



**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, 21 July 2020 at 2.00pm**

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

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel at https://youtu.be/7oWnQJ_XsPg

An Agenda is set out below.

Part One – Open to the Public

1	Apologies for Absence and Substitutions	
2	Declarations of Interest Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 30 June 2020	1 - 18
5	East Suffolk Enforcement Action - Case Update ES/0437 Report of the Head of Planning and Coastal Management	19 - 36
6	DC/20/1035/FUL - Former Rendlesham Sports Centre Site, Walnut Tree Avenue, Rendlesham, IP12 2GF ES/0438 Report of the Head of Planning and Coastal Management	37 - 75
7	DC/20/1033/FUL - Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ ES/0439 Report of the Head of Planning and Coastal Management	76 - 89
8	DC/20/1603/FUL - Seaton Recreation Ground, Seaton Road, Felixstowe, IP11 9BS ES/0440 Report of the Head of Planning and Coastal Management	90 - 98

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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

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Minutes of a Meeting of the **Planning Committee South** held remotely via Zoom, on **Tuesday, 30 June 2020 at 2:00pm**

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 Kay Yule

Other Members present:

Councillor Paul Ashdown, Councillor Richard Kerry, Councillor David Ritchie

Officers present:

Liz Beighton (Planning Development Manager), Sarah Carter (Democratic Services Officer), Matt Makin (Democratic Services Officer), Danielle Miller (Senior Planner), Katherine Scott (Principal Planner), Natalie Webb (Senior Planner), Nicola Wotton (Deputy Democratic Services Manager)

Election of an Acting Vice-Chairman

Councillor Fryatt, acting as Chairman in the absence of Councillor McCallum, advised that it was prudent to elect an acting Vice-Chairman for the meeting to ensure the meeting could continue to go ahead should his internet connection fail for any reason.

Councillor Fryatt proposed that Councillor Paul Ashdown be elected as Acting Vice-Chairman for this meeting; this was seconded by Councillor Allen.

In the absence of any other nominations it was

RESOLVED

That Councillor Paul Ashdown be elected as Acting Vice-Chairman for the meeting.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Debbie McCallum. Councillor Paul Ashdown acted as her substitute.

2 Declarations of Interest

Councillor Allen declared a Local Non-Pecuniary Interest in Item 6 (Brightwell Wood, Brightwell Street, Brightwell) as several of the objectors were known to her and also as the Ward Member for Newbourne.

Katherine Scott, Principal Planner, declared an interest in Item 7 (Home Farm, Wickham Market Road, Easton) as she was acquainted with the site's neighbours. Ms Scott advised that she would leave the meeting for the duration of that item.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Allen declared that she had been lobbied by objectors on Item 6 (Brightwell Wood, Brightwell Street, Brightwell) and had responded.

4 Minutes

Councillor Bird referred to the first sentence of the second paragraph of Item 2 (Declarations of Interest) and stated that the interest he had declared in Item 8 of that agenda was as the County Councillor for Felixstowe North and Trimley.

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

RESOLVED

That the Minutes of the Meeting held on 26 May 2020 be agreed as a correct record and signed by the Chairman, subject to the following amendment:

Agenda Item 2, second paragraph, first sentence be amended to read "Councillor Bird declared a Local Non-Pecuniary Interest in item 6 (Felixstowe Ferry Golf Club, Ferry Road, Felixstowe) as a member of Felixstowe Town Council and as Chairman of that Council's Planning and Environment Committee, and in item 8 (Land to the east of the Water Tower, Spriteshall Lane, Trimley St Mary) as County Councillor for Felixstowe North and Trimley."

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0404** 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 has either been sanctioned under delegated powers or through the Committee up until 27 May 2020. There are 17 such cases at that time.

The Acting Chairman invited questions to the Planning officers.

The Planning Manager confirmed that the enforcement case at Pine Lodge, Hinton, was with the Council's legal team which was reviewing the injunctions and what action had been undertaken; Planning officers were of the impression that there had been compliance on the site.

The enforcement case at Top Street, Martlesham, was confirmed to be close to conclusion, pending the outcome of the pending appeal decision from the Planning Inspectorate (the PINS). In response to a question from a member of the Committee, who was also Ward Member for Martlesham, the case could not be concluded until the decision of the PINS was known.

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

RESOLVED

That the report concerning Outstanding Enforcement matters up to 27 May 2020 be received and noted.

6 DC/19/4875/FUL - Brightwell Wood, Brightwell Street, Brightwell

The Committee received report **ES/0405** of the Head of Planning and Coastal Management, which related to planning application DC/19/4875/FUL.

The application sought permission for the creation of a mountain bike park with associated facilities, which included infrastructure, and landscaping; a management compound including 3 static caravans; enlargement of fishing pond, and the erection of 10 glamping units.

The application was considered at the Referral Panel because the 'Minded to' decision of the Planning Officer was contrary to Bucklesham Parish Council's recommendation to refuse. Officers recommended that the application should be referred to the Committee due to the sensitive nature of the site, the finely balanced nature of the recommendation and the level of public interest. The Planning Referral Panel referred the item to the Committee for the same reasons.

The Committee received a presentation on the application from the Senior Planner.

The site's location was outlined, and it was noted that the site was within a Special Landscape Area. The site straddled the parish border of Bucklesham and Newbourne, with much of the site being within the latter parish. The Senior Planner highlighted that the comments in the report attributed to Bucklesham Parish Council were in fact the comments received from Brightwell Parish Council; Bucklesham Parish Council had been given an additional consultation period to comment on the application.

The plans for the site access was displayed. Some works had already begun on the site and the Park was open to its members.

