be used for storage purposes only in association with the maintenance of the land on which it is situated and shall not be used for any purposes ancillary to a residential dwelling.

*Reason: The building is located outside of any residential curtilage and therefore a building in this location would only be approved where it is reasonably necessary for purposes relating to agriculture.*

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.

*At this point, the Chairman re-ordered the remainder of the agenda so that item 11 would be heard before item 10.*

## **11 DC/20/1429/FUL - 58 High Street, Wickham Market, IP13 0QU**

The Committee received report **ES/0464** of the Head of Planning and Coastal Management, which related to planning application DC/20/1429/FUL.

The proposal was for the change of use of 58 High Street, Wickham Market, from two flats and an A2 office type use, to a single dwellinghouse.

The application was before the Committee as the recommendation was to approve the proposal as a departure from the current Local Plan. It was a departure because the property had not been marketed in accordance with policy DM10. However, the emerging Local Plan had no requirement for marketing when A2 type uses are proposed to be lost.

The Committee received a presentation on the application from the Planner, who was acting as the case officer. The site's location was outlined; it was noted that there was an adjoining outbuilding to the rear of the property as well as an amenity garden space.

The Committee was shown a map detailing listed buildings in the area. The Planner confirmed that the application building itself was not listed but was adjacent to a listed building to the west.

Photographs of the site from the front and rear were displayed.

The existing block plan and the proposed floor plan was shown. The Planner detailed the removal of the internal partition wall that was proposed.

The material planning considerations and key issues were summarised as a departure from policy DM10, heritage/conservation area impact and residential amenity.

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

The Chairman invited questions to the Planning Officers.

In response to a question on parking, the Planner confirmed that there was no existing parking for the site and no parking was proposed in the application. The Highways Authority were satisfied with the lack of parking as the site was considered sustainable; there was a car parking area immediately adjacent to the property and sustainable transport links in the area.

It was confirmed that there was a mix of residential and office use within the area of the High Street that the site was located.

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

Mr Meadows considered that the Planner had covered most of the important points. He said that the current office space was a small area at the back of the house on the ground floor and only suitable for a one or two person office. Mr Meadows explained that office users would need to come through the residential area to access the office and detailed the extensive work to the dwelling and the garden that would be required to obtain privacy for all parties.

Mr Meadows said that he wanted to turn the dwelling into a family home and that the conversion would be done in an attractive and sympathetic manner. He noted that a third of the properties in the area were residential and asked the Committee to consider the loss of A2 type use office space against the gain of a residential dwelling.

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

Members of the Committee spoke in support of the application and noted the residential dwelling that would be created. One member of the Committee considered that the application returned the dwelling to its original use and would convert unobtainable office space back to residential use.

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

On the proposition of Councillor Yule, seconded by Councillor Allen it was by a majority vote

## **RESOLVED**

That the application be **APPROVED** 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 not be carried out other than in complete accordance with drawings 998//1 (ground floor), and Site Plan received on 7 April 2020, and drawing 998/2 (first floor) received 29 April 2020.

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

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>

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](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)

4. The applicant is hereby advised that this property is a Listed Building. Therefore the proposed internal changes to the internal walls etc would require Listed Building Consent.

## **10 DC/20/1836/FUL - Martlesham House, School Lane, Martlesham, IP12 4PG**

The Committee received report **ES/0458** of the Head of Planning and Coastal Management, which related to planning application DC/20/1836/FUL.

The application sought full planning permission for the erection of one detached two-storey dwelling. The application also proposed an outside pool, two detached outbuildings to provide garaging and a summerhouse associated with the proposed pool. The proposal also involved a new access onto Three Stiles Lane and a proposed front boundary wall along the front of the site.

The site crossed the defined settlement boundary. The proposed dwelling, pool and outbuildings would be located outside of this boundary. The scheme therefore constituted a new dwelling in the countryside, which would be contrary to the Local Development Plan Policies. However, the site had development on two sites, was within a sustainable location, and would not otherwise result in significant material planning harm. It was therefore recommended for approval, contrary to the current Local Plan.

The positive recommendation, contrary to the current Local Plan, triggered the item's referral for determination by the Committee.

The Committee received a presentation on the application from the Planner, who was acting as the case officer. The site's location was outlined; the Planner outlined the relationship between the application site and the adjacent land and buildings also under the ownership of the applicant, including Martlesham House.

A Martlesham Neighbourhood Plan key map was displayed to the Committee. The Planner detailed that the application site was just outside and to the south of the physical limits boundary defined by policy MAR1 of the Neighbourhood Plan and where the site boundary intersected the settlement boundary.

Photographs of the site were shown detailing views of Martlesham House, the site access, the application site, the field opposite the application site, and recent development along Three Stiles Lane which was also outside of the settlement boundary.

The Committee was in receipt of the proposed block plan, proposed floor plans and cross sections, proposed elevations for the dwelling and the outbuilding, and the proposed retention of trees on the site.

The material planning considerations and key issues were summarised as the departure from the existing Local Plan policies DM3 and DM4, the visual and streetscene impact, the residential amenity impact, access and visibility splays, and the tree impact.

The Planner advised that the proposed dwelling complied with policy SCLP5.4 of the emerging Suffolk Coastal Local Plan as it was bordered by development on two sides.

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

The Chairman invited questions to the Planning Officers.

A member of the Committee queried the application's compliance with policy SCLP5.4 as the report seemed to state that it failed on this policy due to the five existing properties not being on the same highway. The Planner explained that the policy can be given significant weight but cannot be fully tested until fully adopted; he said that the application was considered to meet the criterion of the policy that it was bordered by developments on two sides and could be considered part of a cluster.

The Planner noted that the GGP map that had been displayed during the presentation did not reflect recent developments adjacent to the site.

The Planning Manager advised the Committee that the criteria listed within SCLP5.4 was of an either/or nature and given that the development was bordered on at least two sides by other developments, it was considered it met the emerging policy.

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, who was also Ward Member for Martlesham, advised the Committee that Three Stiles Lane was not a highway but a bridleway and that a vehicular entrance had been forced by residents driving onto the bridleway. He said that when he had written to the Highways Authority about this, he had been advised that it was illegal for vehicles to access the bridleway but that residents did so nonetheless. The Planner noted that the Highways Authority, in its response to the consultation, had acknowledged that Three Stiles Lane was a bridleway but considered the access acceptable.

In response to further debate regarding the access, the Planner confirmed that the Highways Authority did not object to the access and had recommended approval subject to conditions.

Another member of the Committee referred to the earlier application at Bealings Holt, where emerging policy SCLP5.4 had been referred to as a reason to approve the application. The Member noted that the Committee had not given significant weight to the emerging policy and had refused it as it was contrary to policy DM4 of the existing Local Plan, and considered that as this application was of a very similar nature then he was obliged to object to this application to ensure consistency in the Committee's decision making.

Several Members of the Committee considered that more weight should be given to policy DM4 of the existing Local Plan as the emerging Suffolk Coastal Local Plan had not yet been adopted. Members considered that the Committee should be consistent in its decision making.

The Chairman invited the Planning Manager to address the Committee. The Planning Manager acknowledged the Committee's view to be consistent in its decision making; she advised that if the Committee was minded to refuse the application it needed to identify specific harm that would be caused by the application, as a principle of development had been established by other applications being approved contrary to policy DM4 on the grounds that they still represented sustainable development. The Planning Manager stated that this was a material planning consideration.

There being no further debate, the Chairman moved to the recommendation as set out in the report. It was proposed, seconded and by a majority vote **FAILED**.

The Chairman sought an alternative recommendation. Following further debate by Members it was suggested that the application be refused as it was not in accordance with policy DM4 of the existing Development Plan.

The Chairman moved to the alternative recommendation. On the proposition of Councillor Bird, seconded by Councillor Cooper it was by a majority vote

**RESOLVED**

That the application be **REFUSED** as it was not in accordance with policy DM4 of the existing Development Plan.

The meeting concluded at 4.36 pm

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Chairman



## PLANNING COMMITTEE

**Title of Report:**

**East Suffolk Enforcement Action– Case Update**

**Meeting Date**

**27 October 2020**

**Report Author and Tel No**

**Mia Glass  
01502 523081**

Is the report Open or Exempt?

Open

## REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 29 September 2020. At present there are 15 such cases.

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

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

## RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 29 September 2020 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"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> <li>• 01/03/2016 – Planning Appeal</li> </ul>	31/12/2020

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

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

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

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

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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>01/04/2019 – Enforcement Notice served.</li> <li>28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>Start date has now been received, Statements are due by 12/12/2019.</li> <li>Awaiting Planning Inspectorate Decision</li> <li><b>Appeal Dismissed with variations. Compliance by 20 January 2021</b></li> </ul>	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> <li>EN served on 21/12/2016</li> <li>Notice becomes effective on 25/01/2017</li> <li>Start date has been received.</li> </ul>	31/12/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Public Inquiry to be held on 08/11/2017</p> <ul style="list-style-type: none"> <li>• Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018.</li> <li>• 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018).</li> <li>• Site visit to be conducted once compliance period has finished.</li> <li>• 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action.</li> <li>• Site visit due on 07/01/2019.</li> <li>• 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action.</li> <li>• 26/02/2019 – Update to be given at Committee.</li> <li>• Awaiting update from Legal.</li> <li>• 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An</li> </ul>	

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					11/12/2020	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate.</li> </ul>	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Statement due by 30/07/19.</p> <ul style="list-style-type: none"> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• 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.</li> </ul>	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> </ul>	02/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> <li>• 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.</li> </ul>	
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> <li>• Listed Building Enforcement Notice served on 17/05/2019.</li> <li>• Notice takes effect on 20/06/2019. Three months for compliance</li> <li>• Appeal has been submitted, awaiting a start date.</li> <li>• Start date now received by the Council, Statements due by 12/12/2019</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with Notice due by 21/10/2020</li> </ul>	21/10/2020

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"> <li>• Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>• Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>• Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>• <b>Awaiting date of hearing from Planning Inspectorate.</b></li> </ul>	30/10/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> <li>• Breach of Condition Notice served 01/08/2019.</li> <li>• DC/19/4557/VOC Planning application submitted 21/11/2019</li> <li>• Application refused 15/01/2020</li> <li>• Currently within appeal period.</li> <li>• Application received</li> </ul>	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					DC/20/1387/AME to amend roof material. <ul style="list-style-type: none"> <li>• DC/20/1387/AME approved 28/04/2020.</li> <li>• Team monitoring progress</li> </ul>	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>• Notice served 26/11/2019</li> <li>• Compliance visit to be conducted when possible.</li> <li>• Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>• Enquires being made to take direct action.</li> <li>• <b>Contractors arranged to undertake the required work.</b></li> </ul>	30/10/2020
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>• Enforcement Notice served 10/12/2019</li> <li>• Awaiting site visit to check on compliance</li> <li>• Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>• Property has now changed</li> </ul>	30/11/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					hands. Contact with new owner to be established. <ul style="list-style-type: none"> <li>• <b>Officers are now in contact with the new owners and are discussing a way forward.</b></li> </ul>	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted.</li> </ul>	26/12/2020
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>• 30/06/2020 – Enforcement Notice served.</li> <li>• Appeal submitted awaiting start date.</li> </ul>	03/12/2020



## Committee Report

Planning Committee South - 27 October 2020

Application no DC/20/1033/FUL

**Location**

Easton Farm Park  
Sanctuary Bridge Road  
Easton  
Suffolk  
IP13 0EQ

**Expiry date** 27 April 2020

**Application type** Full Application

**Applicant** Mr B Emley

**Parish** Easton

**Proposal** Construction of recreational lake and use for low ropes course to include reception and changing room building.

**Case Officer** Natalie Webb  
01394 444275  
[natalie.webb@eastsoffolk.gov.uk](mailto:natalie.webb@eastsoffolk.gov.uk)

**Authorising Officer** Katherine Scott, Development Management Team Leader – South Team

### 1. Summary

- 1.1. The application seeks the construction of a recreational lake and use for low ropes course to include reception and changing room building at Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ.
- 1.2. Whilst the development would be considered to have benefits to tourism and support a local business, it is considered that the harm caused to a sensitive landscape outweighs these benefits, the application is therefore recommended for refusal.
- 1.3. The application was presented to the referral panel on 16th June 2020 as officers were minded to refuse the application, contrary to the Parish Council's support. It was considered that there were material planning considerations which warrant further discussion by the planning committee.

- 1.4. The application was due to be presented to the planning committee on 21st July 2020, however, prior to the meeting, the chair of the Planning Committee choose to defer the item to enable members to visit the site. The visit was considered necessary to allow members to understand the landscape context and due to concerns regarding there being insufficient information regarding the heights and route of the rope course within the application submission.
- 1.5. No further details regarding the route of the rope course and associated heights have been submitted since the application was deferred to enable the visit.
- 1.6. A site visit with members was undertaken on the 7th October 2020.

## **2. Site description**

- 2.1. The site is located outside of any physical limits boundary and is therefore considered to be in the countryside for planning purposes. The site is set back from the highway, accessed via a long private driveway from Sanctuary Bridge Road. The river Deben runs to the east, south and west of the site, which is otherwise surrounded by agricultural fields. The location for the recreational lake and associated building are to the south-western corner of the main farmstead and lie within flood zones 2 and 3. The site also lies within Landscape Character Area B7 Deben Valley, as defined by the Suffolk Coastal Landscape Character Assessment.
- 2.2. The site has an extensive planning history associated with the farm park business, including holiday lodges, toilet/shower blocks and picnic areas. Planning permission was granted in 2015 (DC/15/3165/FUL, subsequently varied under DC/18/2956/VOC and DC/19/1532/VOC) for a 70-space caravan and campsite and the campsite is now open for tents, caravans and motorhomes. Of those 70 pitches, no more than 43 caravans are permitted to be on site at any one time; no caravans are permitted to be on pitches 33-36, 1-6 or 68-70 (as shown on approved plan LDSP 1158.01A) due to potential impact on the landscape and character of the area. There shall be no use of the site for caravans or camping between 5th November and 1st March each year. There are also 3 glamping pods on site, located adjacent to the entrance/gift shop.

## **3. Proposal**

- 3.1. The proposal at Easton Farm Park is for the construction of a recreational lake over which a low ropes course would be erected. The planning statement suggests that the lake would be 2 metres deep in the centre and the applicant has confirmed that the lake will hold about 1340 cubic metres.
- 3.2. Despite requests from officers for further information, the application lacks details regarding the route of the rope course within the lack and details regarding heights of the poles, platforms etc.
- 3.3. The only details in respect of this matter are within an email from the agent submitted on the 13th July 2020, which shows an example of the posts to be used for the water ropes course and states "this is a 6m pole which will be the height of the poles used above the water level. The poles will actually be 6.5m above the water level but the water level will be at least 50cms below ground level."

- 3.4. A reception building would be constructed of timber clad with a Perspex sheeted roof which would contain the main reception, two stores which would hold the buoyancy equipment and two changing rooms. The building would be sited adjacent to the lake.
- 3.5. The application has been submitted by Mr B Emley of Treerunners, not the owners/operators of Easton Farm Park. They have completed the appropriate ownership certificate declarations.
- 3.6. The following extract is taken from the planning statement in respect of the requirement for the proposal:

*"The Farm Park has been looking at ways to further develop the facilities offered on the site. To this end they are partnering with Ben Emley of Treerunners, one of the first companies in the country to offer high ropes courses and who are based in Andover. Treerunners opened in March 2012 and is popular with schools, scout groups and families using zip lines, snowboards and Tarzan swings amongst other challenges to get participants from tree to tree."*

#### 4. Consultations/comments

- 4.1. No third-party representations were received.

##### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Easton Parish Council	6 March 2020	30 March 2020
Summary of comments: Easton Parish Council fully Supports this Planning Application		

##### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 March 2020	12 March 2020
Summary of comments: Given the existing use of the site, this proposal is unlikely to have a significant impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a highway authority does not wish to restrict the granting of permission.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	6 March 2020	12 March 2020
Summary of comments: We have reviewed the submitted documents and have no comment to make on this application.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	6 March 2020	17 March 2020
Summary of comments: Recommends a pre-commencement condition in respect of a written scheme of investigation for the application site and post investigation assessment prior to first occupation of the building.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	N/A	15 April 2020
Summary of comments: Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.		

Consultee	Date consulted	Date reply received
East Suffolk Internal Drainage Board	N/A	12 March 2020
Summary of comments: The site is partly within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB). The proposed development seeks to discharge water via infiltration which will require separate consent granted by the Board which may impact the deliverability of the proposed development. No drainage strategy or plan was provided as part of the application.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	6 March 2020	2 April 2020
Summary of comments: Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	6 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	6 March 2020	27 March 2020
Summary of comments: The proposal to further enhance the current visitor experience at Easton Farm Park is welcomed.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 March 2020	20 March 2020
Summary of comments: The Environmental Protection Team's has no comments to make.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	6 March 2020	27 March 2020
Summary of comments: Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.		

## Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	12 March 2020	2 April 2020	East Anglian Daily Times

## Site notices

General Site Notice

Reason for site notice: May Affect Archaeological Site  
Affects Setting of Listed Building  
Date posted: 16 March 2020  
Expiry date: 6 April 2020

### 5. Planning policy

5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no 'made' Neighbourhood Plan relating to this area of the district.

5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:

Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP4.5 - Economic Development in Rural Areas (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP4.7 - Farm Diversification (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP6.1 - Tourism (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP6.2 - Tourism Destinations (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP6.4 - Tourism Development outside of the AONB (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.1 - Sustainable Transport (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP9.5 - Flood Risk (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.1 - Biodiversity and Geodiversity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.2 - Visitor Management of European Sites (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.4 - Landscape Character (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.4 - Listed Buildings (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.7 - Archaeology (Suffolk Coastal Local Plan, Adopted September 2020)

## **6. Planning considerations**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that an application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Since the submission of the application, the Local Plan for the former Suffolk Coastal area was adopted on the 23rd September 2020, replacing the former Core Strategy and Site Allocations and Area Specific Policies DPD. This application will therefore be assessed against the adopted policies at the point of decision making, which are the Local Plan Policies as outlined above.
- 6.2. Easton Parish Council are in the process of producing a Neighbourhood Plan covering the parish of Easton. However, as yet there are no draft policies with which to consider the proposal against.

### Principle of Development

- 6.3. As noted above, the site lies outside of any settlement boundary and is therefore in the countryside for planning purposes. In such locations, proposals that grow and diversify the rural economy, particularly where this will secure employment locally, enable agricultural growth and diversification and other land based rural businesses, will be supported. In accordance with Local Plan Policy SCLP4.5, proposals will be supported where:

- a) They accord with the vision of any relevant Neighbourhood Plan in the area;*
- b) The scale of the enterprises accords with the Settlement Hierarchy;*
- c) The design and construction avoids, or adequately mitigates, any adverse impact on the character*

*of the surrounding area and landscape, the AONB and its setting or the natural or historic environment;*

*d) Small scale agricultural diversification schemes make good use of previously developed land; and*

*e) The proposed use is compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns.*

*All proposals will be expected to provide additional community, cultural or tourism benefits where opportunities exist."*

6.4. Additional information from the agent on the 17th July 2020 confirmed that the development would provide employment for the local community (approximately eight to ten members of staff to fill in reception and course instructor roles). As noted above, there is currently no adopted neighbourhood plan policies to consider. The scale of development is considered acceptable when assessed against the existing uses on site. The proposal would be a small-scale agricultural diversification, however is located on an existing horse paddock, rather than previously developed/brownfield land. Given the current uses on site, there are no concerns in respect of highways (including parking), noise, odour or any other amenity concerns.

6.5. Local Plan Policy SCLP4.7 (Farm Diversification) further supports proposals for farm diversification, where farming activities remain the predominate use on the site and where the diversification supports the retention or creation of jobs associated with the farm.

6.6. In accordance with SCLP6.1, proposals which improve the visitor experience and support opportunities for year-round tourism will be supported where increased tourism uses can be accommodated. Tourism development outside of the AONB (SCLP6.4) will be supported where it:

*"a) Enhances the long-term sustainability of the area;*

*b) Is well related to existing settlements;*

*c) Avoids, prevents or mitigates adverse impacts on the natural environment and on local landscape character;*

*d) Is of a scale that reflects the surrounding area;*

*e) Is of the highest design standards;*

*f) Minimises light pollution from artificial light sources and ensures the retention of dark skies; and*

*g) Demonstrates sustainable aspects of the development during construction and throughout the life of the development. Renewable energy provision is strongly encouraged."*

6.7. Tourism development outside of the AONB should be directed to locations which are well related to the existing settlements and will need to demonstrate good connectivity with existing amenities, services and facilities, and promote walking and cycling opportunities. Whilst the site is located in the countryside, the proposal would be on part of existing attraction site in Suffolk. No details of floodlighting have been submitted alongside the proposal for consideration, which would comply with the above policy.

- 6.8. However, SCLP4.5(c), SCLP6.4(c) and SCLP4.7(d) all require any new proposals to avoid, or adequately mitigate any adverse impact on the character of the surrounding area and landscape.

#### Landscape & Ecological Impact

- 6.9. Local Plan Policy SCLP10.4 states that proposals for development should be informed by, and sympathetic to, the special qualities and features as described in the Suffolk Coastal Landscape Character Assessment (2018), the Settlement Sensitivity Assessment (2018).
- 6.10. Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and enhance:

*"a) The special qualities and features of the area;*

*b) The visual relationship and environment around settlements and their landscape settings;*

*c) Distinctive landscape elements including but not limited to watercourses, commons, woodland trees, hedgerows and field boundaries, and their function as ecological corridors;*

*d) Visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features; and*

*e) The growing network of green infrastructure supporting health, wellbeing and social interaction.*

- 6.11. The Suffolk Coastal Landscape Character Assessment (2018), which can be found on the Council's examination webpage (Document D20), states that it is important to "manage land use in the floodplain in favour of traditional management practices such as grazing by cattle or sheep, and resist conversion to equestrianism, intake to domestic curtilage" (p37). Although attention here is paid to equestrianism and residential curtilage expansion, this may be due to the greater likelihood of such development coming forward, and thus the impact of the proposal may be equally harmful.
- 6.12. As stated above, the site is identified within the Suffolk Coastal Landscape Character Assessment, Landscape Character Area B7 Deben Valley, key features of which are:

#### *"Special Qualities and Features*

*o The scenic, meandering course of the River Deben provides the focus all the way down the valley with its networks of tree edged pastures and scenic gently rolling landform providing strong traditional rural character. There are minimal detracting modern features, except for the interruption by major transport corridors which pass through the valley at Wickham Market.*

*o The unity and quality of the historic, linear villages, with a wealth of listed buildings, strung along the valley contributes positively to its character, as do the ancient farmsteads encountered in the countryside.*

*o The first few hundred metres of the river valley north of the Wilford Bridge is included with the Deben Estuary RAMSAR, SPA and SSSI sites.*

#### *Condition*

*The meadowlands have generally changed little over the centuries and continue to be well managed under grazing and hay making, although equestrianism has a less positive effect, as do the poplar plantations. On village edges there is pressure for domestic or recreational land uses to creep into the flood plain but on the whole the condition is reasonably good."*

- 6.13. From this extract of the Suffolk Coastal Landscape Character Assessment it is clear that the river valley meadows are an important element of the local landscape, something that is recognised by the Special Landscape Area status of the site and the river valley as a whole.
- 6.14. The proposal will see the introduction of an excavated lake adjacent to the river, and where normal geomorphological processes would not normally create one, and then to introduce recreational equipment in the lake, thus adding a further uncharacteristic feature into the landscape, together with the associated changing room/reception building. The current views from the Easton - Hoo road are of a highly characteristic landscape across the meadows and include grazing pasture, and tree edged drains and river bank.
- 6.15. It is noted that the consented campsite to the north of the proposed development does already have an impact on this sensitive landscape; albeit restricted occupation periods (no caravans or camping between 5th November and 1st March) to prevent impact to the landscape where natural vegetation landscaping would be reduced through Autumn/Winter months.
- 6.16. Additional landscaping was consented to help mitigate the impact which has been implemented as part of that application. The applicant has shared photographs of this landscaping for consideration during the application and it is accepted that once this establishes (if properly managed and maintained), there would be less of visual impact from the highway, but the adverse landscape impact would remain.
- 6.17. Paragraph 127 of the National Planning Policy Framework, criterion (c) states "planning policies and decision should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."
- 6.18. Furthermore paragraph 170(a) states that planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- 6.19. The inclusion of the proposed development would introduce a notably uncharacteristic element into a little changed, and historically intact landscape. The Council's Landscape and Arboricultural Manager has opposed the proposal, raising concerns over the impact of this proposal on the designated landscape. In this instance there is no information to suggest that the unacceptable adverse landscape impacts can be suitably mitigated.
- 6.20. Furthermore Local Plan Policy SCLP10.4 confirms that development will not be permitted where it will have a significant adverse impact on rural river valleys, historic park and gardens, coastal, estuary, heathland and other very sensitive landscapes.

### Biodiversity and Geodiversity

- 6.21. 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. The proposed lake is to be located in an area currently used as a horse paddock. This is understood to be reseeded/improved grassland and therefore, when combined with the current use, means that the area is likely to be of low biodiversity value. As such, the Council's ecologist has not raised any objection to the principle of the proposal. However, notes that the excavation and vehicle movements should be kept outside of the root protection zones of the trees to the south and west and at least 5m from the watercourse to the south and west and it should be clarified where the soil dug from the lake is to be disposed of to ensure that that activity is not likely to have any adverse ecological impacts. The proposal would not be liable for contribution towards Suffolk RAMS.

### Highway Safety

- 6.22. Local Plan Policy SCLP7.1 - Sustainable Transport encourages journeys to be made by means other than the private car. However, as has been noted by SCC Highways the proposal is unlikely to have a significant impact on the highway network in terms of vehicle volume or highway safety. Moreover, the nature of economic development in rural areas, as supported by the aforementioned policies, is one of limited access to sustainable transport. SCC Highways have not requested any conditions in respect of parking availability associated with the proposed development, therefore it is considered that the development accords with Local Plan Policy SCLP7.1 and SCLP7.2 (Parking Proposals and Standards).

### Flood & Water

- 6.23. Local Plan Policy SCLP9.5 (Flood Risk) requires all development within Flood Zones 2 and 3 to be supported by a Flood Risk Assessment, which the applicant has provided and concludes that "there would be a net gain in flood water holding capacity and the lake would have a beneficial impact on the floodplain." The consultation response from SCC Flood and Water Management makes no comment, which satisfies that the proposal and supporting Flood Risk Assessment do not make inaccurate assertions.
- 6.24. The site is partly within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB). The proposed development seeks to discharge water via infiltration which will require separate consent granted by the Board which may impact the deliverability of the proposed development. No drainage strategy or plan was provided for consideration as part of this application.

### Archaeology

- 6.25. This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), in an area which is topographically favourable for occupation, overlooking the River Deben on a south facing slope. It is located within Easton Farm Park (HER ref ETN 015), which includes historic farmstead (ETN 044). To the south east in a similar location to this site utilising the River Deben is designated moated site at

Letheringham Hall (National Heritage List for England reference 1009644, HER ref LRM 001) and Letheringham Water Mill (LRM 006). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

- 6.26. In accordance with SCLP11.7, an archaeological assessment proportionate to the potential and significance of remains must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains. Whilst no archaeological assessment has been submitted with the application, Suffolk County Council Archaeological Service considers that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets.
- 6.27. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

#### Other matters

- 6.28. Despite requests from officers for further information, the application lacks details regarding the route of the rope course within the lack and details regarding heights of the poles, platforms etc. This lack of information would mean that if permission were to be granted, it would be unclear precisely what was being granted. Therefore, it would make potential future enforcement of compliance with the consent in terms of its appearance extremely difficult, if not nigh impossible.