The Committee was shown the following photographs of the site:

- access from the highway
- views of the site from the highway
- access into the site
- the lower and upper car parks
- views of the entrance and the lower car park from the public footpath
- River Mill (looking west along lower car park and from lower car park looking north)
- access to the upper car park (with the public right of way running to the right of the access)
- the route to the pond and the manager compound
- views of the upper car park from the public footpath
- views from the public footpath running along the north of the site
- the bike route through trees
- the fishing pond
- the different jumps and runs on the site
- the existing workshop
- the manager compound
- the practice jump area

- the southern site and the bike route through it

Councillor Fryatt lost connection with the meeting at this point (2.34pm). Councillor Ashdown acted as Chairman of the meeting from this point. Councillor Fryatt was able to briefly rejoin the meeting on two occasions but owing to technical issues beyond his control was not able to maintain his connection and left the meeting at 2.55pm. Councillor Ashdown continued as Acting Chairman for the remainder of the meeting.

The Senior Planner noted that the applicant had amended the speed limit for the access road to 5mph. The changes to the fishing pond and the existing workshop were also outlined.

The Committee was in receipt of the site block plan; the Senior Planner detailed the planting already undertaken by the applicant to mitigate the impact of the site on the surrounding area. The drawings for the upper car park were displayed and the Senior Planner detailed the height of the bunding.

The Committee was shown the following drawings:

- cross section of bike jumps
- elevations for the toilet block
- elevations for the glamping pods
- elevations of the existing workshop

The Senior Planner noted that there were 15-35 vehicles accessing the site during the week. The facility would have the potential to attract up to 200 vehicles on event days; the Senior Planner explained that those attending the site on those days would be pre-booked and that the Highways Authority was satisfied that the access to the site was now suitable.

The principle considerations were outlined as the change of use to a recreational use as a bike park and fishing lake and the suitability of the site for glamping purposes (suitability, economic development in rural areas, tourism, sport and play, impact on landscape, access, residential amenity, and ecology).

The Acting Chairman invited questions to the Planning officers.

The Senior Planner clarified the potential number of vehicles of sites for different events and advised that the application was partially retrospective as some works had been undertaken on the site. It was considered that with the two car parks, as well as cycle storage for those accessing the site via bicycle, there was sufficient parking on the site.

A member of the Committee queried the name of the site and its address, as it sat in Bucklesham and Newbourne, and suggested that a condition be attached to any approval to change this. The Planning Manager advised the Committee that this would not be possible as the address was tied to the geographical location; she noted that the documentation clearly displayed where the site was in relation to surrounding villages.

Another member of the Committee sought clarification that the Highways Authority was content with the visibility splays for the site access. The Senior Planner replied that the Highways Authority had confirmed they were content with the site access visibility and officers

were satisfied that the works carried out on the access met the conditions proposed by the Highways Authority.

The Senior Planner explained that due to a clerical error, the application had been passed by Bucklesham Parish Council to Brightwell Parish Council to respond. Bucklesham Parish Council had been given an additional consultation period to comment on the application; should the Parish Council not make any material planning objections this would not impact the authority to approve being sought however if it did it was possible that this would necessitate the application returning to the Committee for determination.

A member of the Committee highlighted that some of the visibility splay was within the property of a neighbour and asked if this posed a risk of the visibility being impeded by the construction of a fence. The Planning Manager advised that condition 8 of the proposed recommendation stated that no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. The Senior Planner added that the applicant had also come to an agreement with the owner of the neighbouring land in respect of the visibility splays.

The Senior Planner advised the Committee that, in response to concerns raised by users of the public right of way, the applicant had introduced additional mitigation such as lowering the speed limit of the access road and ensuring that additional staff will marshal the access road during busier periods to ensure that pedestrians have right of way. The construction of the footpath was subject to separate legislation for public rights of way and the Senior Planner confirmed that the applicant would need to follow the proscribed process.

The Planning Manager stated that 11 letters of objection and 160 letters of support had been received, details of which were contained at paragraph 4.1 of the report.

A member of the Committee expressed concern about the number of vehicles that would be accessing the site on event days. The Senior Planner noted that the event days planned would likely be annual events.

The Acting Chairman invited Mr Houston, representing Mr Nicholls who objected to the application, to address the Committee.

Mr Houston read from a statement prepared by Mr Nicholls, which stated the following:

"I object to this planning application in the strongest terms, Twisted Oaks have made a mockery of the planning process as they are running this business currently without any form of planning or thought for local residents and have done so for the last 2 years, the planning application as submitted lacks a lot of documentation and the information submitted does not accord with the way they are running the business and lacks a lot of documents and detail.

The application lacks detail on a number of issues, East Suffolk Coastal District Council do not appear to have a Local validation list setting out the required documents for a planning application, however the National Planning Policy Framework states 'Local authorities should only request supporting information that is relevant, necessary and material to the application in question'.

I am of the firm opinion that there is information missing from this application that is relevant, necessary and material, as follows:

Noise Report, no noise report provided, a baseline survey should be provided and predicted impacts on local receptors including Brightwell Hall Farm included.

Biodiversity and Habitat assessment / ecological survey, I could not find the ecological walkover referenced by James Meyer, the East Suffolk Coastal ecologist in his consultation response, but the consultation response mentions badger setts and possible otter holt, requiring these to be protected. However no information on their protection has been provided. In addition there may be other protected species such as great crested newts and bats, which could be adversely affected but it is not clear if all protected species have been considered..

Flood risk assessment, this document has not been provided, much of the application site is at risk of flooding, and notably the environment agency do not appear to have been consulted.