### **7. Conclusion**

- 7.1. In summary, the proposal would support the economic potential of Easton Park Farm through diversification of economic activity. Consultation responses from both SCC Highways and SCC Floods and Water Management reflect positively on the proposal. The submitted information is somewhat lacking in detail in respect of the proposed water ropes course; additional details have been requested from the applicant in respect of a course layout; details of the height of the posts have been received, but no further details were provided. Without additional information, the extent of the harm to the landscape cannot fully be appreciated or assessed by officers.
- 7.2. However, weight needs to be given to harm to landscape and townscape character with particular regard to the River Deben. In this instance the adopted Local Plan Policies would not support new development where it would be considered harmful to the character of the landscape. The site lies within Landscape Character Area B7 Deben Valley of the Suffolk Coastal Landscape Character Assessment (2018) where the proposed development consists of an uncharacteristic feature on an otherwise unchanged highly characteristic and historical landscape, contrary to Local Plan Policies SCLP4.5(c), SCLP6.4(c), SCLP4.7(d) and SCLP10.4 and Paragraphs 127(c) and 170(a) of the NPPF. In this instance it is not considered that unacceptable adverse landscape impacts can be suitably mitigated.

## **8. Recommendation**

### **8.1. Refuse planning permission for the reasons set out below.**

The reason for the decision to refuse permission is:

1. The application seeks the construction of a recreational lake and use for low ropes course, to include a reception and changing room building at Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ.

It is accepted that this proposal would support the economic potential of Easton Park Farm through diversification of a rural economic activity. However, the adopted Local Plan Policies would not support new development where it would be considered harmful to the character of the landscape.

In the absence of details of the precise route of the course within the lake the visual impact is not defined, but it is clear that there would be significant landscape impact arising from the lake and low ropes course upon this sensitive valley landscape.

The site lies within Landscape Character Area B7 Deben Valley of the Suffolk Coastal Landscape Character Assessment (2018) where the proposed development consists of an uncharacteristic feature on an otherwise unchanged highly characteristic and historical landscape, contrary to Local Plan Policies SCLP4.5(c), SCLP6.4(c), SCLP4.7(d) and SCLP10.4 and Paragraphs 127(c) and 170(a) of the NPPF. In this instance it is not considered that unacceptable adverse landscape impacts can be suitably mitigated.

#### **Informatives:**

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

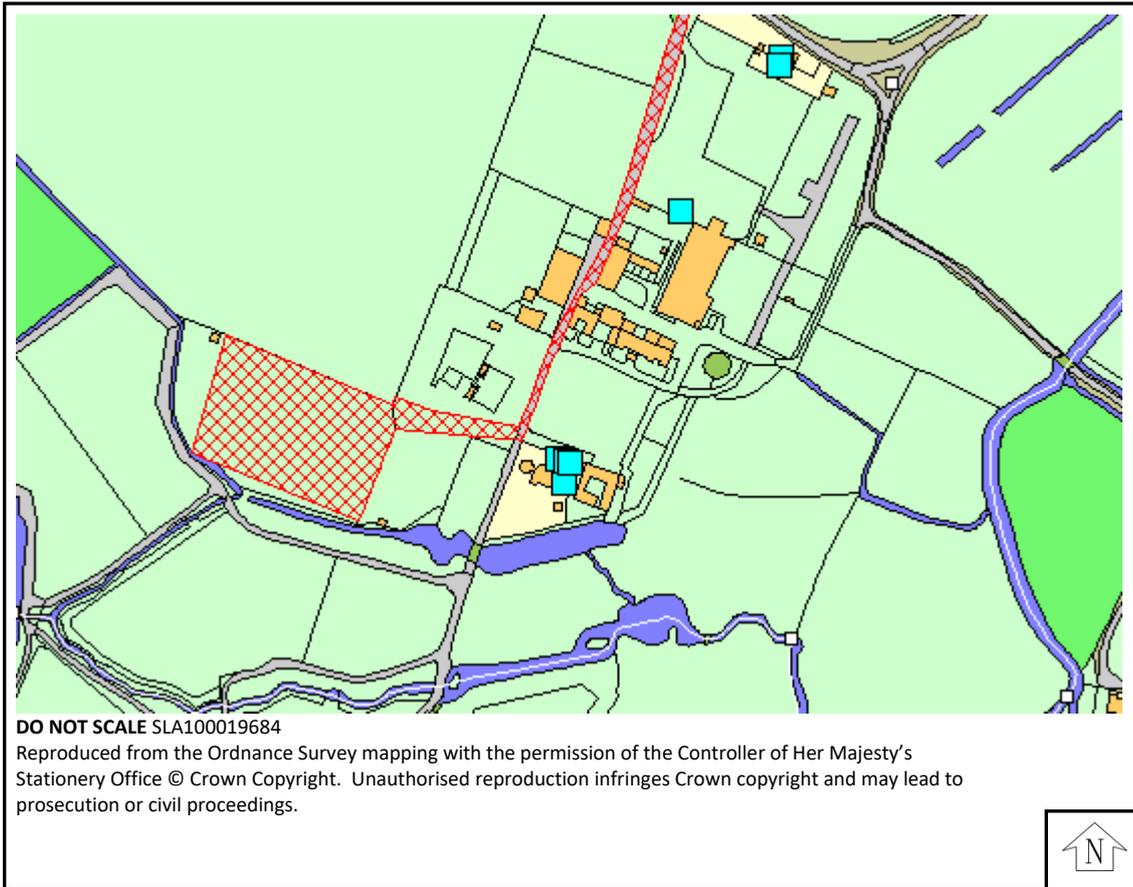
#### **Appendices**

Notes of the site visit undertaken on 7 October 2020

#### **Background information**

See application reference DC/20/1033/FUL on [Public Access](#)

## Map



## Key

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

## APPENDIX A

ES/0537

Minutes of site meetings held on **Wednesday, 7 October 2020** commencing at 9.35am at Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ

Members Present:

Councillors Debbie McCallum (Chairman), Chris Blundell, Tony Cooper, Mike Deacon, Colin Hedgley

Officers Present:

Sarah Carter (Democratic Services Officer), Katherine Scott (Principal Planner – Development Management) and Natalie Webb (Senior Planner – Development Management)

Apologies:

Councillor Melissa Allen

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

The site visit was undertaken in two bubbles comprising:

1. Councillors Blundell, Cooper
2. Councillors Deacon, Hedgley, McCallum

Each bubble of Committee Members was accompanied by the Senior Planner and Democratic Services Officer. The Principal Planner was on-site, at a distance, to photograph the views the Members were shown on a pre-planned walking route to and from the site proposed for development. The photographs would be shown at Committee so that it would be possible for everyone to see the views that had been observed by the two bubbles.

The purpose of the site meeting was a 'fact finding' exercise only and to provide Members with an opportunity to view the site and its surroundings. The application proposed the construction of a recreational lake and a low ropes course to include reception and changing room building.

The Senior Planner showed Members a plan of the proposed location of the development including the positioning of the reception area and changing rooms. The site of the water assault course would be contained in one paddock.

Members walked a route from the meeting point in the car park through the Farm Park buildings to view the site. In addition, Members walked from the car park, passing the shepherds' huts, into the campsite to view the site from another angle and, from a higher land level, to observe the existing landscape.

The Senior Planner pointed out the precise location of the proposed reception area and changing rooms, which led towards the paddock where the water assault course was to be dug out. The poles were estimated to be 6.5m high with approximately 0.5m underwater.

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

- The use of the buildings on site were all part of the farm, not residential.
- The course would be available for all ages.
- There were no residential properties in the vicinity; adjoining the boundary of the relevant paddock was the river and marshland on one side and the Farm's campsite on the other.
- The campsite provided around 70 pitches, with additional hedge planting along the roadside.
- The site was not in an AONB; it was a landscape character area.
- The objections to the application related to the impact on the landscape.
- Additional tree planting as a screen would change the landscape.
- The proposals were for single poles connected by rope; there would be no tower on the site.
- It was estimated that the pole lying on the ground in the paddock was in the region of 4m.

Members agreed it was disappointing not to have a post erected on the site to give them a better view of how the poles might appear.

Before, or at the time, the application was considered by Committee, Members requested clarification on:

1. The cubic metres of water that would be provided.
2. The level of the water table.
3. Details of any objections and comments that had been received when the application for the campsite had been approved.
4. The operating season for the caravan pitches.

The site visits concluded at 11.24am.

**Committee Report**

**Planning Committee South – 27 October 2020**

**Application no DC/20/2081/FUL**

**Location**

8 Haywards Fields  
Kesgrave  
Suffolk  
IP5 2XH

**Expiry date** 27 October 2020

**Application type** Full Application

**Applicant** Mr Daniel O'Mahony

**Parish** Kesgrave

**Proposal** To erect a 1m fence using concrete post, postmix, lap panel, trellis

**Case Officer** Jamie Behling  
01394 444412

[Jamie.Behling@eastsoffolk.gov.uk](mailto:Jamie.Behling@eastsoffolk.gov.uk)

**Authorising Officer** Katherine Scott, Development Management Team Leader - SouthTeam,  
(01394) 444503,

**1. Summary**

- 1.1. The proposed development seeks permission to erect a one metre high fence around the front of the property, set back from the kerb.
- 1.2. A previous 1.8 metre high fence was erected on the boundary alongside the kerb which was subject to a previous application and subsequent appeal. The appeal was dismissed and the fence taken down. A fence that is subject to this application has now also been erected and this application seeks authority for its retention.
- 1.3. The application was presented to the Referral Panel on 18th August 2020 as the Parish Council objected to the proposal which is being recommended for approval. The Referral Panel considered that given the previous refusal and appeal for a fence on the site and enforcement cases, the application should be determined by Planning Committee.

- 1.4. The recommendation is for approval as it is not considered that the fence as erected has a significantly detrimental impact on the character or appearance of the area, nor would it significantly impact on highway safety.

## 2. Site description

- 2.1. The site consists of the front garden of 8 Haywards Fields, a corner plot within a cul-de-sac with a shared parking area to the east. The building is a corner terraced, two-storey, residential dwelling located within the physical limits of Kesgrave.
- 2.2. The houses to the west have a parking area in front of the dwellings with a footpath between this area and the road. The footpath which approaches from the west abruptly stops at the boundary of No.8 and turns to a grass verge. The property has a detached plot of land to the rear of No. 10 to the south that can be used as amenity space.
- 2.3. In an attempt to create some security and privacy, the owner erected a 1.8 metre high fence around the perimeter of this front garden space late last year. Due to a condition in the original consent stating any new fence requires approval by the local planning authority, an application was submitted ref. under DC/19/4338/FUL and refused on the grounds of highway safety and design. This was later appealed (ref. APP/20/0014/REFUSE) and dismissed on the same grounds (a copy of the appeal decision is appended to this report).

## 3. Proposal

- 3.1. The proposal seeks the retention of a lap panel and trellis mixed fence of a height of one metre with some planting in front to soften the appearance set back approx. two metres from the kerb.

## 4. Consultations/comments

- 4.1. Four representations of Objection raising the following material planning considerations:
- Design
  - Danger to Highway Safety
  - Residential Amenity

### Consultees

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Kesgrave Town Council	17 June 2020	19 August 2020
"Refuse- contrary to DM21"		

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	17 June 2020	7 August 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	17 June 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:

Expiry date:

## 5. Planning policy

- 5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.
- 5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:
  - SCLP11.1 – Design Quality
  - SCLP11.2 – Residential Amenity

## 6. Planning considerations

### Planning Considerations - Visual Amenity, Street Scene and Landscape

- 6.1. The proposal is a one metre high fence set back approximately two metres from the kerb with a part trellis top providing further views through. The proposal would usually be classed as permitted development if it were not for condition 34 of original consent

C/9999/2 which states that any new fence/wall must previously be submitted to and approved by the local planning authority.

- 6.2. The fence erected is much smaller in size and scale than the previously refused scheme and is much more in keeping with the aesthetic of the area. Nearby neighbouring properties have replaced hedgerows with fences of a larger size, hardening the landscaping of the wider area without being reported to the Local Planning Authority, this making it difficult to enforce due to the passage of time. Views of the front of the house are possible over the fence and it is also now possible to see around the corner whether walking or driving when entering Haywards Fields. Leaving the gap between the kerb retains the green attractiveness of the area whilst the additional planting will, in time, soften the impact of the fence on the character of the area.
- 6.3. Due to this reduction in size and scale and moving the fence back to retain a verge in line with the path, it is considered that the proposal is more in character of the appearance of the area, overcoming the reasons for refusal previously and therefore complies with policy SCLP11.1 of the Local Plan.

#### Planning Considerations - Residential Amenity

- 6.4. The proposal will not cause any loss of light to neighbours and views are still possible out of all surrounding windows.
- 6.5. The fence no longer causes a nuisance to neighbours due to its size and position and therefore the proposal is considered to comply with SCLP11.2.

#### Planning Considerations - Parking and Highway Safety

- 6.6. As the fence has been reduced in size and set back two metres from the boundary, Suffolk County Council as Local Highway Authority have removed their objection and consider the proposal an acceptable size and position that does not cause a danger to highway safety due to loss of visibility around the corner.

#### Planning Consideration – Other

- 6.7. It has been raised that the proposal does not comply with the covenant of the estate which is not a material planning matter. If a third party wishes to legally challenge the applicant on the grounds of failing to comply with the covenant, then they must do so through their own means.

### **7. Conclusion**

- 7.1. As the design is acceptable and as noted above there is no significant impact on neighbours' amenity or highway safety, the development is therefore considered to comply with the policies listed above.

### **8. Recommendation**

- 8.1. Approve subject to controlling conditions listed below.

**Conditions:**

1. The development hereby permitted shall be completed in all respects strictly in accordance with; Site Plan received 08/06/2020, Block plan received 16/06/2020 and photos received photos received 05/08/2020 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.

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

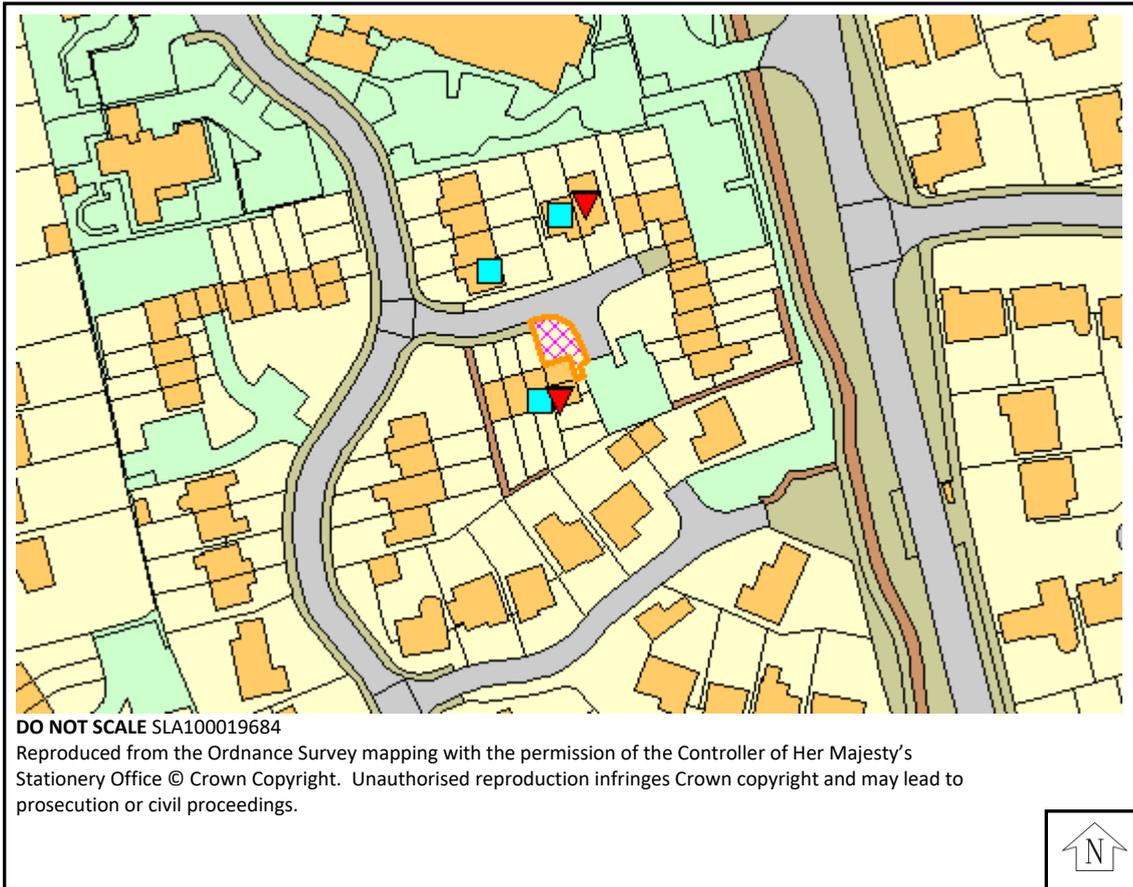
**Informatives:**

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

**Background information**

See application reference DC/20/2081/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBLQOCQX06O00>

## Map



## Key

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

## **Committee Report**

**Planning Committee South - 27 October 2020**

**Application no DC/20/2835/FUL**

**Location**

The Nursery  
Main Road  
Pettistree  
IP13 0HH

**Expiry date** 6 October 2020

**Application type** Full Application

**Applicant** Sizewell Self Storage Ltd

**Parish** Pettistree

**Proposal** Provision of 10 x No. Shipping Containers to Facilitate Self Storage Use, Together with Associated Parking Facilities, Security fencing, CCTV Cameras and lighting

**Case Officer** Natalie Webb  
01394 444275  
[natalie.webb@eastsoffolk.gov.uk](mailto:natalie.webb@eastsoffolk.gov.uk)

### **1. Summary**

- 1.1. This application seeks the permission for the siting of 10 x no. shipping containers to facilitate self storage use, together with associated parking facilities, security fencing, cctv cameras and lighting at The Nursery, Main Road, Pettistree, IP13 0HH.
- 1.2. The application was presented to the referral panel on 6th October 2020 as officers are minded to approve the application, contrary to the parish councils objections. The referral panel considered that there were material planning considerations which warranted discussion by the planning committee.

### **2. Site description**

- 2.1. The application site is located within the commercial nursery that lies between Main Road Pettistree (B1438) and the north-bound carriageway of the A12. The site is not located within any designated areas or affects the setting of a listed building. The existing nursery

supports many horticultural glasshouses, polyethene tunnels and associated plant and equipment, larger warehouse buildings and 132Kv electricity pylons.

2.2. The site has an extensive planning history including:

- DC/15/0906/FUL which was granted for change of use of the nursery central warehouse to B8 storage (Gloveman Supplies).
- DC/16/3466/FUL was granted in 2016 for the retail sales of plants, shrubs and pots/containers (Plant Pro).
- DC/18/4502/FUL was granted for the use of an agricultural workshop and store for the restoration of motor vehicles (Bridge Classic Cars).

### **3. Proposal**

3.1. The proposal seeks further diversification of the existing site, for the siting of 10 x no. shipping containers to facilitate self-storage use, together with associated parking facilities, security fencing, cctv cameras and lighting.

3.2. The containers will be located on an area of existing hardstanding located adjacent to the Suffolk Plant Centre retail display area, towards the front (west) of the site. Each container measures 2.4m by 6.1m and will be used for self-storage of household and non-domestic items (managed by Sizewell Self Storage Ltd).

3.3. An area for vehicle parking and manoeuvring is proposed immediately to the south of the containers, access to which will be from the existing internal concrete access road serving the nursery and other uses. Security fencing will be erected to match existing security fencing within the site. A number of CCTV cameras will be fixed to poles within the site.

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

4.1. Two third-party representations were received which object to the proposal on the grounds of:

- The site is not an employment site - over-commercial use of an agricultural site
- Not appropriate development for the sites countryside location (unsustainable)
- The existing businesses (Gloveman Supplies and Bridge Classic Cars) operate from existing buildings and are not externally visible (visual intrusion)
- The development would set a precedent if granted (further containers in the future)
- Impact to highways safety, landscape, residential amenity
- No proven need for the development
- No traffic impact assessment
- Lighting may be brighter than proposed
- Hours could be extended in subsequent applications

- 4.2. It is noted that some of the above comments refer to future development/proposals which are not a consideration of this application; only the proposal as sought can be considered.

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Pettistree Parish Council	13 August 2020	3 September 2020
<p>“DC/20/2835/FUL Provision of 10 x No. Shipping Containers to Facilitate Self Storage Use, Together with Associated Parking Facilities, Security fencing, CCTV Cameras and lighting   The Nursery Main Road Pettistree IP13 OHH Further to the email sent to you by the Chairman of Pettistree parish Council on 2nd September, included below, as was stated in the email the Parish Council did have comments to make on the Application.</p> <p>These were sent to me whilst on holiday and thus unable to forward to you. Comment to be added. It really is time to consider the nuisance such developments impose on residents of a rural village like Pettistree. The site was not intended for light industrial use or anything similar when planning permission was given for a plant nursery. This is a material change of use. Industrial lighting, cctv cameras and increased traffic to the site are inappropriate in this setting. Demand for storage is untested and similar storage facilities at Bentwaters are available. If this is approved, we can expect the rest of the site to be earmarked for same or similar useage. East Suffolk Council Planning needs to ensure that the people who choose to live and invest in the English countryside (ie Pettistree) do not find themselves pitched into a business park environment. What confidence can we have that lighting, parking or containers will be 'contained'?</p> <p>In view of the circumstances and that the Chairman of the Parish Council had tried to make objection prior to the expiry date, that the above comments are added and included in your review of the application.”</p>		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	13 August 2020	21 August 2020
<p>Summary of comments: The proposal is situated a significant distance from the highway access to the existing nursery site and it is not considered that the proposal would result in a significant (permanent) increase in vehicle trips. Subsequently, the Highway Authority does not wish to restrict the granting of permission.</p>		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	13 August 2020	28 August 2020
Summary of comments: No objection. The applicant has addressed the issue of lighting in outline however they should be reminded that Light can be a Statutory Nuisance and the lighting scheme should be installed with prevention of nuisance in mind, if complaints are received and substantiated any issue with light nuisance will need to be addressed.		

### Publicity

None

### Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

## 5. Planning policy

- 5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.
- 5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:
  - Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP4.2 - New Employment Development (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP4.3 - Expansion and Intensification of Employment Sites (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP4.5 - Economic Development in Rural Areas (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

## **6. Planning considerations**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that an application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Since the submission of the application, the Local Plan for the former Suffolk Coastal area was adopted on the 23rd September 2020, replacing the former Core Strategy and Site Allocations and Area Specific Policies DPD. This application will therefore be assessed against the adopted policies at the point of decision making, which are the Local Plan Policies as outlined above.
- 6.2. The site is not within an identified settlement boundary and is therefore located in the countryside for planning purposes. Proposals for new employment development falling within use classes B1, B2 and B8 on land outside of Settlement Boundaries will be permitted where a need for additional employment development has been demonstrated or it can be demonstrated that there is no sequentially preferable land available adjacent to existing Employment Areas, within existing Employment Areas or within Settlement Boundaries and:
  - a) It would not have an unacceptable adverse impact on surrounding land use; and
  - b) It avoids, or adequately mitigates, any adverse impact on the character of the surrounding area and landscape, the AONB and its setting or the natural or historic environment.
- 6.3. The applicant has confirmed that there are no opportunities for expansion on the current site in Leiston and there is a waiting list for the units on that site. Whilst the above policy (SCLP4.2) seeks demonstration that there is no sequentially preferable land available adjacent to existing employment areas, whilst the site is not formally listed as an employment site in the Local Plan, it is currently already in use as an employment site (nursery and other uses). It is therefore considered that the proposal is an expansion and intensification of an existing employment site, rather than creating new employment development.
- 6.4. Proposals to expand, alter or make productivity enhancements to existing employment premises will be permitted 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.
- 6.5. Where expansion or intensification of existing premises falling within use classes B1, B2 and B8 cannot reasonably take place within existing Employment Areas, development will be permitted on adjacent land outside of Settlement Boundaries providing it does not have an unacceptable impact on surrounding land uses.
- 6.6. In response to the criteria outlined in SCLP4.3 above, the highways authority has confirmed that the proposal would not cause a severe impact to the highways network. It is not considered that the proposal would have an adverse effect on the environmental sustainability of the area, there are already a mix of uses on site, including those within B8 uses, as such the proposal is considered compatible with the existing uses on site without impacting amenity (subject to conditions for hours of opening and lighting). It is acknowledged that the proposal will not generate large numbers of new jobs; it is anticipated that this proposal will generate 1 part-time job.
- 6.7. Furthermore, SCLP4.5 - Economic Development in Rural Areas states that proposals that grow and diversify the rural economy, particularly where this will secure employment locally, enable agricultural growth and diversification and other land based rural businesses, will be supported.
- 6.8. Proposals will be supported where:
- a) They accord with the vision of any relevant Neighbourhood Plan in the area;
  - b) The scale of the enterprises accords with the Settlement Hierarchy;
  - c) The design and construction avoids, or adequately mitigates, any adverse impact on the character of the surrounding area and landscape, the AONB and its setting or the natural or historic environment;
  - d) Small scale agricultural diversification schemes make good use of previously developed land; and
  - e) The proposed use is compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns.
- 6.9. There is currently no neighbourhood plan for Pettistree. The proposal is otherwise considered to accord with SCLP4.5, which has similar aspirations to those outlined in SCLP4.3. In terms of design and impact on the landscape, the containers will be less than 3m in height, painted dark green and be seen in the context of the existing nursery site. Whilst located towards the sites frontage, the impact to the landscape character is considered to be neutral, given the existing horticultural glasshouses and tunnels on site. The containers are somewhat temporary in nature and should there no longer be a business requirement for them, could be removed without leaving a permanent impact on the landscape.
- 6.10. In terms of impact to residential amenity, the applicants propose for the operating hours to match those of the retail plant centre on site, this has been conditioned and any changes to these times would require consideration through a separate application. Noise from the development would be limited to those loading/unloading, car doors, talking, etc

within those times and is not considered to be of a level to warrant refusal on residential amenity concerns.

- 6.11. The proposed external lighting will be mounted on 2 x No. 4m high poles and designed to avoid spill over light. The proposed lamp units are Brackenheath Ispot 10 watt LED lights with PIR (passive infrared) activation; a condition to restricting the floodlighting has been included within this recommendation. CCTV cameras will be positioned so that there is no prospect of any loss of privacy to neighbours.

## **7. Conclusion**

- 7.1. The proposed development for the siting of 10 x no. shipping containers to facilitate self storage use, together with associated parking facilities, security fencing, cctv cameras and lighting at The Nursery, Main Road, Pettistree is therefore considered to accord with Local Plan Policies SCLP4.3, SCLP4.5, SCLP11.1 and SCLP11.2.
- 7.2. The development is considered to be an acceptable form of intensification within an existing employment site which would not adversely impact highways safety, residential or visual amenity.

## **8. Recommendation**

- 8.1. Approve Planning Permission 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 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 QF-115 received 12/08/2020, the site location plan and block plan received 29/07/2020  
  
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. Notwithstanding the submitted details, 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, and the luminance levels) 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.