Planning Statement, this document has not been provided, there is no justification given for the proposal set against national and local planning policies.

There are a number of other documents I would have expected to see, namely:

Transport statement, this is a significant proposal in traffic terms with over 200 parking spaces, but no assessment of the additional traffic on the local highways network.

Lighting assessment, no details of external lighting is provided.

Arboriculture, there are a significant number of trees on the development site which are likely to be affected.

Design and access statement, given the development size and area this should be provided.

Archaeology, given the construction of buildings, trails, soil bunds and mounds and raised features, these all have the potential to impact on archaeology.

Some other points:

Hours of Opening, the application form states 10am – 6pm Mondays to Saturdays, this does not accord with their advertised hours of 10am – 9pm Monday, Tuesday, Wednesday and 8am – 9pm Saturday and Sunday, and as the proposal involves glamping pods clearly these stated hours are misleading."

The Acting Chairman invited questions to Mr Houston.

A member of the Committee asked Planning officers to respond to the comments in Mr Nicholl's statement. The Planning Manager explained that certain ecological information, such as the location of badger setts, had been removed as this was protected information. The Senior Planner said that the Council's Ecologist had reviewed the available information and had concluded that the level of works proposed would not significantly impact protected species in the area. A lighting assessment had not been required as no external lighting had been

proposed. The Senior Planner acknowledged that the application was partially retrospective and that operating hours would be controlled by condition 4 in the recommendations.

Mr Houston confirmed that Mr Nicholls lived at Brightwell Hall Barn, which was adjacent to the site.

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

Mr Harradine advised the Committee that the applicant had engaged with a range of stakeholders, including neighbours and local authorities, to resolve any issues with the site and arrive at the proposal that was before the Committee. Mr Harradine was aware of the highways concerns raised by Brightwell Parish Council and considered that the issues had been resolved satisfactorily.

The positive benefits the Park would provide were stated by Mr Harradine which included health and leisure, physical and mental health benefits, space for young people, economic development, and its compliance with the Council's coastal tourism strategy; he also referred to the 160 letters received in support of the application which referred to these positive benefits.

Mr Harradine said that the highways and public rights of way considerations had been met. In regard to noise considerations, Mr Harradine stressed that the site would host cycling activity and not motoring activity and that a member of Newbourne Parish Council, who lived near the site, had not heard any increase in noise since the Park had been in operation.

Mr Harradine confirmed that the site was outside of the Area of Outstanding Natural Beauty (AONB) and would take pressure off unauthorised cycling in that area. Mr Harradine noted that the proposals would bring back wildlife to the site and that the facility was much needed and valued, that met policies and would provide a safe space.

The Acting Chairman invited questions to Mr Harradine.

Mr Harradine confirmed that the Park required membership, but this could be purchased annually or daily, so casual users could in effect pay for one day of membership.

A member of the Committee noted the concerns raised by users of the public right of way and asked if the applicant had addressed these. Mr Harradine acknowledged that there is the possibility for pedestrians using the right of way to meet vehicles where the access road met the track; he said that mitigation measures had been set out in the Officer's report and that on event days and weekends additional staff would be present to marshal that area and remind drivers that pedestrians have the right of way, managing traffic flow and stopping it if necessary.

In response to a question regarding First Aid on the site, Mr Harradine said that event days would have two specialist medical teams present on site, as required by the British Cycling Association.

Another member of the Committee asked if any planting would take place at the top car park and also sought clarity regarding the visibility splays for the site access. Mr Harradine noted the condition proposed for planting on the top car park and explained that the applicant had entered into an agreement with the adjacent landowner and had leased the areas of land

adjacent to the access and part of the visibility splays. He also referred to the proposed conditions restricting the blocking of the access view.

When asked about the impact of event days on wildlife, Mr Harradine highlighted that both the Council's Ecology report and the Suffolk Wildlife Trust both found the proposals acceptable; only one or two large events per year would be held and the activities would not be motor based.

The Acting Chairman invited Councillor Richard Kerry, Ward Member for Newbourne, to address the Committee.

Councillor Kerry said that he had visited the site and had seen lots of wildlife there. He had noted that significant tree planting had already taken place on the site and that eco-friendly solutions for facilities on the site were in operation.

Councillor Kerry considered that the site would be an addition to the area and would link to the upcoming Brightwell Lakes development. Councillor Kerry said that he had only been able to see one dwelling in Newbourne from the site and only a few dwellings in Brightwell. He did not consider the impact of the site on the area to be massive and supported the Officer's recommendation.

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

Several members spoke in support of the application and considered that the concerns regarding the site access had been resolved. The site was considered to be compliant with local and national planning policies, economically sustainable and biodiverse, and would support the tourism and leisure industry in East Suffolk.

One member of the Committee spoke on an unauthorised cycling site that had been set up in his Ward some years ago and the high number of injuries that had resulted from it. He considered that a First Aid system should be in place when the site was in use. The Committee was advised by the Planning Manager that separate legislation would cover the provision of First Aid on the site.

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

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

RESOLVED

That **AUTHORITY TO APPROVE PLANNING PERMISSION** be delegated to the Head of Planning and Coastal Management subject to both no new material planning considerations being received from Bucklesham Parish Council and to controlling conditions which include but are not restricted to:

- The restriction of occupation of the holiday use to a continuous period of 56 days by one person or persons within one calendar year, restricting the period the accommodation can be occupied plus requires a register of all lettings, to be made available at all times.

- Highway conditions which include secure covered cycle storage is required to comply with Policy SCLP 6.5 of the emerging plan.
- The creation of a secondary tree and hedge belt along the northern and western Site boundaries. The implementation of an appropriate and high quality planting scheme will help to integrate the proposed development into the surrounding landscape whilst retaining local landscape character, details of which are to be submitted.
- Control of opening times to ensure that there is no activity after dark.

Conditions:

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

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

2. The development hereby permitted shall be carried out in all respects strictly in accordance with Site location plan, Vision splays B, Glamp Pod style 1, Showers, elevation and workshop, upper car park and bund, cross sections, Brightwell Pond, Landscape Statement, Ecology report, Block plan; received 18th December 2019;, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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 bike trails and fishing pond areas of the premises shall only be open to the public between 9am-4pm December - March and 8am-9pm April - November, and the premises shall be closed to the public at all other times.

Reason: In the interests of amenity and protection of the local environment, so that the Park is operated during daylight hours.

5. Prior to first use of the holiday accommodation, 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.

6. 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.

7. The access shall be maintained in accordance with drawing DM04 with the access properly surfaced with a bound material for the minimum distance of 15 metres from edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

8. The visibility splays shall be maintained as shown on Drawing No. SK383383 with an X dimension of 2.4m and a Y dimension of 160m in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

9. Notwithstanding the details shown on the approved plans, no occupation of the holiday units hereby permitted shall take place until detailed drawings of the secure/covered bicycle storage

to serve the development has been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use in accordance with the details as approved.

Reason: To ensure there is adequate cycle parking for the development.

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

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

11. The 10 glamping pods herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

12. The hereby permitted bike trails shall not be used for any motorised vehicles; including but not limited to motorbikes.

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

Informatives:

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

2. Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Authority recommends the use of an existing area of open water as an emergency water supply (EWS). Criteria appertaining to Fire and Rescue Authority requirements for siting and access are available on request from the above address.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

3. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority. Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage:

www.suffolk.gov.uk/planning-waste-and-environment/planning-anddevelopment-advice/

4. 1. PROW are divided into the following classifications:

- . Public Footpath - only for use on foot or with a mobility vehicle
- . Public Bridleway - use as per a public footpath, and on horseback or by bicycle
- . Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
- . Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW).

There may be other PROW that exist which have not been registered on the Definitive Map.

These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolkhighways.org.

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW.

Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

. To apply for permission to carry out work on a PROW, or seek a temporary closure - <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-ofway/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

. To apply for permission for structures such as gates to be constructed on a PROW - <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.

. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <http://www.suffolkpublicrightsofway.org.uk/contact-us/> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/>

7 DC/20/1285/FUL - Home Farm, Wickham Market Road, Easton, IP13 0ET

Ms Scott left the meeting for the duration of this item.

The Committee received report **ES/0406** of the Head of Planning and Coastal Management, which related to planning application DC/20/1285/FUL.

The application sought the conversion of existing agricultural barn (plot 7) into two residential units (amendment from one dwelling previously approved under approval DC/18/1506/FUL and amended under approval DC/19/4766/VOC). The application also sought to raise the roof pitch

to the garage associated with plot 1 and 2 at Home Farm, Wickham Market Road, Easton, IP13 0ET.

The application was before the Committee as the application was contrary to the development plan and supported by officers. The previous applications noted above had also been presented to the Committee. It had therefore been considered that the proposal had significance to warrant consideration by the Committee.

The Committee received a presentation on the application from the Senior Planner.

The site's location was outlined, and the Committee was shown both the approved block plan and the proposed block plan. The Committee was also in receipt of the drawings for the garages for plots 1 and 2; the Senior Planner highlighted the increase in height and the alterations to the fenestration.

The Committee was shown the elevations for plots 1 and 2 (without the inclusion of the garages), the floor plans for plots 1 and 2's garages and both the existing and proposed plans for plots 7 and 8. 3D visualisations of both plots 7 and 8 and the view into the site were displayed.

Photographs of plots 7 and 8, other buildings within the site and the bunding adjacent to the access were displayed. The Senior Planner explained that work had already begun to lower the bunding to improve highway safety.

The principal considerations were summarised as the principle of development, design and visual impact, ecology, residential amenity, and highway safety.

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

The Acting Chairman invited questions to the officers.

The Senior Planner said that she was under the impression that works on the bunding had commenced. The maximum height of the bund would be 600mm above carriage level.

The Acting Chairman invited Mr Marsh-Feiley, agent for the applicant, to address the Committee.

Mr Marsh-Feiley explained that the application was part of a wider development of barn conversions. He confirmed that the works required on the site access, including the lowering of the bunding, had been completed. Some works on the site had taken place to insulate the roof of plot 7.

It was explained that the applicant wished to increase the diversity of plot types on the site and introduce two-bedroom units. The garaging arrangements was largely staying the same and the changes to what had been approved were minor in nature. Access to the site would remain unchanged.

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

Several members of the Committee spoke in favour of the application; it was considered to be a high-quality conversion and a well thought out scheme.

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

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

RESOLVED

That **AUTHORITY TO APPROVE PLANNING PERMISSION** be delegated to the Head of Planning and Coastal Management subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's HOM-002B, HOM-012A, HOM-298C, HOM-303F, HOM-312F, HOM-0012, HOM-006B, HOM-341H and HOM-342D received 23/03/2020 and HOM-351A received 03/06/2020.

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. The landscape details shall be implemented as approved by DC/19/0652/DRC on 11th March 2019 unless otherwise 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.

5. The dwellings shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with [DC/18/1506/FUL] Drawing Number PW680_PL412 (bund to be lowered to maximum 600mm above carriageway level and post and rail fence to be realigned). Thereafter the access shall be retained in the specified form.