5. The operating hours in connection with the use/containers hereby permitted, shall not be other than between 09:00 and 17:00 Monday to Saturday; and 10:00 and 16:00 Sundays unless otherwise agreed in writing by the local planning authority.

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

6. Prior to the installation of any boundary treatment, details of the location, height, materials and appearance of all fences, walls, gates and other means of enclosure, shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved fences, walls, gates or other means of enclosure shall be erected on site.

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

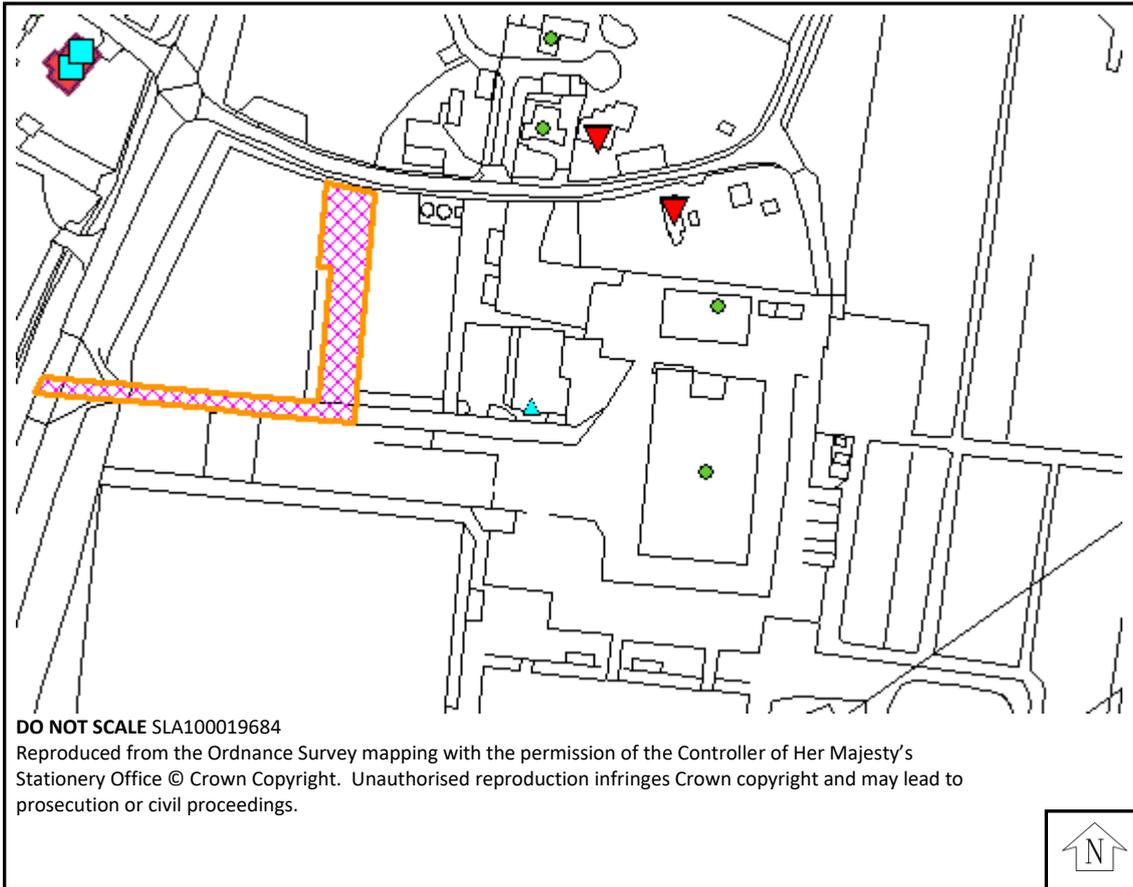
#### **Informatives:**

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

#### **Background information**

See application reference DC/20/2835/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 27 October 2020**

**Application no DC/20/1035/FUL**

**Location**

Former Rendlesham Sports Centre  
Site  
Walnut Tree Avenue  
Rendlesham  
Suffolk  
IP12 2GF

**Expiry date** 1 June 2020  
**Application type** Full Application  
**Applicant** FPC (Rendlesham) Ltd

**Parish** Rendlesham

**Proposal** New convenience store, two shop units and associated car parking, service yard and pedestrian way, eleven affordable houses and associated car parking and ancillary works (Resubmission of previous application DC/19/3881/FUL)

**Case Officer** Rachel Smith  
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### **1. Summary**

- 1.1. The application site is located within the Rendlesham District Centre and currently comprises an area of open land. Previously, Rendlesham Sports Centre was located on the site. The application proposes the erection of 11 affordable homes and three retail units with associated access and parking.
- 1.2. The application was presented to Planning Committee on 21st July 2020 and there was a resolution to grant planning permission for the development, subject to completion of a Section 106 Agreement. No decision has yet been issued as the S106 Agreement has not yet been finalised. Since the resolution to approve the application, the Council has adopted the new Suffolk Coastal Local Plan. Within this document are some policies which

require further provisions, above what the former Local Plan required. Therefore, as any decision made after the adoption of the new Local Plan requires the application to be determined in accordance with this document, it is considered prudent that the application is presented to Members for them to consider the proposal with full weight being given to the new Local Plan.

- 1.3. The proposal has not changed since it was previously considered by Members (with the exception of the addition of electric car charging points and a contribution to Suffolk County Council for secondary school transport by S106) and whilst it is not clear that the current proposal complies in all respects with the new Local Plan, the additional requirements are technical and do not affect the principle of the development. Therefore, as the scheme was previously considered acceptable and the only reason the decision has not been issued to date is due to a delay caused by the drafting of a S106 Agreement, it is not considered appropriate to impose any further restrictions on the development at this time.

## **2. Site description**

- 2.1. The site comprises approximately 0.45 hectares of brownfield land located between Walnut Tree Avenue and Sycamore Drive and in the defined District Centre as set out in the Rendlesham Neighbourhood Plan.
- 2.2. The site's former use was a Sports Centre which closed a number of years ago, and the redundant building was subsequently demolished in 2016 (DC/15/3145/DEM). The site currently comprises largely hardstanding and scrub land. To the north east of the site there is a community area including a small Costcutters Store, a Wine Bar, three further commercial units and the existing community centre. To the north of the site lies the existing residential area of Sycamore Drive/Mayhew Drive. The Primary School is situated on the opposite side of Sycamore Drive. A village green area is located to the east of the site and further north east of the village green there is a derelict site which was formerly used as The Angel Theatre (also demolished in 2016 - DC/15/3145/DEM).
- 2.3. Access to the site is currently available from the south via Walnut Tree Avenue, and from the north via Sycamore Drive which currently provides access to an electricity substation.

## **3. Proposal**

- 3.1. The application proposes the erection of a new convenience store, two shop units and associated car parking, service yard and pedestrian way, eleven affordable houses and associated car parking and ancillary works. The application is a re-submission of previous application DC/19/3881/FUL which was refused due to proposing an unacceptable housing mix, a lack of information relating to highways and flooding matters and an adverse impact on the integrity of protected European Sites through, in combination, increased visitor disturbance.

## **4. Consultations/comments**

- 4.1. 107 letters from third parties have been received in relation to the public consultation on the application.

- 4.2. 103 of these objected to the proposal, 2 made comments neither supporting or objecting and 2 made comments in support of the application.
- 4.3. The main points raised in these objections are summarised below:
- There is no need for a new convenience store - a lot of hard work has been put into the recently improved Costcutter
  - No need for new housing in Rendlesham - it needs more facilities and infrastructure instead
  - Would result in an over-development of the site
  - Insufficient parking spaces
  - Would result in the loss of trees
  - There is limited public transport serving Rendlesham (to reach services and facilities in other settlements)
  - Neighbourhood Plan sets out requirement for commercial development or community infrastructure
  - Rendlesham has a lack of services and facilities for young people which this site could be used for.
  - Adverse impact on highway safety being on a bend and near the school
  - Proximity of the access could cause damage to neighbouring properties
  - Would result in HGVs on the local roads which would be dangerous
  - School is currently over-subscribed
  - The dentist is not accepting new NHS patients
- 4.4. The letters of support raise the following points:
- It would improve the appearance of the site which is currently an eye sore
  - Competition among shops is good

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Rendlesham Parish Council – original comments	6 March 2020	30 March 2020
<p>“The Applicant has resubmitted this application, for which planning permission was refused last year. Even if the Applicant has now addressed the reasons for refusal of the first application, permission should still be refused: the previous reasons for refusal were insufficiently robust. The application is clearly contrary to the Development Plan, being contrary to the policy of the Rendlesham Neighbourhood Plan concerning the District Centre, within which the application site falls. The "tilted balance" from para. 11 of the National Planning Policy Framework does not apply: East Suffolk Council can demonstrate a 5-year supply of housing land. There are no reasons why this proposal should be granted permission contrary to the terms of the development plan.</p> <p>2. A previous application for the same development was refused on 23 December 2019. The reasons for refusal did not grapple with the fundamental issues of the principle of housing development on this site. The Parish Council's clear view is that this proposal should also be</p>		

refused planning permission.

Compliance with the Rendlesham Neighbourhood Plan.

3. The applicant acknowledges that the proposed application fails to comply ("a deviation") with the Rendlesham Neighbourhood Plan (Planning Statement, 2.57).

4. Objective 1 of the Rendlesham Neighbourhood Plan is:

"To ensure that adequate community, retail, education and leisure facilities are provided to support the needs of the existing and future population of Rendlesham and its identified hinterland (surrounding parishes)."

5. The Neighbourhood Plan expresses concern at para. 8.04 regarding the "erosion of the centre of the village". This is supported by Objective 1a, namely the prevention of "further erosion of community provision within the central area of the village by the designation of a District Centre and the permitted use of land and buildings within it".

6. Policy RNPP1 states:

"In the Rendlesham District Centre... the emphasis will be on maintaining or enhancing those uses and services the community has identified.

...

Proposals for redevelopment or change of use involving residential development will only be permitted where they maintain or enhance the existing or established employment, leisure, education, retail or community uses and future needs thereof."

7. The need for protection of specified uses responded to a specific objection on the part of residents (para. 8.06). The policy protection is "to ensure the viability and sustainability of Rendlesham as a Key Service Centre for the life time of this plan and beyond" (para.8.21). The Neighbourhood Plan reflects that the "ingredients for a thriving community go beyond just homes and people" (para. 8.22).

8. The Rendlesham Neighbourhood Plan does not suggest that no housing should be delivered in the village (paras 10.03, 10.10). However, the location of housing to be proposed is important.

9. The Officer Report for the previous refusal suggests that Figure 17 of the Rendlesham Neighbourhood Plan identifies an area that could be used for housing. With respect, this is a fundamental misunderstanding of the policy, such as would constitute a legal error. Figure 17 shows the damage done by housing within the village centre, stating "Further housing within envelope limits scope for future community development".

10. Figure 17 is descriptive, rather than providing an allocation. The areas shown as housing in the village centre are now developed as Bay Tree Court, and Aspen Court and should not be considered in this proposal. To the extent that it shows a very small portion of the application site being described as "new housing" at the south west end of Walnut Tree Avenue, (which is fact now developed as Bay Tree Court) this was not intended to promote part of the Site for development. 1 In any event, on no view does Figure 17 identify "the southern half of the site" for housing (as was suggested in the Officer Report). 1 And may be a slight inaccuracy in the plan, which, as stated, was for the purpose of showing how the Village Centre had been constrained, not to support housing use.

11. The policy for whether residential development should be permitted in the Rendlesham

District Centre is RNPP1. The emphasis is to be on maintaining or enhancing identified uses (not including residential). The proposed development does not maintain or enhance existing or established employment, leisure, education, retail or community uses, and the future needs of those uses.<sup>2</sup> Indeed, the justification for the proposed residential development appears to be for the creation, not of existing or established uses, but of new retail units which are otherwise said to be unviable. This is not in accordance with policy RNPP1. As Figure 17 of the Rendlesham Neighbourhood Plan demonstrates, space in the village centre is limited. Taking up space with further residential development in this area would be contrary to RNPP1.

12. This approach is consistent with para. 85(d) of the NPPF, where it states that “[m]eeting anticipated needs for retail, leisure, office and other main town centre uses over [the next ten year] period should not be compromised by limited site availability”.

13. The proposed development is therefore contrary to the Rendlesham Neighbourhood Plan. The Council is not bound to the conclusion that it reached in the previous Officer Report regarding the acceptability of the site for housing. To view itself as bound by its previous conclusions would constitute an error of law.

14. The applicant relies heavily on what it refers to as a “proposed masterplan” (Planning Statement, para. 2.48). As the Parish Council explained in relation to its response to the previously refused application, this document is not part of the Neighbourhood Plan. Indeed, it is not even in the public domain. As the Court of Appeal made clear in *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567 at para. 16, when considering compliance with the development plan, it is necessary to consider compliance with policies rather than with supporting text (let alone with documents not incorporated within the development plan document) i.e. the future needs of those existing/established uses. It does not support new residential development to create e.g. new retail units.

15. For these reasons, the Parish Council contends that the scheme fails to comply with the key policy of the development plan concerning the site, and should therefore be refused permission.

### **Education**

16. The Suffolk Coastal Local Plan Final Draft (January 2019) states at para. 12.710: “Rendlesham Primary School is operating close to capacity and, considering [a proposed allocation for 50 dwellings] along with education forecasts, would be marginally over capacity during the first five years of the plan period. However, the provision of a greater proportion of housing designed to meet the needs of the elderly population or smaller dwellings could assist in addressing this. Farlingaye High School is currently operating over capacity with no immediate opportunities for expansion. A contribution will, therefore, be required through the Community Infrastructure Levy towards the creation of additional capacity at the proposed school at Brightwell Lakes to increase secondary education provision in the area.”

17. The Parish Council is concerned that the proposed development would increase the burden upon the Primary School, given that there is no indication that the proposed development would be designed so as to excludes school-age children.

### **Trees**

18. The applicant’s Arboricultural Report acknowledges that “[a]fter the proposed removals, there will be just two principal trees on the site” (Summary, p.4). Furthermore, the “only mature tree

within the site ownership is proposed for removal” (para. 4.3).

19. The conclusion reached is that “development can be accommodated on this site with minimal impacts on the arboricultural interest of the site” (para. 6.2). This is a striking conclusion, given that the proposal is to remove twelve trees, including five out of six surveyed at category B (the only tree surveyed at category A not in fact being on the site). The Practical Ecology Preliminary Ecological Appraisal Report described the trees on the site as having moderate ecological value, the highest level of ecological value on the site (3.2.2).

20. This is contrary to policy DM21(e) of the Suffolk Coastal Core Strategy, which requires layouts to incorporate and protect existing site features of landscape, ecological, heritage or amenity value, and policy DM27 regarding biodiversity and geodiversity. The loss of established trees is also in tension with the Climate Emergency Declaration made by the Council (as well as the Parish Council).

21. Policy SCLP11.1(d) of the emerging Suffolk Coastal Local Plan Final Draft states that permission will be granted where proposals “[t]ake account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on site”. By its widespread removal of established trees, the proposal does not do this.

### **Retail and Need**

22. The Suffolk Coastal DC Core Strategy and Development Management Policies states at p.64 in relation to the level of retail provision at Key Service Centres:  
“Small range of comparison and convenience shopping. Emphasis will be on retention of existing provision.”

23. Put simply, there is no need for an additional supermarket in Rendlesham. Rendlesham is not a Town Centre. The existing Costcutter supermarket, which would serve a very similar purpose to the supermarket in the proposed development. The Design and Access Statement states at para. 11.02: “There is an existing convenience Costcutter store within the shopping centre, although this is considered to under-represent the needs of the village”. The well documented state of the support the villages shop under its new management has given the community in the current strained circumstances shows the shop “does adequately represent the needs of the village”.

24. It is also “considered there will be sufficient local customers to support both businesses” (para. 11.06). Neither assertion is supported by any evidence. The Parish Council is concerned that the proposed development would have an adverse impact upon the existing Costcutter. Policy SCLP4.12 of the emerging Suffolk Coastal Local Plan Final Draft states: “Individual and groups of local shops, services and community facilities located outside of the designated centres will be protected where they are important to meet day-to-day needs of local communities.”

25. The existing Costcutter store should be protected from the potentially damaging impact of the proposed development.

### **Viability**

26. The applicant relies heavily on issues of viability to justify residential development being provided on site. With respect, the Marketing and Financial Viability Report submitted with the application is not an impressive document and no weight should be placed upon it:

(1) It does not reflect the proposed development. At 2.5 it describes a housing mix different to that applied for.

(2) It is not clear that it is properly informed by the details of the proposal. At 2.5, it states that architects “have prepared a feasibility / lay out study providing a mainly retail development with adjacent residential properties”. Given that there has already been a full planning application for this scheme, it is not clear why the architects’ work is described as “a feasibility / lay out study”.

(3) At 2.8, it is stated that flooding is not thought to be an issue, despite it being acknowledged on behalf of the applicant that infiltration devices would be suitable only at “significant depths” (Flood Risk Assessment and Surface Water Drainage Strategy at 3.15).

(4) At 2.8, it is stated that land contamination is not thought to be an issue, despite the fact that it is acknowledged by the applicant that the site is contaminated (Planning Statement, para. 2.15).

(5) At 2.12 and following, there is detailed consideration of “a proposed District Centre plan”. The applicant’s consultants continue to assess this, despite the Parish Council having made clear in its response to the previous application that this was (a) not part of the Neighbourhood Plan and (b) confidential. At 2.12, it is stated that “Rendlesham DC support the following proposed development...”. This is bizarre:

a. There is no such body as “Rendlesham DC”;

b. The development described is not in the Neighbourhood Plan;

c. In any event, the Rendlesham Parish Council, to which the consultants was presumably referring, is not the decision-maker in relation to a planning application.

The consultants have therefore carried out an assessment of a scheme which is not in the development plan, and nobody is promoting.

(6) The consultants rely upon marketing undertaken (Section 3), and state that from a number of respondees, the outcome was that a proposal was not viable. However, the consultants have not stated what sale price was quoted in the marketing exercise (the marketing particulars at Appendix VI state that guide prices are available on request).

(7) The consultants have not made public their viability assessment of the application proposals. This is despite the terms of NPPF 57, which states “[a]ll viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available”.

(8) The consultants do not refer to having carried out viability assessment of any scheme which would comply with Policy RNPP1, without the loss of part of the site to residential development.

27. As such, there is no evidence which supports the conclusion that a policy-compliant scheme could not come forward at the site.

### **Flooding and Drainage**

28. The Officer Report for the previous application recommended refusal on the basis of a lack of information, as the Environmental Agency had not agreed that the use of deep infiltration for proposed drainage was acceptable.<sup>3</sup> As far as the Parish Council is aware, the situation remains unresolved. Suffolk County Council, Flood and Water Management as recently as 10 March 2020 still recommend a holding objection, stating:<sup>4</sup> “The reason why we are recommending a holding objection is because deep infiltration is proposed but has not agreed with the Environment Agency. SCC as LLFA will not assess this application any further until the principle of deep infiltration is agreed with the Environment Agency. If agreement is reached, please re-consult the LLFA.”

29. This issue is significant, given concerns with deep infiltration and soakaways in Rendlesham. The Parish Council is aware of the County Council’s holding objection to the use of infiltration in the Garden Square application (DC/19/1499/FUL). When the application went on appeal, the County Council and the applicant entered into a 3 The applicant’s current Flood Risk Assessment and Surface Water Drainage Strategy states at 3.15 that “[t]he ground investigation report findings

suggest that the use of infiltration devices could be suitable for the site but only at significant depths". 4 East Suffolk Drainage Board has suggested that the applicant consult the Environment Agency regarding its deep infiltration plans. Statement of Common Ground, proposing disposal of surface water to an Anglian Water surface sewer.

30. Refusal of this application is justified on the basis of flooding and drainage. As the applicant's consultants stated by email to the Environment Agency (6 January 2020), "[i]t has been assessed that there are no other alternative methods of drainage disposal at the site, as there are no adequate sewers and/or watercourses in close proximity to the development and as such deep soakage infiltration is the only remaining drainage discharge method to serve the development".

31. As far as the Parish Council is aware, the Environment Agency has not substantively responded. Surprisingly, the only correspondence from the Environment Agency in Appendix 7 to the Auber Consulting Report consists of one email informing that the enquiry has been passed to the relevant team, and one email setting out what advice the Environmental Agency may be able to offer, including that a charged-for advice service is available.

32. It therefore appears that the fundamental point regarding flooding therefore remains to be resolved by the applicant, despite this having been raised in the Officer Report for the previous application.

33. Furthermore, the emerging Suffolk Coastal Local Plan Final Draft states at para. 9.59 of the Supporting Text "there is a tendency for required attenuation volumes to be accommodated below ground. In order to discourage this, preference should be given to the installation of blue-green surface infrastructure, as opposed to hardscape or underground solutions". This is reflected in Policy SCLP9.6, which states:

"Sustainable drainage systems should:

- a) Be integrated into the landscaping scheme and green infrastructure provision of the development;
- b) Contribute to the design quality of the scheme; and
- c) Deliver sufficient and appropriate water quality and aquatic biodiversity improvements, wherever possible. This should be complementary of any local designations such as Source Protection Zones."

34. The proposed development does not respect this principle.

### **Highways and Access**

35. The previous application was refused on grounds including insufficient information regarding highways. The Design and Access Statement for the resubmitted application acknowledges problems with the proposed development regarding access and parking.

At para. 6.07, it states: "It is acknowledged the service vehicles will access the site via the general vehicular access off Walnut Tree Avenue, transit through the car park and cross over the pedestrian way to access the rear service yard. Whilst this is not an ideal solution, unfortunately, the owner of the general car park serving the current community precinct will not allow access via that car park off Sycamore Drive.

36. It is worth noting that the indicating delivery schedule (Design and Access Statement, para. 10.06) would have almost all deliveries taking place during the hours of operation of the store. This raises safety concerns. The suggestion that banksmen could be employed provides little comfort.

NPPF 109 gives an unacceptable impact on highway safety as a reason for refusing development on highways grounds.

37. Policy DM19 of the Suffolk Coastal Core Strategy states:

“Proposals for all types of new development will be required to conform to the District Council’s adopted parking standards as set out in a Supplementary Planning Document. However, in town centres and other locations with good access to public transport the District Council may make exceptions as a transport management tool or where it is impracticable to make parking provision on-site. In such cases the Council may also, in order to allow the development to proceed, invite applicants to contribute to the provision of cycling provision, walking measures, public transport, or additional public car parking spaces in lieu of any shortfall in on-site car parking provision.

Footnote: In relation to Leiston see also paragraph 4.63”

38. The applicant still persists with a design containing a car parking court, despite the Highways Authority’s concerns about this mode of parking. Suffolk CC’s Parking Standards states at para.

4.3.1: “Spaces within parking courts are too often not used and area often perceived as dangerous and insecure. ... Should be designed so that the resident’s parking space is located on the boundary of the rear garden. In this way residents are more likely to use the parking court, rather than parking in appropriate locations (e.g. on verges and pavements).”

39. This principle is not reflected in the development proposals. A number of the parking spaces do not border any of the properties. At 6.16, the Design and Access Statement acknowledges that the use of a communal parking area is suboptimal, but is required if residential development is to be located on the site. The Parish Council’s response is that residential development should not be located on the site.

### **Noise and Air Quality**

40. The comments from the Environmental Protection Team recommend that a noise report is submitted, to determine whether noise would be detrimental to the amenity of neighbourhood properties. The Environmental Protection Team also raises the issue of the agent of change principle (encapsulated in NPPF 182).

41. The Officer Report from the previous refusal stated on p.16 “[t]here has been no noise report submitted as part of this application and will need to be submitted with any future application. As far as the Parish Council is aware, the applicant is still yet to submit a noise report.

42. The comments from the Environmental Protection Team recommends that an air quality assessment is carried out. The Officer Report from the previous refusal stated that an Air Quality Assessment “should be done in conjunction with the Environmental Protection Officers to be able to understand the full extent of any assessment”. Again, as far as the Parish Council is aware, this information has not been provided.

43. These matters, noise and air quality, were not specific reasons for refusal of the 2019 application. However, Officers were not satisfied at that stage of the level of information provided. No further information has since been forthcoming from the applicant, and this indicates that this would give rise to a reason for refusing the application.

### **Conclusions**

44. The Parish Council objects to this proposal in strong terms. This attempt to impose housing in an inappropriate location should be resisted. The proposal is contrary to a specific policy of the Neighbourhood Plan dealing with the site. As a letter from the Although the previous Officer

Report suggests that this information could be required as a matter of condition, issues of noise and air quality go to the principle of development and therefore the information should be provided to the Council before it decides whether to grant planning permission.

Secretary of State for Communities and Local Government to the constituency MP stated last month: “‘Made’ neighbourhood plans form part of the statutory development plan and become the starting point in making planning decision. By law, planning applications are determined in accordance with the local development plan, unless material considerations indicate otherwise.”

45. The proposal is contrary to the development plan, and there are no material considerations which indicate that permission should be granted notwithstanding this.

46. The Applicant has still failed to provide sufficient information in relation to noise and air quality, and to obtain the approval of the Environment Agency in relation to sustainable drainage. In highways terms, the means of delivery cause safety concerns, and there is an undesirable use of a parking court. The Applicant’s evidence on viability is misconceived and no weight should be placed upon it. There is no need for the development in retail terms. The proposals would lead to the loss of established trees, contrary to policy. The Council can demonstrate well in excess of a five-year housing land supply. There are concerns in terms of the demands which would be placed on education provision.”

Consultee	Date consulted	Date reply received
Rendlesham Parish Council – second consultation response	22 May 2020	2 June 2020

“Rendlesham Parish Council (RPC) note the new "Consultation" in respect of the above proposal and notwithstanding the revised consultation reiterate our objection to the proposed development based on the points we have made previously.

Rendlesham Parish Council question exactly what has brought this about. It seems that the Applicant has made incremental revisions to the documents associated within the application

- We note there have been 6 revision updates to the Gen Arrangement drg ref 7641-20N since the formal submission of 20-1035 in March 2020.

- We note the issues and correspondence in respect of the Flood Risk Assessment RPC are concerned that the incremental approach being adopted undermines the principle of "review" in the sense that the developer has revised drawings and is potentially looking to construct something different to that for which his application was made and which on which all reviewers commented. Aside for the possibility of something being changed and not properly reviewed/assessed this is collectively a failure of any "Document Control" which is a cornerstone a sound Quality Management system.

This incremental approach is further demonstrated by the Applicant's issue of a "tick box" type approach in his document entitled "Consultee Comments and Plan Surv Response" which seems to be the most significant new document issued under this consultation.

We make two observations on that document as follows

- By its nature of "responding to consultee comments" it pre-empts any decision by the Planning Authority and effectively changes documents upon which the consultation was undertaken.

- This document makes repeated reference to the "proposed masterplan" which is a point

highlighted in RPC response to 20-1035 (prepared by Legal Counsel) para 26-5 which says:-

- o At 2.12 and following, there is detailed consideration of “a proposed District Centre plan”.
- o The applicant’s consultants continue to assess this, despite the Parish Council having made clear in its response to the previous application that this was
  - (a) not part of the Neighbourhood Plan and
  - (b) confidential.
- o The consultants have therefore carried out an assessment of a scheme which is not in the development plan, and nobody is promoting.
- o RPC repeat, for avoidance of doubt, that document is not relevant to the application and we again confirm that it was obtained by the developer despite its “confidential” status.