Reason: To improve visibility at the existing access.

6. Prior to the occupation of any of the dwellings, 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 and shall be retained thereafter for no other purpose.

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

7. Prior to the occupation of any dwelling, details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking (garages/car ports need to be of a size suitable to accommodate cars - dimensions yet to be provided by the applicant) and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

8. Prior to the occupation of the dwellings, 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 and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the storage cycles (garages/car ports need to be of a size suitable to accommodate both cycles and cars - dimensions yet to be provided by the applicant- else other cycle storage areas, additional fixed enclosed storage of minimum size 3m², will be required).

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. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

Class G - provision of a chimney, flue, soil or vent pipe

Class H - installation, alteration or replacement of an antenna

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.

11. No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity

12. The hereby approved garages shall not be used other than for purposes incidental and ancillary to their associated dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority would not approve the development other than for purposes ancillary and incidental to the host dwelling.

Informatives:

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

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the

loss of payment by instalments, surcharges and other CIL enforcement action. CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-andtransport/highways/dropped-kerbs-vehicular-accesses/

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

The meeting concluded at 3:43 pm

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Chairman

PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

21 July 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 30 June 2020. At present there are 18 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 30 June 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"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held • 01/03/2016 – Planning Appeal 	30/09/2020

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"> • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice 	

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"> • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. 	

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"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019. 	

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

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"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be 	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"> • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further 	31/08/2020

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

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"> 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. Start date has now been received, Statements are due by 12/12/2019. Awaiting Planning Inspectorate Decision 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/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"> EN served on 21/12/2016 Notice becomes effective on 25/01/2017 Start date has been received. Public Inquiry to be held on 08/11/2017 	30/09/2020

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"> Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). Site visit to be conducted once compliance period has finished. 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. Site visit due on 07/01/2019. 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. 26/02/2019 – Update to be given at Committee. Awaiting update from Legal. 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with 	

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

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"> • Waiting for decision from Planning Inspectorate. • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in 	05/08/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>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.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. 	13/08/2020

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"> Start letter received from the Planning Inspectorate. Statement due by 30/07/19. Awaiting Planning Inspectorate Decision Appeal dismissed and amended. Compliance with both Notices by 13/08/2020 	
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> Breach of Condition Notice served Application received to Discharge Conditions Application pending decision 	30/07/2020
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"> Listed Building Enforcement Notice served on 17/05/2019. Notice takes effect on 20/06/2019. Three months for compliance Appeal has been submitted, awaiting a start date. Start date now received by the Council, Statements due by 12/12/2019 Awaiting Planning Inspectorate Decision 	30/07/2020

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"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 	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"> • Breach of Condition Notice served 01/08/2019. • DC/19/4557/VOC Planning application submitted 21/11/2019 • Application refused 15/01/2020 • Currently within appeal period. • Application received DC/20/1387/AME to amend roof material. 	30/10/2020

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"> DC/20/1387/AME approved 28/04/2020. Team monitoring progress 	
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> Enforcement Notice served 16/08/2019. Appeal submitted, awaiting start letter. Appeal started, statement due by 22nd June 2020 	30/08/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> Notice served 26/11/2019 Compliance visit to be conducted when possible. Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step. 	27/06/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	<ul style="list-style-type: none"> Enforcement Notice served 05/12/2019 Enforcement Appeal submitted, awaiting Start Letter from PINS Appeal started; Public Inquiry - statement due by 27 July 2020. 	10/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> Enforcement Notice served 10/12/2019 Awaiting site visit to check on compliance 	30/06/2020
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> 17/01/2020 – Enforcement Notice served. Appeal received. Statements due by 27/04/2020 Awaiting Planning Inspectorate Decision 	30/08/2020
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"> 30/06/2020 – Enforcement Notice served. 	03/10/2020

Committee Report

Planning Committee South – 21 July 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
01394 444628
rachel.smith@eastsuffolk.gov.uk

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 the Referral Panel on 23rd June 2020 as the Officers 'minded to' recommendation of approval is contrary to the Parish Council's objection on the basis that the application is contrary to policy. The Referral Panel commented on the effort that had gone into the production of the Rendlesham Neighbourhood Plan and therefore felt that the application should be presented to Planning Committee for full consideration.

- 1.3 Officers have fully considered the content of the Rendlesham Neighbourhood Plan. Whilst recognising that the application may not present the preferred development option for the site, it is considered that there are benefits of the scheme and that it does comply with policy. The application is therefore recommended for approval, subject to the completion of a S106 to secure the affordable housing.

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 south-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 further 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 – initial consultation response	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 refused planning permission.</p> <p>Compliance with the Rendlesham Neighbourhood Plan.</p> <p>3. The applicant acknowledges that the proposed application fails to comply ("a deviation") with the Rendlesham Neighbourhood Plan (Planning Statement, 2.57).</p> <p>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)."</p>		

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.² 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.³ 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:⁴ "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 the underlying ground structure) as part of the 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	No response
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	No response
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	No response
Summary of comments: None received		

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
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6. Planning policy

- 6.1 On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2 In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3 East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council – Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

- The Rendlesham Neighbourhood Plan ('Made' 2015).