RPC also note the comments raised by Suffolk County Council (SCC) following their review of the Flood Risk Assessment in April which recommends further infiltration tests in particular with respect to emptying times of the soakaways. The point identified below is the most critical.

- The half empty time of the soakaway design is 13,634 minutes (227.23 hours), significantly above the maximum 24 hours requirement. The design should ensure there is sufficient storage for both the 1:100 +40% and 1:10 +40% event combined as the half drain times are insufficient.

This observation by SCC implies the strong likelihood for the need of some “rainwater attenuation system” being installed as part of the drainage from this site.

Notwithstanding our continuing objection to this development proposal we would urge East Suffolk to ensure that this matter is impressed upon this developer and made clear that any application for development of this site needs to address this fundamental issue (which applies to many areas of Rendlesham due to eth the underlying ground structure) as part of the an application not simply as a “response to a consultee”

As it stands SCC have placed a recommendation for a condition and we support that as a fundamental requirement for any development of this site.

We trust the above makes our position clear :-

- RPC formally continue to formally “Object” to the Proposal
- RPC previous comments have not been addressed
- RPC are concerned by the Incremental approach being employed by the developer”

### Statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 March 2020	13 March 2020
Summary of comments: Requires conditions regarding land contamination. Requires noise report which can be conditioned Requires Air Quality Assessment to be provided prior to determination.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 March 2020	30 March 2020
Summary of comments: Holding objection due to concerns with visibility.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	6 March 2020	10 March 2020
Summary of comments: Holding objection - need confirmation from the Environment Agency that deep infiltration is acceptable.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	17 April 2020	29 May 2020
Summary of comments: Comments and conditions		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	22 May 2020	No response
Summary of comments: Deep infiltration is acceptable as there is no other solution.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 May 2020	17 June 2020
Summary of comments: None received		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
East Suffolk Internal Drainage Board	12 March 2020	12 March 2020
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	31 March 2020	No response
Summary of comments: Satisfied that proposed mix will meet local need.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	6 March 2020	30 March 2020
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Police - General	6 March 2020	No response
Summary of comments: Comments from the Designing Out Crime Officer		

Consultee	Date consulted	Date reply received
Ecology (Internal)	6 March 2020	27 March 2020
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	7 April 2020	7 April 2020
Summary of comments: Comments regarding provision of automatic sprinklers.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	22 May 2020	10 September 2020
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	22 May 2020	29 May 2020
Summary of comments: Housing mix acceptable and comments regarding required tenure received.		

Consultee	Date consulted	Date reply received
Police - General	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Internal Drainage Board	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	12 June 2020	14 July 2020
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	20 July 2020	24 July 2020
Summary of comments: Will put in CIL bid for infrastructure and require a financial contribution towards secondary school transport.		

## Publicity

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

## Site notices

General Site Notice

Reason for site notice: Major Application  
Date posted: 10 March 2020  
Expiry date: 31 March 2020

## **6. Planning policy**

- 6.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.
- 6.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:
  - Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP3.5 - Infrastructure Provision (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP4.2 – New Employment Developments (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP4.12 - District and Local Centres and Local Shops (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP5.1 - Housing Development in Large Villages (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP5.8 - Housing Mix (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP5.10 - Affordable Housing on Residential Developments (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP7.1 - Sustainable Transport (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP8.1 - Community Facilities and Assets (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP9.2 - Sustainable Construction (Suffolk Coastal Local Plan, Adopted September 2020)
  - Policy SCLP9.5 - Flood Risk (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP9.6 - Sustainable Drainage Systems (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.1 - Biodiversity and Geodiversity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

## **7. Planning considerations**

7.1. Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise.

7.2. In this case, the Local Development Plan consists of the following Plans and Documents:

- Suffolk Coastal Local Plan (adopted September 2020)
- Rendlesham Neighbourhood Plan ('Made' 2015) (NP)

### Principle of Development

7.3. The site is located centrally within Rendlesham, a Large Village as set out in the Local Plan and is within the defined District Centre as set out in the NP. Both national and Local Policy seek to promote sustainable development involving locating development within existing settlements, based on a hierarchy, such that services and facilities are made easily available to local people and housing is well-related to employment and other facilities. It also seeks to achieve a high-quality environment whilst reducing the need to travel. Given the location of the site centrally within a defined Large Village, the principle of development is acceptable.

7.4. Rendlesham's Neighbourhood Plan clearly sets out the desires of the Local Community and there is an emphasis on seeking improved infrastructure for the settlement and that this should be based within the defined District Centre. Objective 1a of the Rendlesham Neighbourhood Plan is to prevent the further erosion of community provision within the central area of the village by the designation of a District Centre and the permitted use of land within it. Whilst the NP identifies the community's objection to housing in the District Centre, it is recognised that opportunities may exist if the residential development maintained and enhanced the existing or established employment, leisure, education, retail or community uses and the future needs thereof. This commentary in the NP is carried through into the Policy.

7.5. Policy RNPP1 relates to development in the District Centre. It sets out that in the District Centre, the emphasis will be on maintaining or enhancing those uses and services the community has identified. Redevelopment or change of use of existing or established public buildings and/or key facilities will be supported provided that the redevelopment or change of use is for either leisure, education, retail or community use. Proposals for redevelopment or change of use involving employment development will be supported

provided that they maintain or enhance the existing or established leisure, education, retail or community uses and future needs thereof. Proposals for redevelopment or change of use involving residential development will only be permitted where they maintain or enhance the existing or established employment, leisure education, retail or community uses and future needs thereof.

- 7.6. Although the emphasis on the District Centre is for land uses to provide infrastructure to support the residential community, the policy does also allow for residential development where it would "maintain or enhance the existing or established employment, leisure education, retail or community uses and future needs thereof".
- 7.7. In this particular case, the majority of the site area would be used for the proposed residential dwellings however it also proposes three retail units - one as a convenience store and the other two as smaller A1 units. When the application was submitted and when it was previously considered by Planning Committee, an A1 use was for retail purposes. Since then, the Use Classes Order has been revised and former A1 uses (with the exception of those not more than 280 square metres selling essential goods including food at least 1km from another similar shop) are now considered to fall within Class E which also includes former A2 (financial services), A3 (cafes and restaurants), B1a (other offices not within A2), B1b (research and development), B1c (industrial where there are no impacts on amenity, some D1 (clinics, nurseries etc.) and some D2 (gyms and indoor recreation). The current application should therefore be considered on the basis that the three proposed units would be within the new Class E and could be used for any of the above uses. This change would therefore result in more flexible uses of the units and permit other community and/or leisure uses as well as retail and/or employment uses. These units would therefore fall within one of the preferred use categories for the district centre and the principle of this element of the policy is therefore in compliance with RNPP1.
- 7.8. The policy does not state that residential uses will not be permitted, but that they will only be permitted where they "maintain or enhance existing or established employment, leisure, education, retail or community uses and future needs thereof." In this case, the occupiers of the dwellings would be in a prime location to access the existing services and facilities within the rest of the District Centre and whilst they would be located on the site of the former sports centre, the sports centre was demolished some years ago and the site has remained vacant since. There is therefore no 'existing' preferred use on the site. Whilst the aspirations of the Parish Council and the community are recognised, it is considered that Policy RNPP1 would allow for such a development as that now proposed. Similarly, the part of the policy referring to the redevelopment or change of use of existing or established public buildings and/or key facilities cannot be applied in this situation as there is no existing building or facility on the site to be retained.
- 7.9. Paragraph 92 of the NPPF emphasises the need to provide the social, recreational and cultural facilities and services that communities need and sets out that policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It also seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In this case, while the former sports

centre, or a similar use, may be a preferred land use, its long-term vacancy means that the current proposal is not losing a facility and the provision of three new units would help to support residents' day to day needs. It would also modernise and help to improve the appearance of the area and to support the existing services and facilities in the District Centre.

- 7.10. A number of local residents have raised concerns with the proposed new convenience store not being needed now that the existing store has been improved. It is encouraging to read so many positive comments about the work that has been carried out in the existing store and that it is now providing an attractive and useful facility and service however competition is not a material planning consideration. If, as a number of the letters suggest, residents want to show their support to the existing convenience store operator, they would be entitled to do this. Similarly, it worth noting again that whilst the application states that the largest of the units would be used as a convenience store, any planning approval would only grant the E use class and not restrict the specific user. Market conditions at any time could therefore impact on the occupier of the unit.

#### Sports Use

- 7.11. Previously the application was considered against DM32 of the old Local Plan which related to Sport and Play. It set out that proposals that involve the loss of existing sports facilities and playing space (youth and adult) whether public, private or a school facility will be judged against: (a) the overall needs of the community; (b) adopted standards of provision; (c) the availability of comparable facilities elsewhere; (d) the contribution which a facility makes to the character of an area; and (e) its value for informal recreation.
- 7.12. The application site occupies the site of a former gym. Whilst the previous land use of the site was as a private gym, this use ceased in 2009 and the building itself was demolished in 2016. Given there has been no leisure use on the site for in excess of 10 years, the current application is not considered to be losing any such facilities. This issue was also considered during consideration of the site as an Asset of Community Value mid-2017. Although this is a different process to consideration of a planning application, in determining this application, it was considered that there was insufficient evidence to show that the assets have been used by the community in the recent past. Policy SCLP8.1 which relates to Community Facilities and Assets 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." It goes on to state that the loss of Assets of Community Value are unlikely to be supported however this does not apply in this case. It is considered that the proposed commercial units would comply with SCLP8.1.
- 7.13. Whilst the ambitions of the Parish Council are recognised, the realistic options for development of the site mean that a community sports facility is unlikely to be achievable. The application has been submitted with a viability and marketing report. This sets out the marketing of the site, highlighting its previous use as a gym, that was carried out in between December 2017 and March 2019 and indications of any interest or enquiries received during this time. A summary of these enquiries indicates that following initial

interest, the majority of enquirers concluded that the site was not viable for their proposals or made no further contact.

- 7.14. The report goes on to state that development of the site providing a supermarket and other smaller retail units sought by the Parish Council would not be viable. It also states that the scheme currently proposed is considered to be a more realistic proposal for the site however it does not divulge any figures in this respect. The Parish Council has stated that this option is not included within a Policy nor is it the desired outcome for the community and therefore the viability statement does not provide any useful information.
- 7.15. The marketing and viability report submitted with the application do not provide strong evidence in support of the proposal as they are lacking in information to put any great weight on their conclusions. Having said this, the application can be judged on its merits.

#### Housing

- 7.16. The location of the housing within the centre of Rendlesham, a Large Village as set out in Policy SCLP3.2 of the new Local Plan is in accordance with the principles of sustainable development set out in the NPPF. This seeks to locate residential development within settlements where a settlement boundary has been defined such that occupiers of the dwellings are able to access services and facilities within that settlement without relying on the use of the private vehicle. The principle of the location of the housing on this site is therefore acceptable.
- 7.17. Whilst the local planning authority is in a strong position in regard to the provision of a five year housing land supply, the number of dwellings required is a minimum and windfall, such as this, contributes to overall provision. The proposal would therefore help to contribute towards the Council's housing supply moving forward. The Council also seeks the provision of affordable homes which would normally be provided by means of a set proportion of open market homes or through an 'exception' policy. In this case, the application proposes all of the dwellings to be provided in an affordable form which weighs in favour of the development. The Agent has indicated that a Registered Provider is interested in the scheme however the Legal Agreement in relation to this has not yet been finalised.

#### Housing mix

- 7.18. Table 5.3 of the former Suffolk Coastal Local Plan set out that the target provision for affordable homes across the district is 43% 1 bedroom, 31% 2 bedroom, 16% 3 bedroom and 11% 4 bedroom. The current proposal gives a mix of 36% 1 and 2 bedroom, 18% 3 bedroom and 9% 4 bedroom. This was considered to be broadly in line with the Local Plan requirement and the Council's Housing Team indicated that this mix would meet a local need.
- 7.19. Table 5.1 in the new Local Plan sets out the percentage of district-wide need to be 12% 1 bedroom properties, 29% 2 bedroom, 25% 3 bedroom and 33% 4 bedroom. Although this differs to the application proposal, the new policy (SCLP5.8) also requires a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms). As the proposal is for affordable housing and the mix has been agreed with the Council's Housing Team, it is therefore considered that it reflects the local need and also

complies with the requirement to focus on smaller dwellings. This policy also requires development to contribute towards meeting the significant needs for housing for older people. In this case, the provision of the two ground floor, accessible flats and the high proportion of one and two bedroom units will meet this requirement.

- 7.20. The application is also considered to be in accordance with Policy SCLP5.10 which relates to Affordable Housing on Residential Developments. This policy sets out that proposals for affordable housing should be made to meet an identified local need, including needs for affordable housing for older people. Proposals which provide a higher amount of affordable housing than 1 in 3 as required by this policy, will also be permitted. Objective 3 of the NP seeks housing for sustainable growth to meet the needs of future generations and to enable the provision of affordable housing. The proposal therefore helps to achieve this objective.

#### Retail/Commercial

- 7.21. As explained above, following a change in the Use Classes Order, the application should now be considered to be for three commercial units for use within Class E. Whilst the application specifically states these will be retail uses, given the change in the Use Classes Order, it does not seem reasonable in this case that the use is restricted, particularly when the greater flexibility would result in a wider market for the units and could provide a better mix of commercial and community facilities within the District Centre than the application originally proposed. This would help to support Objective 1b of the Neighbourhood Plan which is to encourage more retail outlets in the District Centre to promote economic growth and local employment.
- 7.22. SCLP4.2 relates to New Employment Development and whilst this specifically refers to (former) Classes B1, B2 and B8, the element in relation to B1 would now apply to this proposal. This policy supports such development where it would provide greater choice and economic opportunities in suitably located areas across the plan area, which the District Centre of a Large Village is considered to be. It goes on to say that proposals for new employment development falling within use classes B1, B2 and B8 outside of existing Employment Areas but within Settlement Boundaries will be supported where these do not have an unacceptable adverse impact on the surrounding land use, living conditions of local residents and local highway network. Again, this application only relates to the former B1 (office) uses and therefore such uses are not considered to have a significant impact on residential amenity.
- 7.23. Policy RNPP1 of the NP is clear in that it would support leisure, education, retail or community uses within the District Centre. Employment development will be supported provided it maintains or enhances the existing or established leisure, education, retail or community uses and future needs thereof. There is therefore no doubt that many of the permitted Class E uses would be supported by the NP. Whilst there is less emphasis on employment uses, the NP does make provision for these where they would maintain or enhance the existing or established other uses. Given that Class E would permit a variety of uses, not only for the proposed units, but also those existing within the District Centre, it is not considered reasonable to exclude the former B1 uses from any permission.

#### Design

- 7.24. Details have been provided on the design of the dwellings and for the commercial units on the site.

- 7.25. The proposed dwellings would be constructed in two blocks of terrace properties fronting Sycamore Drive. The southern block would comprise six, two-storey properties which would be slightly staggered towards the north, adjusting to the curvature of the road. The northern block would comprise five properties in the form of one house and four flats. These would also be two-storey in scale and staggered, 'breaking-up' the appearance of the block.
- 7.26. The proposed dwellings would be constructed with a mix of materials including red facing brickwork and cream coloured render. The roofs would have a red concrete interlocking pantile. This mix of materials is not dis-similar to those used on surrounding dwellings and they would be of a traditional form, again not dis-similar to surrounding dwellings. Therefore, their appearance is considered to be in keeping with the character of other residential dwellings in the area. The ridge heights of the dwellings are relatively high, being either 9.2 or 9.8 metres. The existing primary school opposite the site is of two-storey scale however with a flat roof and the residential dwellings fronting the site around Sycamore Drive and two-and-a-half-storeys in scale. Further to the north-east, also on the southern side of Sycamore Drive, flats in Aspen Court are within a three-storey building. It is therefore considered that the proposed dwellings are of a similar and appropriate scale in relation to their surroundings.
- 7.27. The proposed commercial units to the south of the site would be single-storey in scale and of a different appearance and character to the proposed residential dwellings however this is considered acceptable given their different function and purpose. These units would be finished in vertical cedar cladding on a small brick plinth with aluminium windows and canopy. They would have flat, felted roofs. The largest of the units would be a maximum height of 4.5 metres with the smaller units being 3.8 metres in height. The appearance of these buildings would be more modern with their frontages facing south east onto a pedestrian route linking them to other existing facilities in the District Centre. The use of a modern design and overall development of the site would improve its appearance and improve the experience of users of the facilities.
- 7.28. Therefore, on this basis it is considered that the design of the site both for the commercial and the dwellings are acceptable and therefore the application is in conformity with Policy SCLP11.1 of the Suffolk Coastal Local Plan.

#### Impact on neighbours

- 7.29. The southern block of dwellings would all have some private amenity space to their rear. The garden spaces wouldn't be large however they are considered sufficient for a village centre location and the Council doesn't have a policy on amenity space provision. The proposed dwelling on the northern block would have its main garden area to the side. This would result in increased fencing visible in the streetscene however it is not considered to be significantly detrimental to the character or appearance of the streetscene and again is considered sufficient for a small dwelling in this location.
- 7.30. The proposed flats would have a small garden area at their rear. It is assumed that this would be a shared space for the occupiers of each flat. Flats would not normally have private outside spaces and therefore this space, either shared, or for the occupiers of the ground floor unit is sufficient.

- 7.31. The nearest existing dwellings to the application site are those to the south of the site fronting Sycamore Drive and within Bay Tree Court. 49 Sycamore Drive has a blank gable wall facing the application site with its garden area to the east. The nearest part of the application site to this dwelling is the proposed shop units and given their single-storey scale are unlikely to impact on privacy or light to, or outlook from, this property. The proposed access would be located to the rear of nos. 1 and 2 Bay Tree Court and although the proposal may increase noise and disturbance to occupiers of these dwellings, given their existing location adjacent to Walnut Tree Avenue and their proximity to the existing community facilities, it is not considered that the impact, with restrictions on hours, would be so significant to warrant a reason for refusal on this basis.
- 7.32. The location of the properties within the District Centre means that they are located close to other, non-residential uses. The school opposite would generate a certain level of noise from children and from vehicle movements at drop-off and pick-up times but these are unlikely to be significant and during day-time hours.
- 7.33. The location of the proposed residential units close to the proposed and existing commercial units could also cause a noise and disturbance to future occupiers, and to existing residents in nearby properties. Equally, unreasonable restrictions should not be placed on existing businesses as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.34. In order to determine whether noise from these sources is likely to be detrimental to the nearby residential properties, a noise survey should be undertaken and a report submitted. The survey shall identify any appropriate noise mitigation measures and all residential units shall thereafter be designed so as not to exceed the noise criteria based on the British Standard. A noise assessment is also required to include all proposed plant and machinery and a rating level of at least 5dB below the typical background should be achieved. These reports can be controlled by condition.
- 7.35. Given the location of the site in close proximity to existing residential and commercial uses, as well as the school, it would be prudent to require a Construction Management Plan, to identify how the potential for nuisance from demolition/construction site dust, noise and light will be controlled to minimise disturbance as much as possible during construction.
- 7.36. In order to help reduce the impact on local air quality and to comply with Paragraph 35 of the NPPF which seeks to protect and exploit opportunities for the use of sustainable transport modes, all dwellings with dedicated off-street parking should be provided with an operational electric vehicle charge point. Following receipt of an air quality report, a total of 11 charging points has been agreed with the Council's Environmental Protection Team to be sufficient.
- 7.37. The application sets out the number of deliveries and size of delivery vehicle anticipated in relation to the convenience store. This would result in approximately 4-5 deliveries daily with the earliest delivery time of 6.00am and latest 8.00pm. The largest vehicles would make approximately 9 visits to the site each week. Subject to the delivery times as set out

in the application, it is not considered that the times of delivery or the number of deliveries would result in an unacceptable impact on neighbours' amenity.

- 7.38. In terms of restrictions on the units, it is considered prudent to impose a condition on opening hours to not exceed 7.00am until 10.00pm. This is considered to give a good degree of flexibility to potential occupiers without being overly impacting on neighbouring residents who, as a result of them living within or close to a district centre, should reasonable expect a little noise and disturbance beyond that which might be expected within wholly residential surroundings.
- 7.39. The proposal is therefore considered to be in conformity with Policy SCLP11.2 of the new Local Plan.

#### Flooding

- 7.40. The drainage strategy for the site includes deep infiltration. Suffolk County Council as Lead Local Flood Authority originally objected to the proposal as this had not been agreed by the Environment Agency. Following confirmation from the Environment Agency that deep infiltration is the only solution on this site, the County Council has withdrawn their objection and recommends a number of conditions to be added to any permission granted.

#### Contamination

- 7.41. The East Suffolk Environmental Health Officers have been consulted on the application and they have recommended conditions are to be applied to any permission granted.

#### Ecology and Trees

- 7.42. The application site is of predominantly low ecological value being mostly comprised of areas of tall ruderal, grassland and hardstanding, however the small areas of scrub and the scattered trees do provide some value. Whilst these areas will be lost as part of the development proposal it should be possible to deliver compensation through well designed soft landscaping. The only exception to this is the proposed loss of a mature oak tree (T4) from the south-eastern part of the site, this is regrettable as the tree is part of the biodiversity value of the local area.
- 7.43. As recognised in the Preliminary Ecological Appraisal, the site provides some habitat for foraging and commuting bats and therefore an ecologically sensitive lighting strategy is required. There is also the opportunity to incorporate a number of ecological enhancements into the proposed development which can be controlled by condition.
- 7.44. An Arboricultural Report has been submitted with the application. This report assesses the impact on 14 individual trees within and adjacent to the application site. The report classifies one of these, T1, as a Category 'A' tree. This tree is located outside of the application site but does affect its setting. This tree would not be removed and construction work on the access drive should be carried out carefully such that it would not affect the tree. The only other tree proposed for retention is T2, again outside of the application site.
- 7.45. It is recognised that the loss of the trees around the Sycamore Drive frontage of the site is unfortunate, particularly T4, a mature oak (Categorised as both a category 'B' and 'C' tree within the report). The trees proposed for removal are a mix of Category B and Category C

trees. In order to compensate for this loss, a landscaping scheme which should include tree planting will be required to be submitted and agreed, by condition.

#### Parking and Highways

- 7.46. The application proposes two access - one to the south of Walnut Tree Avenue which would serve the retail development and the other off Sycamore Drive to the north to serve the proposed residential dwellings. The Highways Authority originally raised concerns regarding the visibility splays shown on the plans. These have been amended now taking account of these concerns. The Highways Authority response in relation to these revisions is awaited.
- 7.47. Each parking area would provide 22 spaces which is in line with Suffolk County Council parking standards for each area of use. The residential properties all have secure sheds that could be used for bicycle storage and the commercial spaces include three spaces for disabled users. The commercial area to the south also proposes a turning space within the rear yard for delivery vehicles.
- 7.48. There is an existing pedestrian right of way through the site which connects the village centre with the western side of Sycamore Drive. Development of the site would retain and improve this right of way, making it a more pleasant environment for pedestrians and importantly ensuring connection between the new retail facilities and existing facilities in the District Centre. New anti-ram bollards would be installed to provide protection to the new, and existing, units.
- 7.49. Delivery vehicles entering the service yard at the rear of the retail units would need to cross the pedestrian right of way. It is proposed that this area would be ramped to maintain the pedestrian right of way through the site and also to provide traffic calming. Although this is not an ideal relationship, the number of vehicles using this route would not be significant (4-5 per day for the convenience store plus any for the smaller units) and the traffic calming measures proposed would reduce vehicle speeds and highlight the pedestrian rights of way. Two of the daily deliveries would be before 10am and therefore would likely avoid peak pedestrian use.

#### Designing out Crime

- 7.50. The NPPF states that planning should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. It suggests using clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 7.51. Suffolk Police's Designing Out Crime Officer has considered the proposal and comments that it is good that the rear of all the properties will have 1.8m close boarded fencing and that the service yard will be gated. They advise that it will be fully securable too. They also support the flush walls on the (proposed) convenience store which negates hiding areas for an offender. However, there are other points that are a concern. This includes:
- Parking being at the rear of dwellings and not immediately adjacent to residents' properties.
  - The footpath between plots 5 and 6.
  - The bin area for the flats would preferably be secured.

- The area around the rear of the proposed convenience store and rear of plot 11 could become a congregating area for antisocial behaviour.
- The ATM needs to be well protected to reduce the risk of ram raiding.
- It is proposed that the convenience store will sell alcohol and cigarettes, this will undoubtedly increase crime and the risk of crime.
- The application will heighten the possibility of antisocial behaviour in the area.

7.52. Whilst the disadvantages of a rear parking court are recognised, it is unavoidable for this scheme. The situation is helped by the fact that the rear of most of the properties would face towards this area, albeit not immediately adjacent to it. It would also be beneficial if the footpath between plots 5 and 6 were widened. There is space on the site to do this and the applicant will be made aware of the benefits of this, as well as securing the bin storage area. A lighting strategy would also be required and this can help to improve safety within the area. Anti-ram bollards are proposed at the commercial development which would help secure these areas and further bollards are also advised should the ATM be installed. The area at the rear of the (proposed) convenience store is also an area of concern as it could lead to groups congregating. Further surveillance from the side of Plot 11 and lighting of the area would help reduce any anti-social behaviour. The Designing Out Crime Officer's comments also provide further advice in relation to security within and around the (proposed) convenience store and the applicant's attention will be drawn to this information.

#### RAMS

- 7.53. Habitat Regulations Assessment's (HRA's) have been completed for Local Plan documents including the Core Strategy and Site Allocations and Area Specific Policies documents. Appropriate Assessment has also been carried out for both of these documents. The conclusion of these is that a number of planning policies, including those relating to housing allocation, would have a likely significant effect on European sites and in the absence of suitable mitigation measures would adversely affect the integrity of these sites. The Local Plan incorporates strategic mitigation measures to be delivered to avoid adverse effects including: 1km separation of strategic allocations from European sites; improvements to convenient local greenspace for routine use, in order to reduce demand for visits to European sites, provision of a new Country Park to provide an alternative attraction, the provision of wardening and visitor management measures, guided by a visitor management plan, to manage and monitor recreational access within European sites.
- 7.54. The development falls within the 13km zone of influence over the following European Protected sites Sandlings Special Protection Area (SPA), the Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site, and the Deben Estuary Special Protection Area (SPA) and Ramsar site.
- 7.55. The strategic mitigation measures outlined in the Core Strategy HRA, raises concern that new housing developments in this area have the potential to have a significant effect upon the interest features of the previously mentioned designated sites, when considered in combination, through increased recreational pressure. By way of mitigation Natural England advise that a suitable contribution to the emerging Suffolk RAMS is required in relation to this development to enable the conclusion of no likely significant effect whilst ensuring the RAMS remains viable.

- 7.56. The application seeks consent for 11 dwellings, within the Zone A for RAMS. As appropriate mitigation cannot be provided on site, a financial contribution of £321.22 per dwelling (totalling £3533.42) is required. The applicant has completed the relevant S111 form and made the payment to the Suffolk Coast RAMS. It can therefore be concluded that there would be no likely significant effect on the integrity of the protected sites as a result of disturbance through increased visitor pressure.

#### Sustainable Construction

- 7.57. SCLP9.2 relates to Sustainable Construction and sets out that all new developments of more than 10 dwellings 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. It goes on to require that all new residential development in the plan area should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day. The application does not make clear whether these requirements will be met or not however, given the earlier resolution to approve without these and the delay being due to other issues, it is not considered reasonable to insist on these at this time.