6.4 The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) are:

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

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP2 - Housing Numbers and Distribution (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP3 - New Homes (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP9 - Retail Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP27 - Key and Local Services Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM2 - Affordable Housing on Residential Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM26 - Lighting (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM32 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

SSP30 - District Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

6.5 The relevant policies of the Rendlesham Neighbourhood Plan ('Made' 2015) are:

RNPP1 - Rendlesham District Centre (Rendlesham Neighbourhood Plan - 'Made' March 2015)

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 Development Plan consists of the following Plans and Documents:

- The National Planning Policy Framework 2019 (NPPF);
- Suffolk Coastal District Council Core Strategy and Development Management Policies (2013)
- Suffolk Coastal District Council Site Allocations and Area Specific Policies (2017)
- Rendlesham Neighbourhood Plan ('Made' 2015) (NP)

7.3 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

7.4 The consultation on the Main Modifications is currently active and runs from 1pm on Friday 1st May until 5pm on Friday 10th July 2020. A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:

<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>. In relation

to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it. Only limited weight can be given to policies in this document at this time however these are referenced, where applicable.

Principle of Development

- 7.5 The site is located centrally within Rendlesham, a Key Service Centre as set out in the Local Plan and is within the defined District Centre as set out in the Neighbourhood Plan (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 Key Service Centre, the principle of development is acceptable.
- 7.6 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.
- 7.7 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.
- 7.8 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"*.
- 7.9 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. (A convenience store is also an A1 use and any planning approval would control the use class and not the end-user). These retail units would 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.

- 7.10 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. As such, there is therefore no ‘existing’ 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.
- 7.11 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 decision 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 retail 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.
- 7.12 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 A1 use class and not restrict the goods that were sold in the shop. Market conditions at any time could therefore impact on the occupier of the unit.

Sports Use

- 7.13 Policy DM32 of the existing Local Plan relates to Sport and Play. It sets 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.

- 7.14 The application site occupies the site of a former gym/sports centre. 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 and therefore the site was not included on the register.
- 7.15 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.
- 7.16 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. 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. 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.
- 7.17 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

- 7.18 The location of the housing within the centre of Rendlesham, a Key Service Centre as set out in Policy SP19 of the existing Local Plan and a 'Large Village' as set out in Policy SCLP3.2 of the emerging Local Plan is in accordance with the principles of sustainable development set out in the NPPF and echoed in Policies SP1 and SP1a of the existing Local Plan and detailed in the emerging Plan. This seeks to locate residential development within settlements where a physical limits 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.
- 7.19 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 been drawn up.

Housing mix

- 7.20 Table 5.3 of the Suffolk Coastal Local Plan sets 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 is broadly in line with the Local Plan requirement and the Council's Housing Team has indicated that this mix would meet a local need.
- 7.21 Table 5.1 in the emerging 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.
- 7.22 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

- 7.23 SP9 of the Local Plan emphasises maintaining and enhancing the viability and vitality of existing retail centres and making proper provision for new forms of retail distribution. SP19, in relation to retail provision within Key Service Centres sets out that these settlements can provide a small range of comparison and convenience shopping with emphasis being on the retention of existing provision. SP27 Key Service Centres seeks to secure the provision of services and facilities required to meet the day to day needs of the local population and Objective 1b of the Neighbourhood Plan is to encourage more retail outlets in the District Centre to promote economic growth and local employment.
- 7.24 Policy RNPP1 of the NP is clear in that it would support retail uses within the District Centre. There is therefore no doubt that the principle of this use would be acceptable on this site. The proposed A1 units would provide services and/or facilities to the local population in a location that is easily accessible by them. This application is to provide one large retail unit and two smaller ones, the application form states that the use of the units would be A1.
- 7.25 The use class order states that the following can be included in an A1 use: "Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops,

sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes". Although the exact occupier of the units cannot be controlled, it is considered that the use class permits a variety of uses which would make a positive contribution to the service offer within the District Centre.

Design

- 7.26 Details have been provided on the design of the dwellings for the commercial and retail units on the site.
- 7.27 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.
- 7.28 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.
- 7.29 The proposed retail 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.
- 7.30 Therefore, on this basis it is considered that the design of the site both for the retail and the dwellings are acceptable and therefore the application is in conformity with Policies SP15 and DM21 of the Core Strategy.

Impact on neighbours

- 7.31 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 the size of 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.

- 7.32 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.
- 7.33 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.
- 7.34 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.
- 7.35 The location of the proposed residential units close to the proposed and existing retail and other 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.
- 7.36 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.
- 7.37 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.
- 7.38 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. Two are proposed within the shared parking area.

- 7.39 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.
- 7.40 The proposal is therefore considered to be in conformity with Policy DM23 of the Core Strategy.

Flooding

- 7.41 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

- 7.42 The East Suffolk Environmental Health Officers have been consulted on the application and they have recommended conditions are to be applied to the proposal as sufficient work has not yet been carried out.

Ecology and Trees

- 7.43 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.
- 7.44 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.

- 7.46 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.

Parking and Highways

- 7.47 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 and the Highways Authority no longer object but recommend a number of conditions.
- 7.48 Each parking area would provide 22 spaces which is in line with Suffolk County Council parking standards for each area of use. Although the shared parking court arrangement for the residential dwellings is not a preferred option, in this case it is considered acceptable to avoid multiple accesses onto a bend on Sycamore Drive. The residential properties all have secure sheds that could be used for bicycle storage and the commercial spaces include three spaces for disabled users although the Highways Authority has requested precise details of these. The commercial area to the south also proposes a turning space within the rear yard for delivery vehicles.
- 7.49 The Highways Authority has recognised that parking on the inside bend of Sycamore Drive would be within the visibility splay of the access. As such, the implementation of a Traffic Regulation Order is required to extend the on-street waiting prohibition in this area. The developer shall be obligated to deposit a sum of £15,000.00 prior to commencement to cover SCC's costs and fees associated with progressing and implementing Traffic Regulation Orders that would seek to address such a problem.
- 7.50 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.
- 7.51 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

- 7.52 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.