### **8. Conclusion**

- 8.1. The site lies within the centre of Rendlesham, a Large Village and is within the defined District Centre. This location is considered to be a sustainable location for new development as it would be easily accessible on foot or bicycle by many local residents. Whilst the desires of the Parish Council and the community are recognised, it is not considered that the proposal is contrary to policy and therefore the mix of uses proposed for the site including commercial and residential are considered an acceptable solution. There would be community benefits from the development of the site and whilst it is not clear what the end users of the commercial units would be, there is the potential to provide a good mix of extra services and facilities to the community in addition to the affordable housing. Subject to conditions, it is not considered that the proposal would result in any other significant harm that outweighs the proposed development.
- 8.2. Despite the change in policy background since the application was previously considered as a result of the adoption of the Suffolk Coastal Local Plan and the changes in the Use Classes Order, it is not considered that the principal of the proposed development would now be unacceptable nor is it considered that all of the requirements of the new policies should be met, given the previous resolution to approve.

### **9. Recommendation**

- 9.1. The application is recommended for approval subject to controlling conditions and the completion of a S106 Agreement to secure the affordable housing and a contribution to secondary school transport.

#### **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 be completed in all respects strictly in accordance with Drawing Nos. 7641 24B and 7641 25, Planning Statement, Design and Access Statement and Preliminary Ecological Appraisal received 3 March 2020, Ground Investigation Reports received 17 March 2020, Flood Risk Assessment received 16 April 2020, Drawing Nos. 7641 21B, 23D and SLSP/15/0002 Rev 2 received 22 May 2020, External Timber Bin Storage received 9 July, 7641 20P received 24 August 2020, Air Quality Report received 14 September 2020 and Ground Investigation Report reference TEB/ABS/17.347A and DJM/17.347/ADD 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 construction of Plots 1 to 5 shall not be commenced until the new Sycamore Drive vehicular access, located to the east of Plots 1 to 5, has been laid out and completed in all respects in accordance with the Site Access Strategy Drawing No.SLS P/15/0002 Rev 2; with clear visibility at a height of 0.6 metres above the carriageway level cleared 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 41.4 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y1 dimension), and with clear visibility at a height of 0.6 metres above the footway/cycle track level cleared and thereafter permanently maintained in that area between the back of the footway/cycle track and a line 2.4 metres from the back of the footway/cycle track at the centre line of the access point (X2 dimension) and a distance of 15.8 metres in each direction along the back edging of the footway/cycle track from the centre of the access (Y2 dimension). Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification. Site Specific Reason: Due to the locational relationship between the building line, the access centreline, the curved kerb and edging lines and the HV cable easement areas, this condition is required to ensure that the building frontage of Plots 1 to 5 does not conflict with the required minimum visibility splays that are to be formed with Y dimensions measured along the relatively tight radius carriageway and back of cycle track edge lines.

5. Within 3 months of the commencement of development, details of the areas to be provided for residents and employees', 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 the provision of long term cycle storage in accordance with Suffolk Guidance for Parking (2019).

6. Within 3 months of the commencement of development, details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.  
Reason: To ensure the provision of electric vehicle charging points in accordance with Suffolk Guidance for Parking (2019).
7. 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.
8. The use shall not commence until the areas within the site shown on Drawing Number 7641-20-REV-P for the purposes of loading, unloading, manoeuvring and parking of vehicles, and retail element visitor cycle parking, has been provided and thereafter that area(s) shall be retained and used for no other purposes.  
Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, and retail visitor cycle parking, in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.
9. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 7641-20-REV-P 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.
10. Before the development is commenced, a Service Management Plan (SMP) regarding the retail units shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan (SMP) shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The SMP should identify exactly how and what types of vehicles are anticipated for the commercial uses and their delivery times should also be detailed to demonstrate that the proposed system would work. Any measures described in the SMP shall be implemented within the time period identified and adhered to thereafter.  
Reason: In the interests of highway safety, the SMP is required to ensure that the impact from retail unit service and delivery traffic operations on existing users of Walnut Tree Avenue is minimised.
11. Prior to commencement of any residential dwelling hereby approved, a Traffic Regulation Order (TRO) shall be progressed that seeks to extend the existing on street waiting prohibition to prevent parking on the inside bend of Sycamore Drive obstructing the western visibility splay of the new access east of Plots 1-5. Prior to the commencement of development, the developer shall deposit a sum of £15,000.00 to cover Suffolk County Council's costs and fees associated with progressing and implementing the TRO. Five years after the development's formal completion date, any balance of the £15,000.00 remaining shall be returned to the developer.

Reason: In line with MfS guidance the development is such that a TRO is required to ensure that parked vehicles would not interrupt visibility splays in order to make the application acceptable.

12. 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.

13. 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.

14. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

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

15. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, 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. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.

16. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, January 2020).

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

17. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

18. 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. Ecological enhancements measures will be delivered in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

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 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.

20. Prior to any occupation or use of the approved development the RMS approved under condition 19 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.

21. 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.

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

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

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

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

23. Prior to commencement of development, a noise survey shall be undertaken and a report submitted. 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 and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on BS8233-Guidance on sound insulation and noise reduction for buildings, given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in daytime: 50 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)

The report shall also consider noise from existing and proposed fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. This shall be based on BS4142:2014 Methods for rating and assessing industrial and commercial sound. All detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that noise from the commercial development is not detrimental to the residential amenity of neighbouring residents.

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

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

25. Prior to the commencement of development, a Construction Management Plan, to identify how the potential for nuisance from demolition/construction site dust, noise and light will be controlled, shall be submitted to and approved in writing by the local planning authority. This should include site working times and should be agreed and approved by the LPA prior to any work on site taking place. All construction works shall be carried out in accordance with the approved Construction Management Plan.

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

26. There shall be no burning of any material on site.

Reason: In the interest of residential amenity.

27. Prior to occupation of any of the properties (residential or commercial) hereby permitted, a management plan for maintenance of the communal areas to include, but not limited to, the access road, parking and turning areas and the landscaped areas shall have been 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 at least 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 communal areas are properly maintained in the interest of visual amenity.

28. Within 3 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.

29. 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.
30. Within 6 months of the commencement of development, precise details of all of the means of enclosure (i.e. hedgerows, fences, gates, walls etc.) shall have been submitted to and approved by the Local Planning Authority. Prior to occupation of any of the dwellings or commercial units hereby approved, all boundary treatments shall The approved means of enclosure shall thereafter be retained in their approved form.  
Reason: In the interests of visual and residential amenity.
31. Prior to occupation of the 5th dwelling hereby permitted, all three of the commercial units shall have been completed and be made ready for occupation.  
Reason: To ensure that the commercial units are delivered in a timely manner ensuring the supply of community infrastructure within the District Centre.
32. Prior to the use commencing, details of an external lighting scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and retained in its approved form.  
Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.
33. The three commercial units hereby permitted shall be used for purposes within Class E as set out in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.  
Reason: For the avoidance of doubt as to what has been considered and approved.

**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](mailto:CIL@eastsoffolk.gov.uk)

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

CIL forms can be downloaded direct from the planning portal:

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

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

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.eastsoffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsoffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsoffolk.gov.uk](mailto:llpg@eastsoffolk.gov.uk)
4. In relation to Condition 5, details of cycle storage sheds are not yet provided. Sheds are usually located in private secure gardens. Residential Long term Cycle Storage in Communal Areas needs appropriate security measures Sheffield stands are suitable for short term customer/visitor parking but not for longer term employee cycle parking.
5. In relation to Condition 10, the Transport Statement has suggested timings of delivery windows and maximum service vehicle types and sizes (Rigid 10.5m or 12m length).
6. 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 works within the public highway will be required to be designed and constructed in accordance with the 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, 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.
7. The infiltration rate used for design purposes is (21.39mm/hr), a figure obtained through a soakage test undertaken at Trial Pit Number SA05. The soakage test was undertaken at a depth of 5.0mBGL, whereas the invert level of the soakaway is proposed at 4.1mBGL,

presenting concerns as to whether the proposed infiltration rate is a realistic representation of the actual infiltration rate at the depth of the soakaway. It is noted that the proposed 4.1mBGL invert level is situated on the border of the clay and sand layers identified within the borehole associated with SA05.

It is recommended that further infiltration testing, in accordance with BRE 365, is undertaken at the location of the proposed soakaway. The depth of the soakage test should be in accordance with the invert level of the proposed soakaway to provide an accurate representation of the infiltration capacity at the proposed soakaway location. The additional soakaway tests would also demonstrate whether the clay layer close to the proposed invert level would have an adverse impact on the achievable infiltration rate.

The half empty time of the soakaway design is 13,634 minutes (227.23 hours), significantly above the maximum 24 hours requirement. The design should ensure there is sufficient storage for both the 1:100 +40% and 1:10 +40% event combined as the half drain times are insufficient.

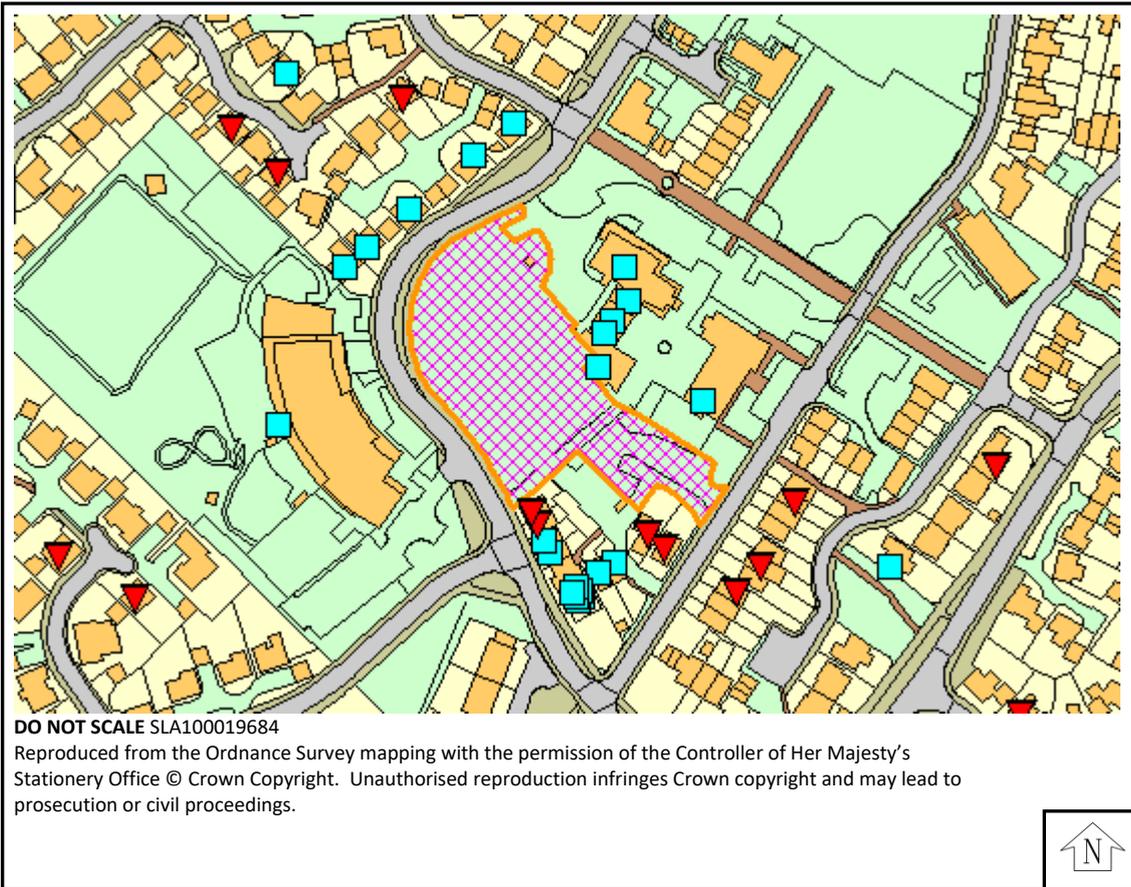
It would be useful to understand where the pollution mitigation indecencies associated with the proposed Polypipe Permaceptor Diffuser derive from as this information does not appear to be present within table 26.4 of the CIRIA SuDs Manual as suggested within the Drainage Strategy.

8. 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.
9. The applicant's attention is drawn to the comments from the Designing Out Crime Officer and it is encouraged that as many of these suggestions are incorporated into the scheme to help achieve a safe environment.

### **Background information**

See application reference DC/20/1035/FUL on [Public Access](#)

## Map



## Key

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

## **Committee Report**

**Planning Committee South – 27 October 2020**

**Application no DC/19/2513/FUL**

**Location**

Land North Of Mill Close  
Orford  
Woodbridge  
IP12 2FE

**Expiry date** 15 October 2019

**Application type** Full Application

**Applicant** Hartog Hutton Ltd

**Parish** Orford

**Proposal** Construction of 11 dwellings (resubmission following withdrawal of application DC/19/1280/FUL)

**Case Officer** Rachel Smith  
01394 444628  
[rachel.smith@eastssuffolk.gov.uk](mailto:rachel.smith@eastssuffolk.gov.uk)

### **1. Summary**

- 1.1. The application site is located on the western side of Ipswich Road on the edge of Orford. The site is allocated for a residential development of approximately 10 dwellings in Policy SCLP12.57. The application proposes the construction of 11 dwellings served off two accesses.
- 1.2. The application was previously presented to the Referral Panel on Tuesday 26th May 2020 as, whilst the application accorded with the adopted Local Plan at the time of consideration, the Parish Council objects to the proposal.
- 1.3. Although the concerns of the Parish Council were understood, the principle of the development is established in the allocation of the site for residential development. It was considered that the proposed design and layout of the scheme was acceptable and there were no other technical reasons why the application should be refused. The Referral Panel considered that there were no significant issues to discuss that warranted debate by

Planning Committee and therefore delegated determination to the Head of Planning and Coastal Management.

- 1.4. A decision on the application has not yet been issued as works have been progressing on a S106 Agreement in relation to the proposal. Since this application was considered by the Referral Panel, the new Local Plan has been adopted and whilst the site remains allocated, the Local Plan has further requirements in some respects that were not required by the previous plan.
- 1.5. As the principle of development of the site remains in accordance with the plan and because the application was acceptable some months ago and has just been waiting on the completion of a S106 Agreement, it is considered that the application can still be recommended for approval but without full compliance with some of the details now required by the new Local Plan. The application is therefore recommended for approval.

## **2. Site description**

- 2.1. The application site is located on the western side of Ipswich Road on the northern edge of the village of Orford. The application site currently forms part of a larger agricultural field. A public right of way runs along the southern boundary of the site, beyond which is a residential development owned by Flagship. A further public right of way forms the western site boundary beyond which is agricultural land. The northern site boundary lies adjacent to the remainder of the existing agricultural field and to the east of the application site, on the opposite side of Ipswich Road are further residential dwellings.
- 2.2. The site lies wholly within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and is in a prominent location on the B1084, the main road in and out of Orford. Although the site is outside of the Conservation Area and there are no heritage assets in the immediate vicinity, there are views across the application site towards Orford Castle, a Grade I Listed Building and Scheduled Monument.

## **3. Proposal**

- 3.1. The application proposes the erection of 11 dwellings on the site. These would be served by two accesses off Ipswich Road with six dwellings being accessed off the northern access and five off the southern. The internal access roads would be designed as informal, private access drives.
- 3.2. A pedestrian footpath would be provided along the Ipswich Road frontage which would link up to the existing footway to the south of the site. There would also be a new footpath link running the full length of the northern boundary linking Ipswich Road to the existing right of way to the west with a further pedestrian link to the existing right of way from within the site.
- 3.3. The proposal includes the erection of eleven detached dwellings comprising a mix of two-storey and single-storey dwellings. There would be 2 x two bedroom dwellings, 3 x two bedroom dwellings with study, 3 x three bedroom dwellings and 3 x four bedroom dwellings. Most of the properties would have garages as well as open parking and a further three visitor parking spaces would be provided on site.

#### 4. Consultations/comments

- 4.1. 31 letters have been received from third parties in relation to this application. 5 of these raise comments with the other 26 objecting. There have been no letters of support. The objections and comments raised in the letters can be summarised as follows:
- no need for this type and size of homes
  - demand is for houses for locals to help support shops and services e.g. the school
  - they will become second homes or holiday lets
  - there is inadequate public transport therefore more cars and more parking problems
  - it would compromise the view of the castle on the way in to Orford
  - it would result in the extension of an urban, ribbon development in the AONB landscape
  - there would be no views through the site from Ipswich Road
  - density is inappropriate
  - design quality does not match the quality of the landscape and historic setting
  - access for large vehicles has not been considered
  - capacity concerns in relation to water supply and sewage
  - loss of natural environment, wildlife and habitats
  - adversely affecting the setting of Orford
  - no social benefit
  - increase risk to traffic safety during construction and with more dwellings using local roads

#### 5. Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	17 July 2019	13 August 2019

“Orford and Gedgrave Parish Council OBJECTS to this application, for the reasons set out below. The Parish Council has decided, in the light of discussion at an Extraordinary Meeting, to object to this proposal.

- 1 National Planning Policy Framework/Local Planning Policy
  - o The National Planning Policy Framework para 78 states that new housing in rural areas should be located where it will enhance or 'maintain the vitality of the rural community'. Recent history of occupancy and development in Orford here clearly shows that properties of this type and range will either be second homes or perhaps for retirees, who will travel elsewhere by car for the majority of their shopping and leisure/entertainment. They will provide only marginal benefit against the harm caused by the loss of open space and other amenities, views of the castle, bio-diversity etc.
  - o The applicant admits that the 'Local Plan Final Draft is 'an emerging document'. It is relevant to note that over the period during which the Local Plan has been under discussion and consultation the threat to the sustainability and vitality of the Orford community has increased greatly; rise in proportion of unoccupied properties, the loss of garage and a decline in local school pupil numbers. This development would accelerate rather than correct these trends.
  - o Planning Policy SCLP 12.58 calls for a 'mix of housing that reflects local needs' which this

development clearly fails to provide. The Parish Council has consistently argued for some years that Orford does not need any increase in mid to higher range properties which will only add to the imbalance and unsustainability of the village community.

o There are frequent references in the Local Plan regarding the importance of new build complementing and responding to the needs of the local population and the right housing (SCLP 5 Paras 5.2.5.10&5.11).

o The Applicant's Design and Access Statement, Item 35 states:-

*'Strategic Policy SP3 of the SCDLP states that the Council's strategy will be to increase the stock of housing to provide the full range of size, type and tenure of accommodation to meet the needs of the existing and future population. This proposal will help to achieve that objective by providing a range of family homes'.*

The Parish Council would strongly dispute the assertion that the proposed new properties would in any way meet the needs of the existing and future population. As previously stated it is the opinion of Parish Council that smaller, affordable properties are required in the village.

## **2 Previous similar decisions**

- A previous planning application DC/19/1280/FUL was withdrawn. There have been no others.

## **3 Layout, density, design/appearance, and character**

- The site is overdeveloped, with poor design and a cramped layout. Many residents have expressed concerns that the design of the houses and density are all inimical to the character of the village, Destruction of the hedges along the Ipswich Road to allow 2 new accesses to the houses would radically change the approach into Orford.
- With regard to layout: Plot 2 is an island surrounded by access roads or the main road into Orford. Plots 1 and 3 have the main road at the front and access roads at the side. The 4 bedroom 2 storey properties will presumably be expected to attract the most affluent purchasers whilst the reduction on height of Plots 5,6,9,11 to single storey bungalows to 'preserve' the visibility of Orford Castle will be a token gesture giving the development a suburban feel. This should not be encouraged and needs to be resisted.
- The layout with footpaths to front doors at one side of each house and car parking at rear does not work. Radburn planning has been tried and it failed as people then use garden entrances.
- The applicant has stated that the houses are designed to sell at prices over between 275k-750k, the view of the Public Forum and the Parish Council is that there is ample local evidence that houses at this price will not attract families, and certainly not young families, to the village – and indeed there are already developments nearby with similarly priced and unsold houses. These are the wrong houses for the needs of the village, and the wrong houses for this site.

## **4 Access/traffic (parking and road safety issues)**

- The application proposes two new access points onto the Ipswich Road. Many residents, with the Parish Council's support, find this unnecessary, unacceptable and a traffic hazard too close to the school.
- The supporting statement contains a number of very misleading or questionable assertions, e.g. that car use will be reduced by the bookable bus service and the 71 bus. The former advises booking two weeks ahead, its hours of service are restricted and is not of any use to commuters or schoolchildren, does not guarantee direct journeys and is unlikely to appeal to owners of properties in this bracket. The 71 service leaves at 0705 and returns at 1830, it is little used and is now under threat of closure
- The number of vehicle spaces suggest considerable congestion and would probably impact on parking problems elsewhere in the village. It is pure conjecture to suggest that residents will prefer to walk or cycle for shorter errands.

## **5 Affordable Housing**

- The New Orford Town Trust (of which the Parish Council is the Trustee) recently sought to ascertain demand in Orford for affordable housing for local people. Those who contacted NOTT confirmed that there is a need for 1-, 2- and 3-bedroom properties for single people, young couples and families who have a long-standing connection with the village. At the public forum of a recent Parish Council meeting, parishioners made clear that they objected to the proposed development on the grounds that no affordable housing will be provided, as they are acutely aware that the need for this is real and urgent. Development of the site in the manner proposed would deny the village the opportunity to build more imaginative (self build for example) and affordable homes.

## **6 Outlook/Amenity**

- The rural farmland landscape setting of Orford and its Castle in the AONB will be seriously harmed and the stated AONB goal to 'meet the need for quiet enjoyment of the countryside while having regard for the interests of those who live and work there' will be compromised.
- The Local Plan Policy SCLP 12.58 calls for a 'high quality design which reflects the importance of this gateway site into the village and its setting within the AONB'. This application totally ignores this requirement and will destroy the approach to historic Orford.
- A group of houses addressing a green or wide street space for access, parking and green area would give a social and architectural focus to the scheme which is totally absent at present.

## **7 Site History/Cumulative impact**

- We do not agree with the Heritage Assessment that the site is not within the setting of Orford Castle a Scheduled Monument. It is, and the proposed development will affect it by adding a further layer of modern development between it and the open countryside. Harm will be caused, even if the castle is still visible over the bungalows.

## **8 Sewage/Drainage**

- It appears that foul water from the development is to be disposed of through the main sewer and Anglian Water raises no objection to this. The drainage pipes seem adequate to accommodate foul water but not surface water.
- It is understood that the sewage plant on the Gedgrave Road which services the village is nearing or has reached full capacity. This must be clarified as soon as possible and before any work on any development is done. What guarantee will the developer give in view of the extra pressure from 11 new houses (in the event of Planning being approved), which would create extra pressure and could impede any affordable housing that could be built in the future.

## **Summary and final remarks**

The Parish Council feels it has a good grasp of local feeling on the general question of housing development in Orford. Residents are not against development; they welcome new residents who will become members of the village community; they understand that there have to be new houses to meet targets for East Suffolk however they are only too aware of the local need for housing which must be addressed first.

The Residents and the Parish Council also recognise that we are a key village at a crisis point in terms of age distribution, working population, school numbers and its future viability as a living community, this site represents one of the last opportunities for a development that with careful planning in conjunction with the village could provide or support long term solutions to the issues raised above and we therefore **object** to this inappropriate application on the grounds given above."

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	22 July 2019	24 July 2019
Summary of comments: Comments regarding infrastructure requirements.		

Consultee	Date consulted	Date reply received
Historic England	17 July 2019	23 July 2019
Summary of comments: Do not wish to offer any comments.		

Consultee	Date consulted	Date reply received
Anglian Water	17 July 2019	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	17 July 2019	7 August 2019
Summary of comments: SCC as LHA is recommending refusal as it has not been demonstrated that safe and suitable access to the proposed development can be achieved.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	17 July 2019	7 August 2019
Summary of comments: Requires standard conditions regarding a Written Scheme of Investigation.		

Consultee	Date consulted	Date reply received
SCDC Environmental Protection	17 July 2019	31 July 2019
Summary of comments: Standard condition regarding land contamination.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	17 July 2019	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	17 July 2019	30 July 2019
Summary of comments: Holding objection as no details have been provided in regards to surface water drainage.		

Consultee	Date consulted	Date reply received
Network Rail	17 July 2019	2 August 2019
Summary of comments: No comments to make.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	24 February 2020	24 February 2020
Summary of comments: The conclusion is that more information is still required before the LHA's holding objection can be lifted.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	16 March 2020	16 March 2020
Summary of comments: The visibility splay calculations have now been checked and Suffolk County Council as Local Highway Authority can confirm that the proposed visibility splays of X=2.4m and Y=100m southbound, and Y=2.4m and Y=52m northbound, would be acceptable if achievable. There remain outstanding issues, as outlined in the 21st February 2020 Highways Response, that are yet to be successfully resolved.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	16 October 2019	7 November 2019
Summary of comments:		

As there are no new highways related proposals, and no new highways related information addressing the issues identified in the previous highways consultation responses, the position of SCC as LHA remains as previously outlined in the DC/19/2513/FUL response of 7th August 2019. In summary, SCC as LHA is recommending refusal as it has not been demonstrated that safe and suitable access to the proposed development can be achieved.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 October 2019	23 October 2019
<p>Summary of comments:            Recommend a holding objection at this time because it would appear there was an error in uploading the amended FRA &amp; Drainage Strategy. The drainage strategy plan and calculations have not all uploaded correctly and therefore cannot be reviewed and commented on in full.</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	9 December 2019	3 January 2020
<p>Summary of comments:            It is still the Highway Authority position that a speed survey should be undertaken to determine the appropriate Stopping Site Distances (SSDs) to be used for the Y dimensions of the visibility splays.</p> <p>In summary, SCC as LHA recommends a holding refusal until visibility splays based on observed 85%ile wet-weather speed are shown to be achievable and the pedestrian access link issue is successfully resolved.</p>		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	9 December 2019	23 December 2019
<p>Summary of comments:            No objections. Suggests conditions regarding surface water drainage.</p>		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Coasts And Heaths Project	17 July 2019	6 August 2019
<p>Summary of comments:            No comments to make regards the delivery of housing.            Design - will not sit sympathetically within the landscape/AONB. The scheme is too urban in character and does not seem appropriate at this northern gateway to Orford Village or within the AONB.</p>		

The architectural design of the dwellings is very plain. We do not consider that it provides a good design or layout for the site to the north. The proposed development should offer something different in design terms. Public open space should be located centrally.

The site is particularly visible from the PROW running south west from the Ipswich/ Sudbourne Road/ Mill Broadway Interchange to the north. The site is also clearly visible from the viewing platform of Orford Castle.

The LVIA concluded no adverse impacts to the physical landscape, landscape character or tranquillity. The proposal will permanently alter land use from agricultural to residential and extend the northern built edge of Orford into the countryside and AONB.

How this site is landscaped will be important in helping to help reduce and minimise the impacts particularly the visual impacts of this scheme.

No detailed landscaping strategy or information on lighting has been submitted with the proposal. Information should be sought for both.

Consultee	Date consulted	Date reply received
East Suffolk Ecology (Internal)	17 July 2019	2 August 2019
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Development & Policy (SCDC)	17 July 2019	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	17 July 2019	19 July 2019
Summary of comments: Comments regarding Building Regulations, fire hydrants and automatic sprinklers.		

Consultee	Date consulted	Date reply received
CIL Team	17 July 2019	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	17 July 2019	No response
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Economic Services (SCDC)	17 July 2019	8 August 2019
Summary of comments: No comments		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	17 July 2019	No response
Summary of comments: None received		

### Reconsultation consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	7 February 2020	22 June 2020
Summary of comments: No objections – suggest standard conditions		

### Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	25 July 2019	15 August 2019	East Anglian Daily Times

### Site notices

General Site Notice

Reason for site notice: May Affect Archaeological Site  
In the Vicinity of Public Right of Way  
Major Application  
Date posted: 25 July 2019

## **6. Planning policy**

6.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

6.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.

6.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:

Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.5 - Infrastructure Provision (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.1 - Housing Development in Large Villages (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.8 - Housing Mix (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.10 - Affordable Housing on Residential Developments (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.1 - Sustainable Transport (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP8.2 - Open Space (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP9.2 - Sustainable Construction (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP9.5 - Flood Risk (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP9.6 - Sustainable Drainage Systems (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.1 - Biodiversity and Geodiversity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.4 - Landscape Character (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.3 - Historic Environment (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.4 - Listed Buildings (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.7 - Archaeology (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP12.57 - Land North of Mill Close, Orford (Suffolk Coastal Local Plan, Adopted September 2020)

## **7. Planning considerations**

### Principle of Development

- 7.1. The site was allocated in the Site Allocations and Area Specific Policies Development Plan Document (January 2017). Policy SSP11 of this document set out that the site, comprising 0.86ha of land north of Mill Close, Orford, is identified for residential use for approximately 10 units. A number of criteria are set out that must be met to comply with the policy and these satisfying the following criteria:
- A high quality scheme which reflects the importance of this gateway site into the village and its setting within the AONB
  - A Landscape Visual Impact Appraisal is required and if necessary, appropriate mitigation should be provided;
  - Ensure that views through to the castle are retained for anyone entering Orford via Sudbourne Road;
  - A financial contribution will be sought towards affordable housing provision;
  - Provision of direct access to the public footpath which forms the western boundary to the site;
  - An archaeological investigation will be required;
  - Demonstrate there is adequate capacity in the foul sewerage network and WRC (Gedgrave) or that capacity can be made available; and
  - Surface water disposal must be in accordance with the water management hierarchy.
- 7.2. Policy SCLP12.57 of this document carries the allocation forward, again identifying the site for the development of approximately 10 units. In addition to the criteria required by Policy SSP11, the proposed policy also requires:
- A mix of housing that reflects local housing needs and a predominance of smaller homes and bungalows;
  - A site-specific Flood Risk Assessment.

- 7.3. The requirement to demonstrate there is adequate capacity in the foul sewerage network and WRC (Gedgrave) or that capacity can be made available is removed from the new policy.
- 7.4. As the site is allocated for approximately 10 dwellings, it is considered that the principle of 11 dwellings on the site is acceptable. An earlier application (DC/19/1280/FUL) was submitted and later withdrawn. This application proposed the erection of 10 dwellings however the applicant was advised to carry out further work in relation to the technical objections to that application, address some of the concerns raised and that increasing the number of dwellings on the site to 11 would be in compliance with the policy requirement of 'approximately' 10 and also provide for a slightly higher density and therefore some smaller dwellings.

#### Design and Layout

- 7.5. A number of meetings were held with the Agent and Architect in which the design and layout were discussed and amendments were made to address the concerns raised. One of the issues was the proposed two accesses and the implications that this had on the layout however it was explained that the scheme was designed to provide accesses that complied to the requirements for a shared drive and not for a major development (of 10 or more dwellings) which requires a much larger and more engineered access layout. It was considered that this approach was therefore acceptable on this edge of settlement location as it would be less visually dominant and have a softer appearance more in keeping with its rural character.
- 7.6. The proposed layout includes three detached dwellings fronting Ipswich Road. These three dwellings would be the three, four-bedroom properties and would be one and a half storey in scale with dormer windows in the roof and have a maximum ridge height of 7.7 metres. They would be of a traditional design constructed in red stock brick under a clay pantile roof. They would each have an L-shaped plan form with a rear 'wing' extending into their gardens.
- 7.7. Moving into the site from each entrance, to the rear of Plots 1-3, the site opens up and provides a parking and turning area with open green space provided centrally at the front of Plots 7 and 8. Plots 4 and 10 are the next properties in the site on the southern and northern boundaries respectively. These properties are partly two-storey in scale and partly single storey. The design concept for these is drawn from The Quay in Orford and the style of buildings there including a square shaped 'tower' including vertical boarding under a pyramidal roof. These properties face into the site with Plot 10 also responding to the public footpath to the north. The single-storey element of these dwellings is located to the eastern side of the site with the western part being single-storey. The change in scale of the dwellings towards the centre and rear of the site is to acknowledge the views of the castle possible across the field to the north when approaching the village. Retaining single-storey dwellings to the centre and rear of the site will reduce any impact on these views.
- 7.8. In the centre of the site, plots 7 and 8 are detached bungalows. The shared drives through the site are designed to have a similar character and appearance to some of the lanes found in the centre of the village. At the rear of the site on the southern boundary, plot 5 faces into the site towards the access drive and a pedestrian link through to the public right of way to the west. The properties at the rear of the site, Plots 6 and 9 face out towards the west. Plot 11 on the northern boundary fronts the proposed new footpath.

7.9. The proposed design and layout is considered to be an acceptable concept and provides a good quality of design. The links through to the existing public rights of way ensure that the site has good permeability for residents within the site and for other pedestrians either accessing the centre of Orford or the surrounding countryside. The properties at the front of the site are of a traditional design and character with more modern elements included within the properties to the rear. Overall it is considered that the proposed design and layout is acceptable, would provide good links with surrounding rights of way.

#### Landscape

- 7.10. The site, and surrounding area, lies wholly within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) which is a nationally recognised landscape designation. The aim of the designation is to conserve and enhance the natural beauty of the AONB. The site and its surroundings are flat and lie on a plateau at the edge of the existing settlement. The site is bordered by agricultural land to the north and west and existing residential dwellings to the south and east. The proposed development would not extend significantly further north along Ipswich Road than the existing residential development on the opposite side of the road.
- 7.11. The site lies within the Estate Sandlands landscape character type as set out in the Suffolk Landscape Character Assessment. Generally, these Sandland landscapes have limited capacity for new development without adverse effects on their character. The assessment comments that new development and incursion from domestic curtilage has the potential for profound effect on the character of the landscape, unless it is screened. As the principle of the development of this site has previously been accepted, any proposal should seek to minimise the visual impact of this by means of a high-quality landscaping scheme, therefore achieving the required screening.
- 7.12. The AONB Unit has objected to the proposal. Whilst they acknowledge that the principle of housing is established given the allocation, they are concerned that the scheme would not sit sympathetically within the landscape/AONB commenting that the design is too urban in character. A comment is made in relation to the Mill Close development to the south, stating that this is cramped with high levels of hard landscaping, little open space and a 'plain' design and does not provide a good design or layout for the application site which should offer something different in design terms to suit its function as a gateway to the settlement.
- 7.13. Officers disagree with these comments considering that the proposed design would be of a good quality. Although the proposed dwellings would be of a traditional form and appearance, particularly those fronting Ipswich Road, and therefore would not provide a unique approach as a gateway site, they are considered to be of a relatively high design quality and to improve the entrance to the settlement, particularly compared to the current 'gateway' site which is those properties in Mill Close.
- 7.14. It is also not considered to result in a cramped or 'urban' development. Again, comparing the site to Mill Close to the south, the site is larger (0.93Ha, compared to 0.42Ha for Mill Close) and would provide the same number of dwellings. Although the size and type of dwellings proposed on this site are different to Mill Close, it is a low-density development (approx. 12 dwellings per hectare) which is therefore considered to respect its rural, edge of village location. The proposed accesses and layout including a shared driveway

arrangement with a relatively informal layout is also considered to be much less formalised and 'urban' than what would be required if a single access was proposed to serve a 'major' development, as in the Mill Close development.

- 7.15. The application includes a Landscape and Visual Appraisal. This document assesses the impact of the development on the local landscape and the AONB. It concludes that there would be no harm to the physical landscape as there would be an overall gain in planting of hedgerow. Although there would be some harm to the landscape character by the loss of agricultural land, it would not result in any impact on the identified features of this landscape character. In terms of tranquillity, the increase in vehicle movements is not considered to be significant, particularly during summer months when Ipswich Road can be busy. The impact of lighting is raised as a concern and this can be controlled by requiring details of any external lighting to be submitted and agreed.
- 7.16. The site will be prominent in views when accessing Orford from the north. An important consideration which is highlighted by the allocation policy is to ensure that views through to the castle are retained. The layout of the site with all first-floor accommodation being provided towards the eastern side of the site is considered to achieve this. Although the development would be slightly more prominent than Mill Close from these views due to its proximity, its scale is not considered to affect the long-distance views of the castle from the public rights of way around the site including Ipswich Road, Newton Broadway and the PRoW to the west.
- 7.17. In terms of the visual impact, there would be a moderate impact on views of the site from near-by vantage points. The visual impact in longer distance views would be less noticeable with both reducing over time as vegetation becomes established. In conclusion, the proposed development has moderate impacts only in a very close-range, localised area, while the impacts further afield are negligible. The location of the site benefits from enclosure from the existing housing stock and surrounding mature vegetation, which contains longer-ranging views. Given time, all impacts will reduce as the site becomes enclosed in a belt of native hedge and tree planting forming an appropriate strong new village edge.
- 7.18. The proposal does not threaten any of the special landscape features mentioned in the Suffolk Coastal Landscape Character Assessment and does not affect remnant heathland or woodland and the straight, hedged site boundaries will be in character with the surrounding field boundary patterns. So, although the sandlings landscape is intrinsically sensitive, it is considered that, with appropriate mitigation, it will be able to absorb this development without any significant long-term adverse effects. It is therefore considered that the low density development with a relatively informal layout served off private driveways with a large proportion of single-storey dwellings is appropriate on this gateway site and it would result in an attractive design that would not harm the character of the AONB, subject to details of landscaping and lighting being controlled by condition.

#### Residential Amenity

- 7.19. The site provides a low density development with a good level of open space to the west, backing on to the surrounding countryside. The majority of properties are single-storey in scale and detached which helps to ensure that they would not adversely impact on each other by poor levels of light to the dwelling or a lack of privacy. Each property also has its own, reasonably sized private garden. The proposed two-storey dwellings are also

detached and have a sufficient degree of separation such that none would result in the occupiers of another dwelling having a poor standard of amenity.

#### Affordable Housing

- 7.20. The allocation policy requires that a financial contribution will be sought towards affordable housing provision. Although it is unfortunate that there is no policy requirement for the affordable housing to be provided on site in this case, as the policy does not require this, it therefore it cannot be insisted upon. A Section 106 Agreement will be drawn up to secure a financial contribution for three dwellings (a ratio of 1 in 3), in line with the Council's values for commuted payments for properties in this area (a High Value Zone, for example, in 2018 it was £125,000 for a 2 bedroom dwelling).

#### Archaeology

- 7.21. An archaeological investigation will be required by condition as required by the allocation policy.

#### Foul and Surface Water

- 7.22. The old Local Plan policy SSP11 required that an application demonstrates that there is adequate capacity in the foul sewerage network and WRC (Gedgrave) or that capacity can be made available. This element of the policy is not included within SCLP12.57 as the Cross Boundary Water Cycle Study undertaken for the Local Plan Review indicates that the Gedgrave Water Recycling Centre will not be overcapacity if this site is developed. Anglian Water mentioned, in response to other policies carried forward in the Local Plan Review, that the text relating to the foul sewerage network should be carried forward i.e. to require connections to the foul sewerage network. However, they have not made this comment against this site nor have they objected to this application.
- 7.23. Suffolk County Council Flood and Water Management Team have fully considered the Flood Risk and Drainage Strategy Submitted with the application and are satisfied with it, subject to controlling conditions.

#### Ecology

- 7.24. An ecological survey report (Hillier Ecology, April 2019) has been submitted with the application and there are no concerns raised regarding its findings. The implementation of the mitigation (including sensitive external lighting) and enhancement measures identified in the report should be secured by condition.
- 7.25. Although most of the hedgerow along the eastern boundary of the site would be lost, tree and hedgerow planting is proposed along the northern boundary which will help to compensate this loss. This planting should be comprised of native species, appropriate to the local area, and planted and maintained to maximise its biodiversity value.
- 7.26. The site lies within the 13km Zone of Influence of protected European sites and therefore consideration of the potential recreational pressure on these sites as a result of increased visitor disturbance is required. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Local policy SCLP10.1 seeks to support Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net

impacts are reduced to a level below which the impacts no longer outweigh the benefits of development. As such, the Council will require a proportionate financial contribution of £321.22 per dwelling to RAMS. This can be secured by Legal Agreement.

#### Highways

- 7.27. Originally the highways authority had an objection to the proposal as it was not demonstrated that a safe and suitable access was being proposed. Following a speed survey, the Highways Authority agreed that the suggested revised visibility splays were acceptable providing that they can be achieved. Concern was still raised regarding the issue of the area of proposed footway link that appearing to be both outside this application's red line boundary, and outside the boundary of the highway maintainable at public expense.
- 7.28. They have also raised that the actual visibility splay lines plotted on Drawing Number 1/P8 remain unchanged from that shown on earlier revisions. The Y=100m North visibility splays is more correctly plotted on Drawing Number 50/P2, but as the base mapping is Ordnance Survey Map Tiles, rather than Topographical Survey Mapping, it is difficult to ascertain as to what length of the existing roadside hedge would need to be cut down to prevent obstruction of the proposed northern visibility splays. The full impact of the visibility splays is therefore not yet clear. If an affected length of hedge is outside the control of the applicant then there may not yet be the assurance necessary that the required visibility splays will actually be achievable.
- 7.29. The applicant has provided a plan showing the extent of the land in the ownership of Flagship to the south of the site. They own the footpath that runs in front of the development but not the verge between the footpath and the road - the visibility splay doesn't affect their land. The short section of footpath to the north is owned by the landowner who has been served notice. Providing the visibility splays are conditioned to be provided as approved, if there are any future issues with landownership, this would have to be dealt with at a later date.

#### New Local Plan requirements

- 7.30. Local policy SCLP12.57 requires a mix of housing that reflects local housing needs with a predominance of smaller homes and bungalows and a site-specific Flood Risk Assessment.
- 7.31. Whilst a Flood Risk Assessment has been received and is considered to be acceptable, the housing mix element of the emerging policy within the current application is only partially achieved. There would be a predominance of bungalows which complies with the policy however no evidence has been submitted to indicate what the local housing need is and the majority of the properties are relatively large. Although the proposal indicates that five of the dwellings would have two bedrooms (45%), three would have three bedrooms (27%) and three would have four bedrooms (27%), three of the two-bedroom properties have an additional study which could be occupied as a third bedroom and they also provide generous areas of living accommodation. It is therefore not considered that the overall provision of properties provides a 'predominance of smaller homes'.
- 7.32. The requirement in terms of housing mix in the adopted Local Plan is not included within a policy but a Target Proportion is set out in Table 5.1. This sets out that the plan area wide housing need is for 12% one-bedroom dwellings, 29% two-bedroom, 25% three-bedroom and 33% four-bedroom. The current application broadly proposes a similar mix to that

which is indicated, unless the study within the two-bedroom properties was included as a bedroom. In this case, the proposed mix would be 18% 2 bedroom, 56% three bedroom and 27% four bedroom.

- 7.33. Policy SCLP5.8 relates to housing mix. This requires that proposals for ten or more dwellings should demonstrate how the development will contribute to meeting the needs of older people and requires that at least 50% of the dwellings will need to meet the requirements for accessible and adaptable dwellings under Part M4(2) of the Building Regulations. Whilst this has not been explicitly addressed, there are a number of bungalows and therefore the requirements of this policy could be met with minor modifications.
- 7.34. Similarly, Policy SCLP9.2 relates to sustainable development and requires that all new developments of more than 10 dwellings 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 and that all new residential development in the plan area should achieve the optional technical standard in terms of water efficiency of 110 litres/person/day. Again, this has not been considered as part of this application however given that the application has been delayed whilst waiting for the S106 to be signed, it is not considered appropriate to impose this requirement now. An informative will however be added to suggest that the developer may wish to incorporate sustainable development principles into the build.

#### S106

- 7.35. A S106 Agreement is being drawn up to include the contribution to off-site affordable housing, a contribution to the Suffolk Coast RAMS and a contribution to Suffolk County Council for secondary school transport.

## **8. Conclusion**

- 8.1. The site is allocated within the Local Plan and the majority of the requirements of this policy, and other relevant policies within the Local Plan have been adhered to. Where the application deviates from the Local Plan, this relates to further requirements that were not previously necessary. As the principle of the proposal has not changed, the application goes some way to addressing the new policy requirements and the proposal was considered to be acceptable some months ago, it is not considered reasonable to now insist upon further changes. The technical details required by the County Council as Highways Authority and Lead Local Flood Authority are satisfactory. Officers are satisfied that the proposed design and layout would not have a significant or adverse impact on the AONB and that the proposed design and layout are acceptable. Subject to controlling conditions and a Legal Agreement to secure a contribution to RAMS, for affordable housing provision off-site and a contribution to secondary school transport, the application can be recommended for approval.

## **9. Recommendation**

- 9.1. The principle of development on the site is established in the allocation policy. Technical details have been agreed by the relevant consultees and whilst not all requirements of the

new Local Plan policies are met, it is not considered reasonable to impose these at this stage given the application has been previously considered acceptable and the decision has not been issued due to the delay caused by the agreement of a S106. The application is therefore recommended for approval, subject to controlling conditions 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 be completed in all respects strictly in accordance with the following:  
Planning Statement including Design and Access Statement and Landscape Assessment received 24th June 2020;  
Drawing nos. 4233-  
6-P1, 7-P1, 8-P1, 9-P2, 11-P1, 12-P1, 13-P1, 14-P1, 15-P1, 16-P2, 17-P1, 18-P1, 19-P1, 20-P1, 21-P1, 22-P1, 23-P2, 24-P2, 25-P2, 26-P2, 27-P1, 28-P1, 29-P2, 33-P2, 34-P1, 36-P1 and 37-P1 all received 23 October 2019;  
Site plan received 6 February 2020;  
50/P2, 1/P8 and traffic information received 6 April 2020; for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.  
Reason: For the avoidance of doubt as to what has been considered and approved.
3. No building work on any of the dwellings hereby approved shall commence until precise details and/or samples of the roof and wall materials and finishes to be used have been submitted to and approved in writing by the local planning authority.  
Reason: To ensure satisfactory appearance of the development in the interests of visual amenity.
4. Prior to the commencement of any of the dwellings hereby permitted, a plan showing that adequate provision is made for fire hydrants to serve the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to occupation of any of the dwellings hereby permitted and shall be retained in its approved form thereafter.  
Reason: In the interests of safety, to ensure that there are adequate fire hydrants on the site in the case of fire.
5. 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.
6. 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.

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

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

8. 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.

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. The mitigation (including sensitive external lighting) and enhancement measures identified in the ecological survey report (Hillier Ecology, April 2019) shall be implemented in full.  
Reason: To ensure that there would be no harm to protected and priority species as result of the development.
11. Within 3 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.
12. 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.
13. Prior to occupation of any of the dwellings hereby permitted, a management plan for maintenance of the access drive, the associated landscaped areas and the open space shall be 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 public areas are properly maintained in the interest of visual amenity.
14. 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 East Suffolk Council - Suffolk Coastal Local Plan and the National Planning Policy Framework (2019).

15. 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 14 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 East Suffolk Council - Suffolk Coastal Local Plan and the National Planning Policy Framework (2019).

16. No other part of the development shall be commenced until the TWO new vehicular accesses have been laid out and completed to the layout indicatively shown on Drawing No 1/P8 to details previously approved in writing by the Local Planning Authority; with clear visibility at a height of 0.6 metres above the carriageway level cleared 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 EACH access point (X dimension) and a distance of 100 metres in the NORTHERLY directions along the edge of the metalled carriageway from the centre of the access (YNORTHERLY dimension) and a distance of 52 metres in the SOUTHERLY directions along the edge of the metalled carriageway from the centre of the access (YSOUTHERLY 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. Thereafter the accesses shall be retained in the specified form.

Reason: Existing roadside hedge will be required to be cut back or cut down to prevent obstruction of the proposed visibility splays. Affected lengths of hedge may be outside the control of the applicant. This pre-commencement condition will ensure that any issues involved in clearing the visibility splays are resolved before development commences. In the interests of highway safety to ensure the approved layout is properly constructed and laid out and that vehicles exiting the accesses 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.

17. 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.
18. 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.
19. 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, 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 in accordance with Suffolk Guidance for Parking SGP(2019) 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. Garage sizes need to conform with SGP(2019) to count as car parking spaces.
20. Before the development is commenced, details of the areas to be provided for 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: In the interests of highway safety and to promote sustainable travel, to ensure the provision and long term maintenance of adequate on-site space for the storage of cycles in accordance with Suffolk Guidance for Parking. 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. Garage sizes need to conform with SGP(2019) to count as both car parking and cycle storage spaces.
21. Before the development is commenced, details of the areas to be provided for the storage and presentation of refuse and 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: In the interests of highway safety, to ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
22. Before any dwelling is first occupied, the 1.8 metre wide frontage footway, complete with an extension linking to the existing footway located to the south, shall have been laid out and completed to the layout indicatively shown on Drawing No 1/P8 to details previously approved in writing by the Local Planning Authority. Thereafter the footway shall be retained in the specified form.

Reason: In the interests of highway safety and to promote sustainable travel, to ensure the provision and long term maintenance of a safe and suitable pedestrian link to the existing footway network.

#### **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](mailto:CIL@eastsoffolk.gov.uk)

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

CIL forms can be downloaded direct from the planning portal:

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

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

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](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsoffolk.gov.uk](mailto:llpg@eastsoffolk.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 works within the public highway will be required to be designed and constructed in accordance with the 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, 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.

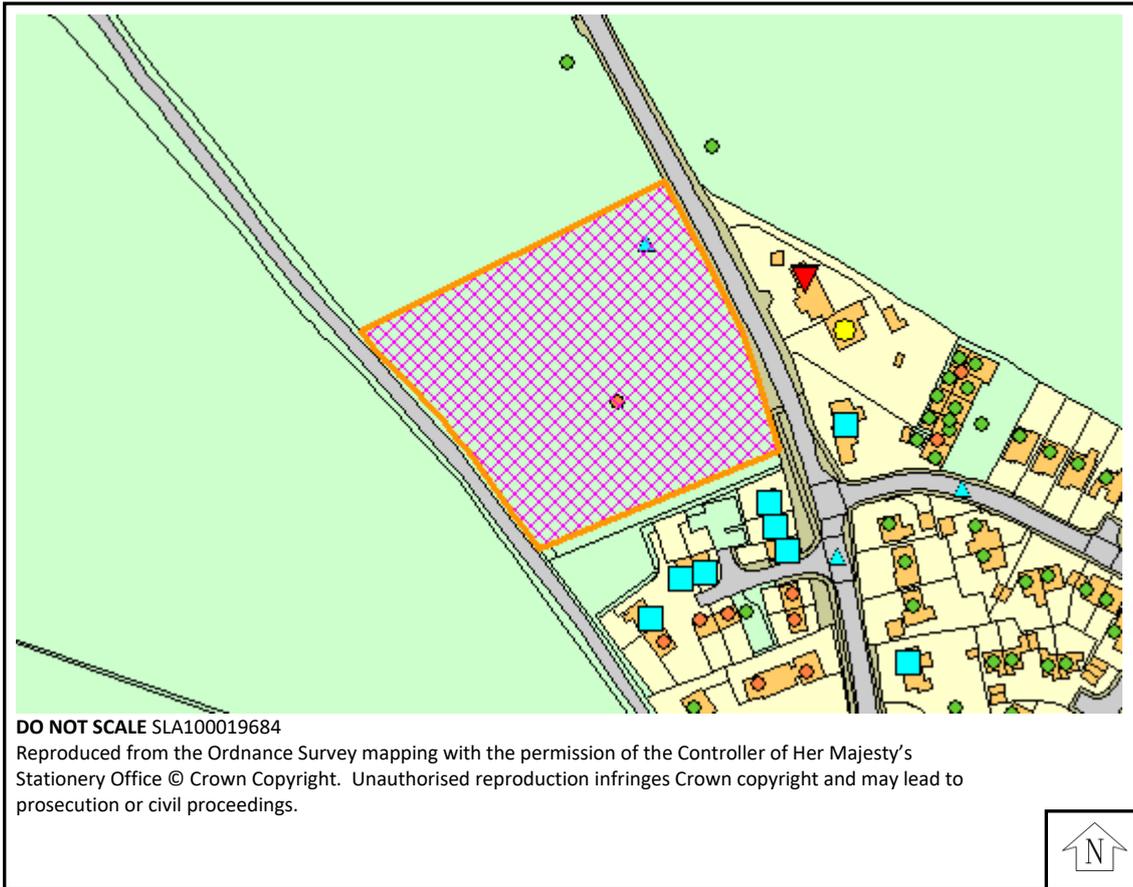
For further information please visit

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

### **Background information**

See application reference DC/19/2513/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South - 27 October 2020**

**Application no** DC/20/3067/FUL

**Location**

Seaton Recreation Ground  
Seaton Road  
Felixstowe  
IP11 9BS

**Expiry date** 6 October 2020 (Extension of time agreed until 3 November 2020)

**Application type** Full Application

**Applicant** CBW Design Ltd

**Parish** Felixstowe

**Proposal** Proposed new welfare hub to include 3No cabins positioned on paving slab base to accommodate storage, wc's and coffee hut. Incl 2.4m high anti climb security fencing to perimeter plus security lighting

**Case Officer** Grant Heal  
01394 444779  
[grant.heal@eastsuffolk.gov.uk](mailto:grant.heal@eastsuffolk.gov.uk)

**Authorising Officer** Katherine Scott, Development Management Team Leader – South Team

### 1. Summary

- 1.1. Full planning permission is sought for a new welfare hub (comprising three prefabricated units positioned on paving slabs to accommodate equipment storage, accessible W/C and refreshment kiosk), security fencing and lighting adjacent an existing play area at Seaton Recreation Ground, Seaton Road, Felixstowe.
- 1.2. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the Suffolk Coastal Local Plan.
- 1.3. There are no objections from statutory consultees, however, the applicant is a member of staff and the land is owned by East Suffolk Council. In accordance with the Council's adopted scheme of delegation, this application must therefore be referred to planning committee.

## 2. Site description

- 2.1. The site comprises a modest parcel of land (approximately 130 square metres) positioned towards the southern boundary, adjacent an existing play area, of the Seaton Park Recreation Ground, Felixstowe. The wider recreation ground comprises an extensive square-shaped expanse of open land (approximately 1.9 hectares) that benefits from multiple entry points, including vehicular access available from Seaton Road, Margate Street and Cornwall Road.
- 2.2. The recreation ground interior is laid to grass and otherwise featureless save for a small number of peripheral trees and aforementioned play area equipment, which is bound by safety fencing. The rear/side boundaries of dwellings fronting Cornwall Road (south), Margate Street (west), Seaton Road (north) and Chepstow Road (east) enclose the wider recreation ground on all sides.