- 7.53 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 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.
- 7.54 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 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 convenience store and the applicant's attention will be drawn to this information.

RAMS

- 7.55 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.
- 7.56 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.

- 7.57 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.
- 7.58 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.

8. Conclusion

- 8.1 The site lies within the centre of Rendlesham, a Key Service 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 retail and residential are considered an acceptable solution. There would be community benefits from the development of the site and whilst no leisure provision is proposed, the retail units and affordable housing would be beneficial to the settlement.
- 8.2 Subject to conditions, it is not considered that the proposal would result in any other significant harm that outweighs the positive benefits that the proposed development would secure.

9. Recommendation

- 9.1 The application is recommended for approval subject to no objections being received in relation to the Air Quality Assessment being carried out, controlling conditions as detailed below and the completion of a S106 Agreement to secure the affordable housing and secure £15,000 for works to the Highway.

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 and Drawing Nos. 7641 200, 21B, 23D and SLSP/15/0002 Rev 2 received 22 May 2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority. Reason: For the avoidance of doubt as to what has been considered and approved.

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

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

4. The 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 area(s) within the site on 14th May 2020 revision of Drawing Number 7641-20-REV-O 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-O 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 retail 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 development a Traffic Regulation Order 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.
Reason: In line with MfS guidance, any on-street parking should ideally be located outside of visibility splays.
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 site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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

20. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and

- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

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

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

21. Prior to any occupation or use of the approved development the RMS approved under condition 20 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

22. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

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

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

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

24. 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 LAm_{ax})
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm_{ax})

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.

25. 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.

26. 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.

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

Reason: In the interest of residential amenity.

28. 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 access drive and landscaping areas are properly maintained in the interest of visual amenity.
29. 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.
30. 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.
31. 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 have been planted or erected. The approved means of enclosure shall thereafter be retained in their approved form.
Reason: In the interests of visual and residential amenity.
32. 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.
33. 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.
34. 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 Traffic Regulation Orders (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: 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.

Informatives:

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

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

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk
4. 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. In relation to Condition 11, visibility splay parking on the inside of a bend is more problematic than parking on the outside of a bend. The parking obstruction issue is therefore considered to be primarily to the west of the new access location. SCC as LHA's associated costs and fees to be covered by a S106 obligation.
7. 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.
8. 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.

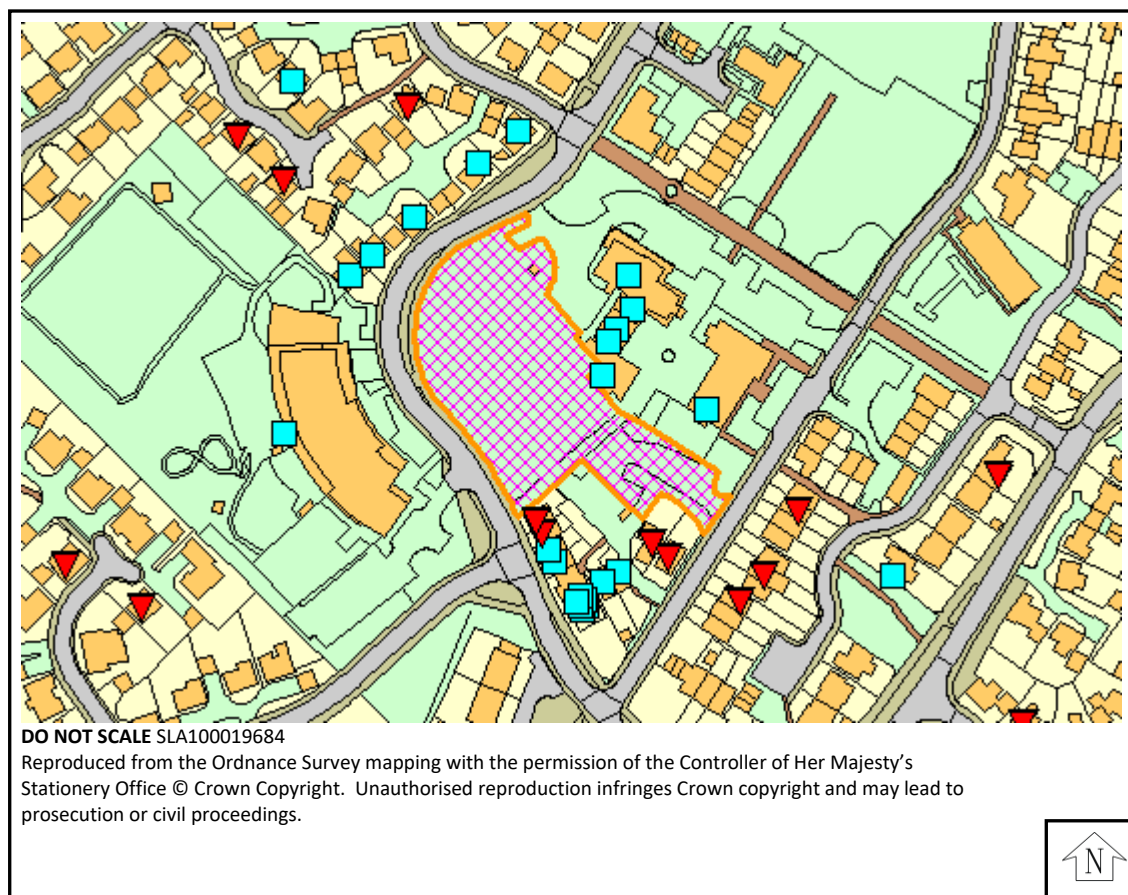
It would be useful to understand where the pollution mitigation indecencies associated with the proposed Polypipe Permaceptor Diffuser derive from as this information does not appear to be present within table 26.4 of the CIRIA SuDs Manual as suggested within the Drainage Strategy.