### Relevant Planning history:

- 2.3. The Seaton Road Recreational Ground has been the subject of the following relevant planning consents:
  - DC/20/1603/FUL: New welfare hub to include 3No cabins positioned on paving slab base to accommodate storage, wc's and coffee hut. Incl 3m high anti climb security fencing to perimeter plus security lighting at Seaton Recreation Ground , Seaton Road, Felixstowe - permitted 24 July 2020;
  - C05/2025/FUL: Siting of container for storage of sports equipment for a temporary period of 5 years at the Sports Ground, Seaton Road, Felixstowe - permitted 24 August 2006. Permission expired 31 August 2011.

## 3. Proposal

- 3.1. This application seeks full planning permission for the siting of a welfare hub to facilitate users of the Seaton Park Recreation Ground.
- 3.2. This application follows the recent approval of an similar development (DC/20/1603/FUL) situated approximately 60 metres east close to the Cornwall Road entrance. The applicant has advised that the current application has been submitted because it has transpired that some of the land upon which the approved development would be sited falls outside the applicant's control.
- 3.3. As per DC/20/1603/FUL, the proposed facilities sought by this current application would be housed within three separate painted metal units which include a refreshments kiosk, a single-stall accessible WC block and a large storage container for sports equipment.
- 3.4. The individual units would be arranged in a cluster and secured by a 2.4-metre-high anti-climb security fence which would enclose the L-shaped area of approximately 43 square-metres. This fenced area would be paved and includes two three-metre-high lighting

columns positioned towards the western end, adjacent the existing play area. Two pairs of double gates positioned along the northern and eastern fence line would provide access.

- 3.5. The proposal site would remain in an ancillary Class D2 (Assembly and leisure) Use and the development would only be accessible/operational on a staffed basis.

#### 4. Consultations/comments

- 4.1. Two objectional and two neutral third-party representations have been received which raise concerns relating to a lack of parking, fear of crime, light pollution, odour and noise nuisance.

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	14 August 2020	9 September 2020
<p><i>“Committee acknowledged and understood local concerns, considering those and potential safeguarding issues in respect of the proposed compound partially obscuring visibility of the adjacent play area. However, on balance we believe that the benefits outweigh the issues and recommend APPROVAL.”</i></p>		

##### Statutory consultees

Consultee	Date consulted	Date reply received
Sport England	15 September 2020	24 September 2020
<p>Summary of comments: Sport England is satisfied that the proposal meets the criteria of their exception policy, in that the development is ancillary to the principal use of the site as a playing field and does not affect the quantity or quality of existing pitches, or adversely affect their use. Sport England and Suffolk FA are supportive of the proposed works to Seaton Park.</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	14 August 2020	24 August 2020
<p>Summary of comments: The development would not result in any significant impact upon the local highway network. Therefore, the Highway Authority does not wish to restrict the granting of permission.</p>		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	14 August 2020	17 August 2020
Summary of comments: Internal consultation - no comment.		

## Publicity

None

## Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

## 5. Planning policy

5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.

5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:

Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP12.2 - Strategy for Felixstowe (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP8.2 - Open Space (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.4 - Landscape Character (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.1 - Sustainable Transport (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

## 6. Planning considerations

### Planning principle:

- 6.1. The site falls within the settlement boundary (SCLP3.3) of Felixstowe; which is defined as a 'Major Centre' within the context of the Suffolk Coastal Local Plan Settlement Hierarchy (SCLP3.2).
- 6.2. The proposal broadly accords with the strategy set out in SCLP12.2 (Strategy for Felixstowe) which, amongst other things, advocates the preservation and enhancement of open spaces to ensure all residents have easy access to informal recreational green space.
- 6.3. Policy SCLP8.2 (Open Space) also makes clear that the Council will support the provision of open space and recreational facilities and their continued management across the plan area, primarily to encourage active lifestyles and to increase participation in formal and informal recreation for all sectors of the community.
- 6.4. With the above in-mind, the proposal would encourage active lifestyles by improving the facilities offer of the Seaton Road Recreation Ground, thereby increasing the likelihood of participation in formal and informal recreation at the site. In this way, the proposal would also uphold the requirements of the NPPF (para.91-92) which sets out that key facilities and services should be allowed to modernise for the benefit of the community. Moreover, Para.96 recognises the importance of access to high quality open spaces for sport and physical activity opportunities and states that planning decisions should, amongst other things, support healthy lifestyles, for example through the provision of safe and accessible green infrastructure and sports facilities.
- 6.5. Consideration is also given to the extant permission for a similar development (DC/20/1603/FUL) approved within the wider recreation ground approximately 60 metres east of the current proposal site.
- 6.6. While DC/20/1603/FUL sets a direct precedent upon which to judge the planning acceptability of this current application, it is otherwise noted that DC/20/1603/FUL remains implementable - although this is unlikely given that only part of the development site of DC/20/1603/FUL falls within the ownership of East Suffolk Council and the siting of two welfare hubs at the Seaton Road Recreation Ground would likely be surplus to the Council's current requirements. Agreement by a third-party landowner would also be required.
- 6.7. In-line with the above assessment, the proposal is considered acceptable in principle, subject to a satisfactory assessment of other material planning matters, as set out below.

Visual amenity:

- 6.8. The proposed units would have corrugated metal elevations/roofs and would resemble shipping containers in both their appearance and dimensions (i.e. 2.6 metres high). Both the security fencing (2.4 metres high) and units would be painted green, thereby ensuring minimal visual impact when viewed against the backdrop of surrounding vegetation and open space. While the proposed scheme's aesthetic would appear largely utilitarian, it would be sympathetic to its surroundings and appropriately sited. As such, the proposal is considered to uphold the requirements of SCLP10.4 (Landscape character) and SCLP11.1 (Design Quality).

Highway safety and parking:

- 6.9. In consultation with the Highway Authority, it is noted that while on-street parking does occur on surrounding roads during sports events, it is not envisaged that the siting of the proposed welfare hub and security improvements would have any significant or severe impact upon the local highway network. Dedicated parking facilities are also available off Cornwall Road, situated within 65 metres of the development. The proposal is otherwise considered to be sustainably located with access to a range of transport options and, in these ways, the application reflects the requirements of the NPPF, SCLP7.1 (Sustainable transport) and SCLP7.2 (Parking proposals and standards).

Residential amenity:

- 6.10. The proposal will serve an ancillary function to the recreation ground and the proposed refreshment kiosk, accessible W/C block and equipment storage otherwise presents a low potential to impact negatively on existing residential amenity from increased noise, outlook degradation or the resulting physical relationship with other properties.
- 6.11. Given the proposed hub would only be publicly available on a staffed basis and locked at all other times, the risk of its misuse and vandalism is adequately mitigated. The development site also lies within the vicinity of existing dwellings, the occupants of which could provide natural surveillance, towards decreasing the likelihood of localised anti-social behaviour.
- 6.12. With regard to neighbouring concerns relating to the potential introduction of increased light pollution emanating from the two proposed three-metre-high security lights, the applicant has confirmed that all external lighting would only be operational when the hub facility is in use and otherwise switched off at all other times. To further safeguard existing residential amenity, details of any additional lighting that may be required in the future will be sought via an appropriately worded condition.
- 6.13. With regard to neighbouring concerns relating to the potential introduction of nuisance odours emanating from the proposed WC, it is noted that this would be served by a dedicated cesspit, thereby ensuring the appropriate management of waste effluent on site.
- 6.14. The welfare hub would also be sited further away from neighbouring residents than that approved by extant consent DC/20/1603/FUL and, with the above in-mind, it is found unlikely that the application presents the potential erode levels of existing or future amenity to an unacceptable degree. The application is therefore deemed to reflect the requirements of SCLP11.2 (Residential amenity).

## **7. Conclusion**

- 7.1. As per the above assessment, the application meets all relevant policies and is therefore considered sustainable in accordance with the NPPF and the adopted development plan.

## **8. Recommendation**

- 8.1. The application is recommended for approval with appropriate conditions.

### **Conditions:**

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

Reason: This condition is imposed in accordance with Section 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):
  - 170 01 Rev J (Proposed site plan) received 1 September 2020;
  - 170 03 Rev J (Proposed plan) received 1 September 2020;
  - 170 00 Rev A (Existing site plan) received 12 August 2020;
  - 170 02 Rev C (Proposed elevations) received 12 August 2020, and;
  - 170 04 Rev A (Proposed location plan) received 12 August 2020.

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

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

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

4. No additional floodlighting or other means of external lighting shall be installed at the site unless submitted to, and approved by the local planning authority. The details submitted shall include position, operating times, details of luminaires, aiming angles and vertical and horizontal illuminance on areas outside the site. Thereafter only the approved lighting scheme shall be implemented and maintained in accordance with the approved scheme.

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

5. The hereby approved external pole mounted lighting shall only be switched on at times when the hereby permitted structures are open for use and shall otherwise be switched off at all other times unless otherwise agreed by the Local Planning Authority.

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

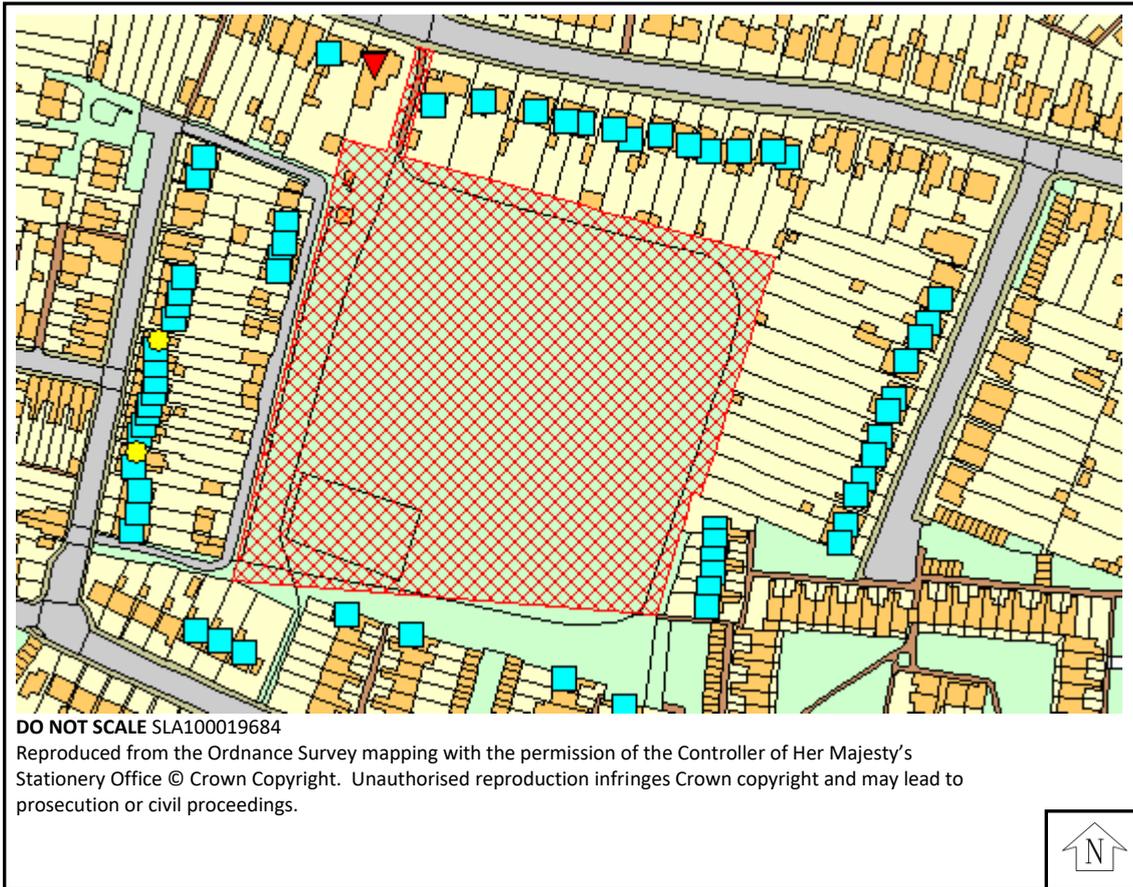
**Informatives:**

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.

**Background information**

See application reference DC/20/3067/FUL on [Public Access](#)

## Map



## Key

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

**Committee Report**

**Planning Committee South - 27 October 2020**

**Application no DC/20/1666/FUL**

**Location**

Former Itron Factory  
Carr Road  
Felixstowe  
Suffolk  
IP11 2ER

**Expiry date** 31.10.2020  
**Application type** Full Application  
**Applicant** Peter Colby Commercials Group

**Parish** Felixstowe

**Proposal** Demolition of ancillary Buildings and Plant and the Change of Use and Subdivision of Main Building from B1(c) Business Use to Mixed Business Uses, including B1(a) Office, B1(c) Light Industrial, B8 Storage and ancillary A3 cafe. Creation of new Vehicular Access onto Carr Road, new car parking and alterations to elevations to existing building to create new openings.

**Case Officer** Danielle Miller  
01394 444594  
[Danielle.miller@eastsoffolk.gov.uk](mailto:Danielle.miller@eastsoffolk.gov.uk)

**Authorising Officer** Katherine Scott, Development Management Team Leader – South Team

**1. Summary**

- 1.1. The proposal is for the change of use and subdivision the former Itron Building at Carr Road, Felixstowe. The site extends to some 1.43 hectares and is located on Carr Road, which is south west of Felixstowe town centre and adjacent (east) of the Port of Felixstowe.
- 1.2. The application seeks planning permission to repurpose the former manufacturing and research and development building currently in B1(c) use to a mix of Offices B1(a), B1(c) Business Units and B8 Storage Units. On the 1<sup>st</sup> September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and

Country Planning (Use Classes) Order 1987 and introduced significant changes to the system of 'use classes' the Planning regulations took place which effectively removed classes A, B1, and D1, applicable to retail, office and non-residential institutions and assembly and leisure uses respectively and encompassed them within a new use class E for commercial, business and service, and F.1 and F.2 which applies to learning and non-residential institutions and local community use respectively. Officers note that storage and distribution use class B8 remain unchanged.

- 1.3. The application is before committee as Officers are recommending approval contrary to part of policy SCLP12.9 which seeks to restrict warehousing and storage businesses on this site, where in this instance a total 1460sqm out of the 5194sqm total is proposed for B8 use. The reasoning for restricting this use is due to the level of HGV movements B8 use can attract. The level of HGV movements is considered relatively low, where the impact to surrounding residents is considered low. The scale of units proposed for B8 uses will not attract a high level of HGV movements throughout the day, it is likely to be more akin to those expected for deliveries which is shown in the data provided within the application documents.
- 1.4. Officers consider that the proposals accord to the principle considerations outlined in local policies SCLP4.1; SCLP 4.4 and SCLP12.9 where officers have balanced the introduction of B8 use against other local and national policy and consider that impact would be minimal in terms of impacting on highway safety and residential amenity where there is not substantive reasons to refuse the application on those grounds alone.
- 1.5. The proposals would see a significant investment in a 30 year old factory premises, delivering 8 new industrial, warehouse and trade counter units; 12 new offices and a sandwich bar/café for the use of tenants at the former Itron building. It is officers view that the diverse offer of new, high quality business premises would regenerate the site, provide accommodation for new and existing businesses that is close to major transport links and will create employment for the residents of Felixstowe. Where it would provide business premises for small businesses wishing to start-up or grow and move to larger premises within the district, which is shown to be otherwise lacking within parts of East Suffolk.
- 1.6. Officers recommend approval subject to controlling conditions.

## **2. Site description**

- 2.1. The site relates to the former Itron Building at Carr Road, Felixstowe. The building was constructed in 1989 as a bespoke manufacturing and R&D facility for the American owned company Itron, formerly Schlumberger. The company manufactured domestic gas and electricity meters at the site for some 31 years. Closure of the business in Felixstowe began in 2012, when the manufacturing element moved to Hungary. Research and Development continued in Felixstowe until March 2019 and the site was sold to the applicant in early 2020. The building has a large area of open working space with an office suite to the rear and a series of R&D laboratories at one end.
- 2.2. The site extends to some 1.43 hectares and is located on Carr Road, which is south west of Felixstowe town centre and adjacent (east) of the Port of Felixstowe.

- 2.3. The application relates to the main factory building, which remains from the original factory site. Originally, the site included a warehouse to the south west and offices to the north east. The warehouse was sold in 2002 to become a B8 use now occupied by Maxxis (C/02/1231). The offices were sold in 2004 and converted to the River of Life Church in 2004 (C04/1500).
- 2.4. To the rear (north) of the site is the Port of Felixstowe and opposite (south), the other side of Carr Road, is Suffolk Sand Caravan Park. Further industrial development continues to the west of the site, as well as to the east.
- 2.5. The site falls with Flood Zone 2 on the Environmental Agency Flood Zone Mapping, thereby having between a 1 in 200 year annual probability and a 1 in 1000 year annual probability of flooding.
- 2.6. The site is not within a Conservation Area and the nearest heritage asset is the Grade II Listed Martello Tower, which is also a Scheduled Ancient Monument. The Tower is some 230m away from the application building, between which are a terrace of houses.
- 2.7. The site has its own allocation under the local plan, SCLP 12.9, which was carried forward from the Felixstowe Peninsular Area Action Plan (2017). The site is identified for employment uses and proposals for development relating to this site will also be considered against the local plans employment policies. Retention of this site is essential as it continues to provide a wide range of business activities which offer services and opportunities required to widen the economic base across the Felixstowe Peninsula.

### **3. Proposal**

- 3.1. The proposal is for the change of use and subdivision the former Itron Building at Carr Road, Felixstowe.
- 3.2. The application seeks planning permission to repurpose the former manufacturing and research and development building currently in B1(c) use to a mix of Offices B1(a), B1(c) Business Units and B8 Storage Units. On the 1<sup>st</sup> September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987 and introduced significant changes to the system of 'use classes' the Planning regulations took place which effectively removed classes A, B1, and D1, applicable to retail, office and non-residential institutions and assembly and leisure uses respectively and encompassed them within a new use class E for commercial, business and service, and F.1 and F.2 which applies to learning and non-residential institutions and local community use respectively. Officers note that storage and distribution use class B8 remain unchanged. As such this application would see units associated with Class E and B8 use only.
- 3.3. As part of the reuse proposals, a new access is proposed onto the site's Carr Road frontage, new parking provision to the front of the building and alterations, mainly to the front and rear elevations to create individual openings to individual units.
- 3.4. The new access would serve a new area of car parking, providing 45 spaces on the building's frontage. New areas of parking are also to be provided to the rear of the site,

providing 73 spaces, and some 14 existing spaces are retained to the rear of the site. Within the wider site ownership are an additional 156 existing car parking spaces, which are to the east of the enterprise centre, and are proposed to be retained, thus providing the site with a total of 286 parking spaces.

- 3.5. Also proposed is some demolition of surplus buildings and structures
- 3.6. The proposals include a change of use of a stand-alone building to use as a café, which under the new use class would fall under E.
- 3.7. The development would create a business enterprise centre, to be known as The Languard Point Enterprise Centre, designed to function in a campus style of operation.
- 3.8. The proposed split of uses proposed are broadly set out below:

When submitted the breakdown of units proposed were:

- B1(a) Office - 2074 sqm
- B1(c) Business - 1460 sqm
- B8 Warehouse - 1460 sqm
- A3 Café - 200 sqm

Following the changes to the use Classes the breakdown is now:

- E (Office; Business; café) – 3734 sqm
- B8 (Warehouse) – 1460 sqm

- 3.9. The operational development includes the creation of new openings to the front and rear of the existing buildings.

#### 4. Consultations/comments

- 4.1. There have been no third party representations.

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	11 May 2020	27 May 2020

*“Whilst Members would welcome the potential creation of employment at this site, Committee recommends REFUSAL for the plans as presented.*

*Committee noted the proposal to sub-divide and change the use of this site and finds it regrettable that the planning statement makes no reference to the relevant planning policies. It was noted that HGV movements are accommodated in the proposal, but the application makes no reference to the estimated daily number of HGV movements. Clarification is required on the likely impact, particularly given the nearby residences and the residential nature of the roads leading to the site.*

*Committee accept the proposed hours of operation for internal working but believe that there should be strict limits on delivery or dispatch times. Members also concur with the comments of SCC Highways with regards to visibility splays and safe access for pedestrians and cyclists.*

*Committee is concerned that the proposal to introduce B8 (storage uses) would contravene Policies FPAAP11 and the emerging Suffolk Coastal Local Plan Policies SCLP4.3 and SCLP12.9 (c), (d) and (g) and recommends REFUSAL.”*

### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 May 2020	14 May 2020
Summary of comments: Holding Objection until comments have been addressed relating to access, visibility splays, pedestrian and cycle access, access layout and parking.		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
Economic Development (Internal)	11 May 2020	18 May 2020
Summary of comments: No comments to make.		

Consultee	Date consulted	Date reply received
Disability Forum	11 May 2020	26 May 2020
Summary of comments: There are car parking spaces marked for disabled people throughout the site and it looks too as if disabled people can park at the front of each of the units given that there is some marked hatching at the front of each of them.  Concern that one of the toilets in the A3 café is meant to accommodate disabled people		

Consultee	Date consulted	Date reply received
Ecology (Internal)	12 May 2020	3 June 2020
Summary of comments: Internal Planning Services Consultee. Comments incorporated within Planning Considerations section of the report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 May 2020	12 May 2020

Summary of comments:

Noise - Have concerns that this proposal has the potential to cause noise nuisance to occupiers of residential properties in the area, due to the proposed relocation of the loading/loading area to the front of the building. It would be prudent to require a noise assessment to assess the potential impacts for nuisance prior to consent being given.

Air Quality - Acknowledge the transport assessment and the findings that there is very little difference in vehicle movements between existing and proposed use of the site. It would be prudent to require electric vehicle charge points.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 May 2020	No response

Summary of comments:

No response received

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	11 May 2020	12 May 2020

Summary of comments:

Standard sprinkler information given.

### Reconsultation consultees

Consultee	Date consulted	Date reply received
Economic Development (Internal)	2 June 2020	2 June 2020

Summary of comments:

The Economic Development Team seeks to support those planning applications where the application clearly supports the economic growth and regeneration of the economy within East Suffolk.

Refer to the aims to support economic growth within 'Suffolk's Growth Framework', 'East Suffolk Council's Strategic Plan' and the 'East Suffolk Economic Growth Strategy'.

Consider that this application would provide a diverse offer of new, high quality business premises which would regenerate the site, provide accommodation for new and existing businesses that is close to major transport links and will create employment for the residents of Felixstowe.

Therefore the Economic Development team supports this application.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	19 August 2020	3 September 2020

**Summary of comments:**

No Objections, following receipt of amended access plan. Recommend conditions relating to:

- creation and retention of vehicular access,
- means to prevent surface water entering the highway,
- storage of refuse/recycling bins,
- lux levels for lighting,
- visibility splays,
- provision of parking and turning areas,
- secure cycle storage,
- minimum of 52 vehicle parking spaces to be provided.

Consultee	Date consulted	Date reply received
Ecology (Internal)	19 August 2020	8 September 2020

**Summary of comments:**

Internal Planning Services consultee. Comments incorporated within Planning Considerations section of this report

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	19 August 2020	No response

**Summary of comments:**

No response received.

**Publicity**

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

Category	Published	Expiry	Publication
Departure	25 June 2020	16 July 2020	East Anglian Daily Times

**Site notices**

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

## **5. Planning policy**

- 5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.
- 5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:

Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP4.1 - Existing Employment Areas (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP4.2 - New Employment Development (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.1 - Biodiversity and Geodiversity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP12.9 - Land at Carr Road/Langer Road, Felixstowe (Suffolk Coastal Local Plan, Adopted September 2020)

## **6. Planning considerations**

### Principle of Development

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that an application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2. East Suffolk Council, Suffolk Coastal Local Plan (covering the former Suffolk Coastal area) was adopted by the Council on 23rd September 2020.

- 6.3. Local policies SCLP4.1 (Existing Employment Areas); SCLP4.4 (Protection of Employment Premises) and SCLP 12.9 (Land at Carr Road/Langer Road, Felixstowe) relate to the overall principle of development in this instance. The application site involves an existing employment building within an existing employment land designation protected from alternative uses by Policy SCLP4.1. The site has been vacant since March 2019 where it was decommissioned and sold. The proposal is to subdivide the 5194 sqm of existing vacant floorspace into 8 individual B1(c) (new class E), B8 units of varying sizes, and 12 individual B1(a) (new class E) office units. In addition, an A3 (new use class E) café is proposed to serve the whole site. Policy SCLP4.1 seeks to protect existing employment sites, where premises currently in B1 (new class E), B2 (new class E), and B8 use will be protected from change of use and redevelopment to other uses. The existing building is a B1 (new class E) uses, where the proposals seeks to retain that use with the addition of B8 and A3 (new class E) to further support and promote the site.
- 6.4. Policy SCLP4.4 further seeks to protect employment premises; where they will be protected from their established B class uses unless marketing evidence is provided which demonstrates the lack of requirement; there would be substantial planning benefit in permitted alternative uses; and the use is compatible with the surrounding uses in terms of car parking; access, noise and amenity.
- 6.5. It is relevant in this instance to highlight the recent changes in permitted development. From the 1st September 2020 existing buildings that are already used for Class A1 , A2 , A3, B1 and certain D1 and D2 uses will fall within a new single Class E and, unless the permissions they operate under have specific controls, will be able to change to other uses within that new class without the need for planning permission, as such the A3 (new class E) café would be permitted at the site without the need for planning permission, the building itself would also be able to change between those use classes from its current B1 (new class E) use. The only class in this instance which is not currently permitted under these changes is the B8 use which has been introduced with the addition of 8 of the units being proposed within this use class.
- 6.6. The site was marketed in excess of seven months which proved the site owners were unable to find a business user willing to take the site as a whole. Given the custom built design of the factory it offers limited potential within its current form. Officers consider that the proposal retains the building in employment uses and the level of marketing is sufficient in this instance to be policy compliant. Furthermore, the overall form of the building will be retained, which given its history is a unique opportunity for the area.
- 6.7. The site has its own allocation under SCLP12.9 which was carried forward from the Felixstowe Peninsula Area Action Plan Development Plan Document (2017). Retention of this site is essential as it continues to provide a wide range of business activities which offer services and opportunities required to widen the economic base across the Felixstowe Peninsula.
- 6.8. The policy states that employment opportunities will be encouraged on the site at Carr Road / Langer Road. Applications for employment uses on this site will be considered against the following:  
*“a) Proposals for further development of the site should be accompanied by a site-specific Flood Risk Assessment;*

- b) Existing lawful uses to be retained;*
- c) Business Class proposals (B1 and B2) will be supported subject to them not having a detrimental impact on the residential properties adjacent;*
- d) Warehousing or storage activities will be resisted and directed towards land identified under Policy SCLP12.4 or other areas designated for Port and Logistics uses;*
- e) Proposals which generate large numbers of heavy traffic movements will be resisted;*
- f) Evidence is required to demonstrate there is adequate Water Recycling Centre capacity or that capacity can be made available;*
- g) Ensure that the risk of odour and other amenity impacts from Felixstowe Water Recycling Centre is not detrimental to the amenity of occupants and to ensure that new development does not give rise to unreasonable restrictions being placed on the continuous operation of Felixstowe Water Recycling Centre. Where there is a potential impact on amenity, evidence should be provided to demonstrate that there is no unacceptable impact on the occupiers of the employment land and that any mitigation can be achieved without detriment to the continuous operation of Felixstowe Water Recycling Centre;*
- h) Hours of operation to be limited by planning condition to resist over-intensification of uses; and*
- i) Landscaping of boundaries to be introduced to enhance the appearance of the site.*

*Felixstowe is the second largest town in East Suffolk and home to some 25,000 people. It has a mixed economy dominated by the Port of Felixstowe and allied industries. It also has a thriving tourism and retail sector."*

- 6.9. Suffolk's Growth Framework, recognises the need to secure investment in the infrastructure that supports delivery of sustained economic growth. This includes the provision of employment space where businesses can setup, thrive and grow. This view is supported by East Suffolk Council's Strategic Plan that aims to capitalise on our existing strengths, support entrepreneurs and encourage business start-ups.
- 6.10. The proposals would see significant investment in a 30 year old factory premises, delivering 8 new industrial, warehouse and trade counter units; 12 new offices and a sandwich bar/café for the use of tenants at the former Itron building.
- 6.11. The view of the economic development team is that the diverse offer of new, high quality business premises would regenerate the site, provide accommodation for new and existing businesses that is close to major transport links and will create employment for the residents of Felixstowe.
- 6.12. This view is supported by the East Suffolk Economic Growth Strategy which identified that a historical lack of investment in high quality business premises in parts of east Suffolk has led to an insufficient supply of business premises for small businesses wishing to start-up or grow and move to larger premises within the district.
- 6.13. Whilst the policy states that warehousing and storage activities should be resisted at this site, given the B8 units range in scale from 200sqm to 873sqm it is not considered that there will be an adverse amount of large haulage lorries entering and existing the site,

furthermore the site does not have large amounts of area for unloading such vehicles which is likely to prohibit certain levels of storage businesses. The scale of units in this instance is more akin to trade centres, where there is likely to be a trade desk and low levels of good storage. The scale of units is not considered likely to generate heavy traffic movements, which can often come from B8 uses.

- 6.14. The proposals are broadly in line with policy requirements, where the B8 element is minimal in terms of the individual units size and capacity, it is not likely to generate heavy traffic movements which the policy seeks to resist as such it is considered that the development should be supported contrary to this element of the policy requirements.

#### Access and Parking arrangement

- 6.15. The site is in a sustainable location accessible from a wide range of transport. There is a bus stop located adjacent to the site frontage on Carr Road. The town centre and railway station are within easy cycling distance and also accessible by an hourly bus service which stops at the bus stop adjacent to the site. There are several residential properties located within the 1.6km walking catchment.
- 6.16. The existing vehicular access to the site via the service road to the north of the adjacent church would be retained to provide access to the north-western side of the building. In addition, a new access will be formed to Carr Road to serve Units 1 to 8. The access was designed to ensure that adequate turning areas for the largest vehicles are provided within the front curtilage. Operational and visitor parking is provided for each unit, together with defined delivery/ goods vehicle docking access bays.
- 6.17. Offices 1 to 4 and 7 to 10 have their own front entrances, and Offices 5 to 11 share a reception and core facilities within the existing eastern wing. The separate secondary rear building provides additional office space (Office 12) and an A3 unit to serve the estate.
- 6.18. The new access will serve a new area of car parking, providing 45 spaces on the building's frontage. New areas of parking are also to be provided to the rear of the site, providing 73 spaces, and some 14 existing spaces are retained to the rear of the site. Within the wider site ownership are an additional 156 existing car parking spaces, which are to the east of the enterprise centre, and are proposed to be retained, thus providing the site with a total of 286 parking spaces. The level of parking meets Suffolk County Council Parking Standards (2019) where the Highways authority have accepted the proposals providing the additional parking provisions for 52 spaces shown in the blue line can be conditioned, which given the level of parking is essential to the acceptability of the scheme is accepted by officers.
- 6.19. The level of traffic attracted by the proposed development would slightly exceed the existing use traffic levels by 17 movements in the weekday AM peak hour and 23 movements in the weekday PM peak hour.
- 6.20. Concern has been raised in relation to the number of HGV movements given the introduction of B8 use, this use is not the primary use for the site, where a total 1460sqm out of the 5194sqm total is proposed for B8 use. The traffic impact assessment submitted with the application states that 18 movements in total are expected during peak hours for that use. The level of HGV movements is considered relatively low, where the impact to

surrounding residents is considered low. The scale of units proposed for B8 uses will not attract a high level of HGV movements throughout the day, it is likely to be more akin to those expected for deliveries which is shown in the data provided.

6.21. Paragraph 109 (page 32) of the Framework 2019, indicates that

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

6.22. Officers do not consider this to be the case, where the Highways Authority are supportive of the scheme and have not raised concerns over the highway safety as such the addition of HGV movements introduced by the B8 use is not considered to be a substantial reason for refusal.

#### Design and Amenity

6.23. Given the custom nature of the site and building, the proposals seek to enhance the overall appearance of the site and custom them to their new use. New openings have been provided on the front of the building to service the individual units proposed; each unit would have personnel door and a roller shutter door. Similar openings are proposed to serve the individual office units to the rear of the building.

6.24. The existing front and rear elevations comprise blue engineering brick base with the main part of the existing building elevation above being clad in silver coloured horizontally profiled metal sheets. The end pavilions at first floor level are vertically clad in the same material.

6.25. Profiled cladding with micro-rib type cladding above the brick base is proposed. The new proposals also show podia to the front and rear elevations, providing access to the entrances on both elevations. The overall scale and appearance of the building would be largely unaltered.

6.26. The site is single storey in height, where new openings would not have an impact on amenity, over and above that of the original sites usage.

6.27. The hours of operation proposed Monday to Friday 06.00 -21.00 and Saturday 06.00-18.00. No hours are proposed for Sundays and Bank Holidays, which given the location of the site, close to residential properties is considered suitable.

#### Flood Risk

6.28. Part of the policy requirement SCLP12.7 seeks to ensure proposals are supported by a site-specific Flood Risk Assessment; The site is located within Flood Zone 2 on the Environment Agency Flood Zone mapping, so is a moderate flooding risk. The application is supported by a Flood Risk Assessment which makes a number of recommendations. A warning and Evacuation Plan has been submitted with the application. The building already exists and had previous use for B1 purposes, the proposals do not include any additional floor area as such there is not considered to be any greater risk of flooding then previously on the stie.

6.29. A Sustainable Urban Drainage (SuDs) strategy has been prepared and is submitted with the application. The strategy concluded that there would be no additional flood risk arising

from the development and that surface water discharge from the development can be adequately managed to ensure no additional risk to flooding both on site and off site.

### Ecology

- 6.30. The proposed development results in the loss of a pond from the south-east corner of the site, the pond is oval in shape approximately 150 m<sup>2</sup> in size. It is situated along the roadside, being gated off, there are no protected species within the pond and its removal is not considered to be detrimental to the area. Policy SCLP10.1 Biodiversity and Geodiversity states that development will be supported where it can be demonstrated that it maintains, restores or enhances and positively contributes towards biodiversity and/or geodiversity through the creation of new habitats and green infrastructure and improvement to linkages between habitats. An ecological assessment has been provided which has been assessed by the council's ecologist and the likely impacts of the proposal and identified necessary mitigation measures which can be secured by condition.

## **7. Conclusion**

- 7.1. The proposals accord to the principle considerations outlined in local policies SCLP4.1; SCLP 4.4 and SCLP12.9 where officers have balanced the introduction of B8 use against other local and national policy and consider that impact would be minimal in terms of impacting on highway safety and residential amenity where there is not substantive reasons to refuse the application on those grounds.
- 7.2. The proposals would see a significant investment in a 30 year old factory premises, delivering 8 new industrial, warehouse and trade counter units; 12 new offices and a sandwich bar/café for the use of tenants at the former Itron building. It is officers view that the diverse offer of new, high quality business premises would regenerate the site, provide accommodation for new and existing businesses that is close to major transport links and will create employment for the residents of Felixstowe. Where it would provide business premises for small businesses wishing to start-up or grow and move to larger premises within the district, which is shown to be otherwise lacking within parts of East Suffolk.

## **8. Recommendation**

- 8.1. Officers recommend approval subject to controlling conditions.

### **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 6741/1101 Site and block plan received 16th September 2020; IT2128/TS/02 Rev A

received 19.08.2020; 1205; 1302; 1301; 1103; received 4th May 2020; Essex Ecology Services limited dated 24.06.2020; Flood Risk Assessment; Floor Warning and Evacuation Plan received 4.05.2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The 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 ecological assessment (EECOS, 24th 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.

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

Reason: To ensure that nesting birds are protected.

6. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. IT2128/TS/02 Rev A; and with an entrance width of 9.5 metres 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.

7. Before the development on the access road and parking area 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.

8. Prior to occupation 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.

9. The lux level of the lighting at ground level at the highway boundary shall not exceed 1 lux.  
Reason: In the interests of road safety to prevent uneven light levels on the highway and to prevent light pollution.
10. Before the access is first used visibility splays shall be provided as shown on Drawing No. IT2128/TS/02 Rev A with an X dimension of 2.4m and a Y dimension of 70m 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 to take avoiding action.
11. The use shall not commence until the area(s) within the site shown on Drawing No.6741/1103 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.  
Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
12. Prior to occupation details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.  
Reason: To ensure the provision and long term maintenance of adequate on-site space for cycle storage to encourage sustainable travel.
13. A minimum of 52 existing vehicle parking spaces on land adjacent to the permitted development (shown edged in blue on drawing 6741/1101 received 16.09.2020) shall be retained thereafter for the purpose of vehicle parking for the permitted development 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
14. The premises shall only be open to the public between 6am and 9pm Monday to Friday, and between 6am and 6pm on Saturdays, and the premises shall be closed to the public at all other times including on Sundays and Bank Holidays.  
Reason: In the interests of amenity and protection of the local environment.

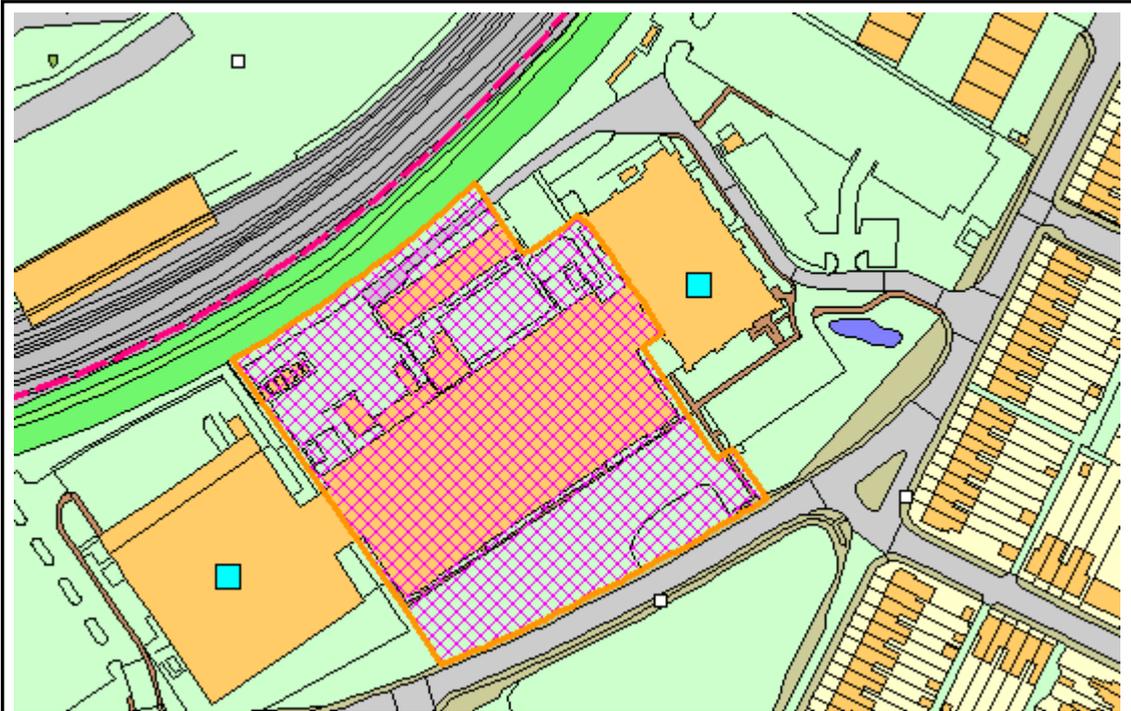
**Informatives:**

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.

**Background information**

See application reference DC/20/1666/FUL on [Public Access](#)

## Map



**DO NOT SCALE** SLA100019684

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## Key



Notified, no comments received



Objection



Representation



Support

**Committee Report**

**Planning Committee South - 27 October 2020**

**Application no DC/20/2772/FUL**

**Location**

Land Adjacent To Peeler  
Elmham Drive  
Foxhall  
Suffolk

**Expiry date** 17 September 2020 (Extension of time agreed until 3 November 2020)

**Application type** Full Application

**Applicant** Mr Aiden Mayhew

**Parish** Foxhall

**Proposal** Proposed erection of two detached houses with associated parking and landscaping

**Case Officer** Grant Heal  
01394 444779  
[grant.heal@eastsuffolk.gov.uk](mailto:grant.heal@eastsuffolk.gov.uk)

**Authorising Officer** Katherine Scott, Development Management Team Leader – South Team

**1. Summary**

- 1.1. Full planning permission is sought for the erection of two new two-storey detached dwellings with associated parking and landscaping at land adjacent to Peeler, Elmham Drive, Foxhall.
- 1.2. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the Suffolk Coastal Local Plan.
- 1.3. Notwithstanding, 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 the application.

- 1.4. The application was therefore presented to the referral panel on Tuesday 6 October 2020 where members concluded that the proposal's potential to impact on the local character of Elmham Drive should be debated at a planning committee.

## 2. Site description

- 2.1. The site comprises a large parcel of private amenity land associated with Peeler; a two-storey semi-detached property positioned to the east. The site's northern boundary abuts Elmham Drive, from which vehicular access is gained, while the rear boundary is party to dwellings fronting Felixstowe Road further south. The western boundary is party to that of a recent detached dwelling (Lavenham House) permitted 20 March 2018 by DC/18/0347/FUL.
- 2.2. The wider area is characterised by a mix of one and two-storey semi-detached and detached dwellings in a mix of architectural styles set within relative plot sizes.

### Planning history:

- 2.3. The application site has been the subject of the following relevant planning applications/appeals:
  - DC/20/1641/FUL: Construction of two three-bedroomed detached houses with associated detached garages and parking and landscaping at Land Adjacent To Peeler, Elmham Drive, Foxhall - Withdrawn 30 June 2020;
  - DC/17/5145/FUL: Erection of two dwellings at Peeler, Elmham Drive, Foxhall - Refused 22 January 2018 for the following reason:

*'The development of two dwellings on land adjacent Peeler, by virtue of the spacing between buildings and depth of the two dwellings, represents over-development of the site and is harmful to the special character of Elmham Drive which is characterised by dwellings within spacious plots with a good level of separation between buildings. The proposal is therefore contrary to Policies SP15, DM21 and DM7 of the Local Plan (Core Strategy) 2013'*
  - The decision to refuse permission DC/17/5145/FUL was subsequently dismissed at appeal (APP/J3530/W/18/3198534) on 13 February 2019. The inspector identified harm arising from the depth of the proposed footprint of the houses, and their siting, and concluded that the development would have a harmful effect on the character and appearance of the appeal site and the surrounding area;
  - DC/15/4030/FUL: Part severance of side garden and erection of new two-storey dwelling at Peeler, Elmham Drive, Foxhall - permitted 15th January 2016.

## 3. Proposal

- 3.1. This application is a resubmission following the withdrawal of DC/20/1641/FUL on 30 June 2020. It seeks consent for the erection of two new two-storey three-bedroom detached dwellings with associated frontage parking and landscaping on land to the east of Peeler,

Elmham Drive, Foxhall. Both dwellings would mirror one another's form, layout and elevational treatments, including the use of antique red brick, red roof tiles and white UPVC fenestration. They would be set back from the road behind two vehicle parking spaces. Spacious private rear amenity areas would also be provided.

#### 4. Consultations/comments

- 4.1. One third-party representation has been received in support of the application raising the following material planning considerations:
- Will fit in well with the other properties in the lane,
  - Will provide the opportunity for the community to expand.

#### Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Foxhall Parish Council	29 July 2020	13 August 2020
<i>"The Parish Council objects to this application as we consider that the building of two such dwellings will lead to a higher density of development than the surrounding properties and an unacceptable change to the existing street scene".</i>		

##### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 July 2020	13 August 2020
Summary of comments: Recommend conditions.		

##### Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 July 2020	30 July 2020
Summary of comments: Internal consultation - recommend condition.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 July 2020	13 August 2020
Summary of comments: Internal consultation - recommend condition.		

### Publicity

None

### Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted:

Expiry date:

## 5. Planning policy

5.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.

5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:

Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP3.1 - Strategy for Growth (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.3 - Housing Development in the Countryside (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.4 - Housing in Clusters in the Countryside (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP5.7 - Infill and Garden Development (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.1 - Biodiversity and Geodiversity (Suffolk Coastal Local Plan, Adopted September 2020)

## 6. Planning considerations

### Principle:

- 6.1. The site falls outside of a defined Settlement Boundary (SCLP3.3); and is therefore located within the 'Countryside' as categorised within the Settlement Hierarchy (SCLP3.2) of the Suffolk Coastal Local Plan. Policy SCLP3.3 (Settlement Boundaries) states that proposals for new residential development outside of the Settlement Boundaries and outside of land which is allocated for development will be carefully managed in accordance with national planning policy guidance and the strategy for the Countryside.
- 6.2. SCLP3.1 (Strategy for Growth) allows for appropriate growth in rural areas that will help to support and sustain existing communities. SCLP3.2 notes that the development requirements of the countryside will come forward through windfall sites in accordance with other policies of the Local Plan, including SCLP5.3 (Housing development in the countryside) and SCLP5.4 (New housing within clusters of existing dwellings).
- 6.3. With relevance to this proposal, SCLP5.3 states that outside of the defined Settlement Boundaries, new residential development will be limited to:
  - Development within existing clusters (in accordance with Policy SCLP5.4);
  - Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.
- 6.4. SCLP5.4 refers to a 'cluster' as a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway. The cluster must contain five or more dwellings.
- 6.5. Considered against SCLP5.4, the proposed dwellings would be situated within a clearly identifiable gap within a continuous built up frontage of seven existing dwellings adjacent a highway. Further, the development would not represent an extension into the surrounding countryside or beyond the existing built up area.
- 6.6. Subject to a satisfactory assessment of the dwelling's impact on the character and appearance of the cluster (see below), the proposal would thus meet the requirements of SCLP5.4. The planning principle is therefore deemed acceptable.

### Visual amenity:

- 6.7. The proposed dwellings take design cues from the recently constructed Lavenham House through the use of reflective forms and materials which work in tandem to complement the established aesthetic. While marginally taller than the host dwelling (Peeler), the new dwellings would have lower ridges than Lavenham House, thereby providing a sympathetic response between the variation in existing building heights along the southern side of Elmham Drive.
- 6.8. The proposed siting of the new dwellings would be set back from the original building line (as established by both Peeler and Malverton; positioned to the east of Lavenham House), thereby enabling these older dwellings to retain their prominence and identity as the dominant forms within the street scene. Equally, the depth of the proposed dwellings footprint would respond appropriately to neighbouring built form through their alignment with the host dwelling's (Peeler) rear elevation. The proposal also ensures a suitable degree of separation is retained between dwellings (similar to the spacing evident between Malverton and Lavenham House), while providing sizeable front and rear private amenity areas, including appropriate hard and soft landscaping provision, in the spirit of the wider area.
- 6.9. While it is otherwise appreciated that the proposal represents the introduction of two smaller detached dwellings onto a street predominantly characterised by either larger detached properties or smaller semi-detached homes, given the mixed form of development evident within the wider area, it is considered that any such harm arising would be negligible.
- 6.10. With the above in-mind, the proposal is thus deemed broadly sympathetic to the existing street scene and local pattern of development. Indeed, it would result in the creation of two new market dwellings in an area of otherwise mixed forms and dwelling sizes, with any harm outweighed by the efficient use of land that this application represents. It is therefore judged that, on balance, the application does not undermine the requirements of the NPPF and SCLP5.7 (Infill and Garden Development) and SCLP11.1 (Design Quality) of the Suffolk Coastal Local Plan.

Parking and highway safety:

- 6.11. Considered against the NPPF (para.109), the introduction of two additional three-bedroom dwellings onto Elmham Drive is deemed unlikely to severely undermine existing levels of highway safety. Further, the Highway Authority have raised no objections and the proposed level of parking/manoeuvring provision is deemed adequate when considered against SCLP7.2 (Parking proposals and standards).

Residential amenity:

- 6.12. The proposed dwellings ground floor rear elevation would follow the building line of a similar lean-to rear extension evident on the host dwelling (Peeler), while first-floor elevations would be set back to restrict overlooking of Peeler's main sitting out area.
- 6.13. While the outlook from a single upper-storey window evident on Peeler's west-facing elevation would change as a result of the development, this window is understood to serve a stairwell and therefore, as a transient space, the proposal would not restrict light to windows serving Peeler's main living/sleeping areas.

- 6.14. The rear elevation of recently constructed Lavenham House (west) would be set back further than that of the proposed dwellings and, as such, the potential for mutual overlooking between main sitting out areas would be suitably mitigated. A back-to-back distance of approximately 60 metres would also be retained between the proposed dwellings and the rear elevation of existing properties fronting Felixstowe Road.
- 6.15. A single upper-storey window evident on each new dwelling's side elevation would be obscure glazed, similar to two existing first-floor windows evident on Lavenham Houses' east-facing elevation (as amended by DC/18/2666/AME), thereby ensuring privacy between properties is maintained.
- 6.16. It is therefore judged that the proposal does not hold the potential to undermine existing or future neighbouring amenity unduly, when considered against the provisions of SCLP5.7 (Infill and Garden Development) and SCLP11.2 (Residential amenity).

Contributions:

- 6.17. In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's Community Infrastructure Levy (CIL), it is noted that the site is situated within the 13km protection zone of European Designated Sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.18. The strategy, which aligns with Policy SCLP10.1 (Biodiversity and geodiversity), seeks to support Article 6(3) of the Habitats Directive and requires certain developments, including new dwelling's, that could have a direct or indirect adverse effect on the integrity of internationally and nationally designated areas to mitigate and, where appropriate, compensate in order to reduce net impacts of the development to a level below that which would outweigh the benefits of development.
- 6.19. As such, East Suffolk Council are obliged to seek a proportionate financial contribution in relation to the proposed new dwellings, which would be sited within Zone B of the adopted charging schedule.
- 6.20. With the above in mind, it is confirmed that the applicant has provided £321.22 per dwelling, along with the accompanying payment forms. The Planning Officer has also undertaken the necessary appropriate assessment.

**7. Conclusion**

- 7.1. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the Suffolk Coastal Local Plan.

**8. Recommendation**

- 8.1. Approve subject to the following conditions.

**Conditions:**

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

Reason: This condition is imposed in accordance with Section 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):
  - Drawing no. P/004 Site location plan (Received 24 July 2020);
  - Drawing no. P/003/Rev A - Plot 2 Plans and Elevations (Received 21 September 2020);
  - Drawing no. P/002/Rev A - Plot 1 Plans and Elevations (Received 21 September 2020);
  - Drawing no. P/001 Site layout plan (Received 24 July 2020);
  - Drawing no. P/005 Site layout - setting out (Received 24 July 2020);
  - Drawing no. P/006 Street scene (Received 24 July 2020);
  - Drawing no. P/009 Block plan (Received 24 July 2020).

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. Before the development is commenced details of the areas to be provided for presentation of Refuse/Recycling bins shall be submitted to and approved 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 unless otherwise agreed by the Local Planning Authority.

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 shown on approved Drawing no. P/005 Site layout - setting out (Received 24 July 2020) 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.

7. No development shall commence until precise details of a scheme of landscaping works (which term shall include tree and shrub planting, grass, earthworks driveway construction, parking areas patios, hard surfaces, boundary treatments, fencing etc, and other operations as appropriate) at a scale not less than 1:200 have been submitted to and approved in writing by the local planning authority.

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

#### **Informatives:**

1. 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)

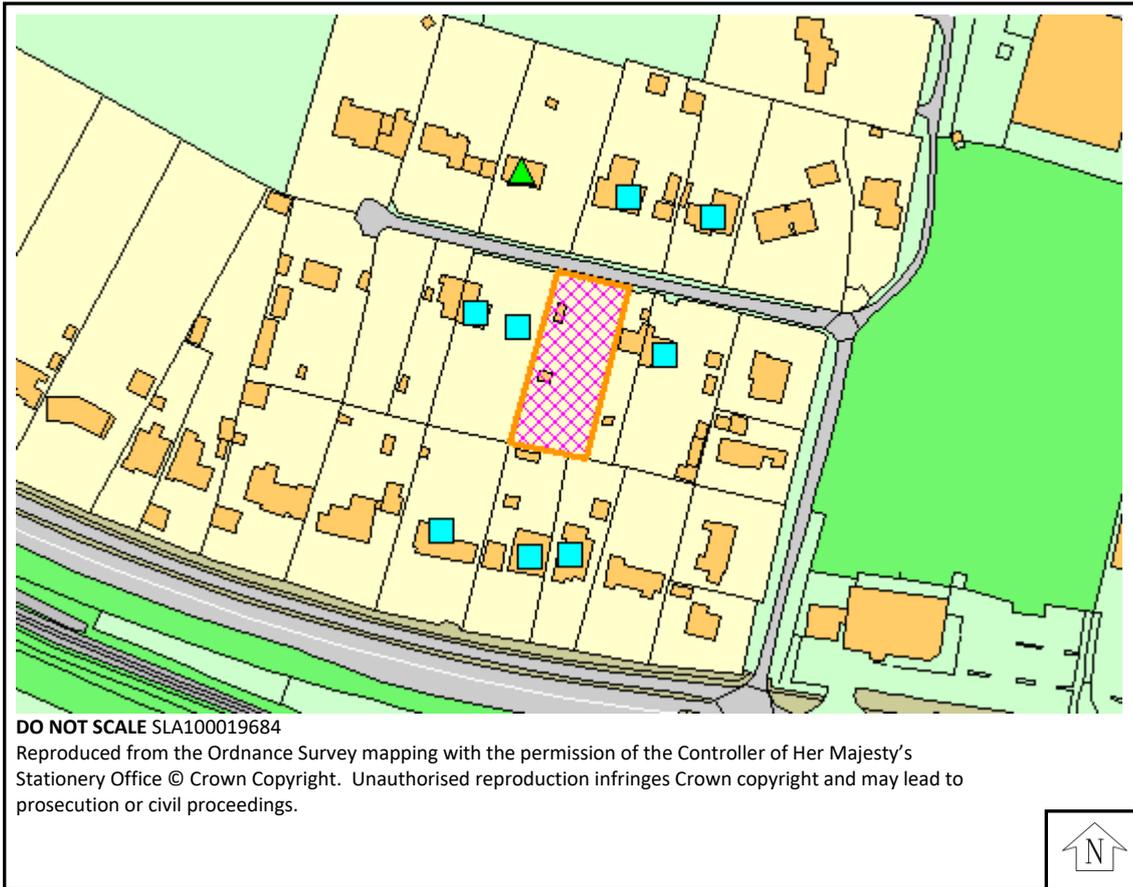
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

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

### **Background information**

See application reference DC/20/2772/FUL on [Public Access](#)

## Map



## Key

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