10. 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.
11. 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 at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6MKBHQXI6600>

Map



Key

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

Committee Report

Planning Committee South – 21 July 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@east Suffolk.gov.uk

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. 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.
- 1.2. 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; the application is therefore presented to the planning committee for consideration.

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) for a 70 space caravan and campsite and the campsite is now open for tents, caravans and motorhomes. There are also 3 glamping pods on site.

3. Proposal

- 3.1. The proposal at Easton Farm Park is for the construction of a recreational lake over which a low ropes course will be erected. A reception building will be constructed of timber clad with a Perspex sheeted roof which will contain the main reception, 2 stores which will hold the buoyancy equipment and 2 changing rooms. The building will be sited adjacent to the lake.

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. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council – Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan (Adopted January 2017) and;
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP7 - Economic Development in the Rural Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP8 - Tourism (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP16 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- XSP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM32 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

- SP6 - Regeneration (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM14 - Farm Diversification (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

6. Planning considerations

- 6.1. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. The local plan is currently in public consultation following the main modifications.
- 6.2. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan in the plan making process, the greater the weight that may be afforded to the policies within it. Paragraph 48b) of the NPPF states that weight given to emerging Plan policies should also be determined according to the extent to which there are unresolved objections to the relevant policies of the emerging Plan and states that the less significant the unresolved objections the greater the weight that may be attributed. Paragraph 48c) of the NPPF establishes that the greater the consistency of the relevant policies in the emerging Local Plan to the Framework, the greater the weight that may be attributed to such policies. The emerging Local Plan has been written with the intention to align with the provisions of the NPPF.
- 6.3. The emerging Local Plan Policies which are considered relevant in respect of this proposal, but have limited weight at this stage are:
 - o SCLP3.2 - Settlement Hierarchy
 - o SCLP3.3 - Settlement Boundaries
 - o SCLP4.5 - Economic Development in Rural Areas
 - o SCLP4.7 - Farm Diversification
 - o SCLP6.1 - Tourism
 - o SCLP6.2 - Tourism Development
 - o SCLP6.4 - Tourism Development outside the AONB
 - o SCLP7.1 - Sustainable Transport
 - o SCLP7.2 - Parking Proposals and Standards
 - o SCLP9.5 - Flood Risk
 - o SCLP10.1 - Biodiversity and Geodiversity
 - o SCLP10.2 - Environmental Quality
 - o SCLP10.4 - Landscape Character
 - o SCLP11.3 - Historic Environment
 - o SCLP11.4 - Listed Buildings
 - o SCLP11.7 - Archaeology

- 6.4. Due to the limited weight awarded to the above policies, the development has been assessed in accordance with the adopted Core Strategy Policies outlined above, unless otherwise stated within this report.
- 6.5. 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 proposals against.

Principle of Development

- 6.6. As noted above, the site lies outside of the physical limits boundary and is therefore in the countryside for planning purposes. The strategy in respect of new development outside the physical limits of those settlements defined as Major Centres, Towns, Key and Local Service Centres is that it will be limited to that which of necessity requires to be located there and accords with other relevant policies within the Core Strategy (e.g. Policies SP7 or DM13).
- 6.7. Opportunities to maximise the economic potential of the rural areas, particularly where this will secure employment locally, will be generally supported, particularly where it would encourage small-scale farm and rural diversification or expand the tourism opportunities (when compatible with the objectives of SP8). While Core Strategy Policy SP7 is generally supportive of the proposal, this is subject to consideration of environmental and sustainability objectives, it is noted above that the proposal will not generate local employment. This is unfortunate given Policy SP7 looks favourably on proposals that secure employment locally.
- 6.8. Core Strategy Policy SP8 (Tourism) is supportive of tourism development west of the A12, as established by criterion g), subject to impacts on the environment including traffic generation. As detailed in the consultation response from SCC Highways (outlined below), the proposal is unlikely to have a significant impact on the highway network in terms of vehicle volume or highway safety.
- 6.9. In respect of farm diversification, Core Strategy Policy DM14 (Farm Diversification) sets out that proposals for farm diversification must satisfy criteria a)-d) as follows:
- 6.10. The use is similar to a number of other operations on the farm and the proposed building is of a diminutive scale that is not overbearing and would be somewhat compliant with Core Strategy Policy DM21 (Design: Aesthetics), however would also be somewhat detached from the main farmstead; therefore out of context with the rest of the site (Core Strategy SP15). As mentioned previously the consultation response from SCC Highways is clear that the proposal is not expected to have a significant impact on the highway network. Furthermore, due to the relatively small scale of the building and the distance to the nearest inhabited building it seems unlikely for the proposal to unacceptably impact the living conditions of local residents (compliant with Core Strategy Policy DM23). The proposal therefore accords with DM14(a).
- 6.11. The Planning Statement accompanying the application states in section 5.1 that the proposal "*will further assist with the viability and sustainability of the farming and diversified enterprises*". There is no reason to believe that this is not the case; the development has not been proposed as an enabling development as such no details of

viability are necessary in this instance. Thus, the proposal should be considered to comply with criterion (b).

- 6.12. The application form (at section 18) confirms that the proposal will not generate local employment.
- 6.13. Thus, it is assumed that the operations must be run by existing staff, which would accord with criterion (c) or provide employment from outside of the district which would not accord with DM14(c). Criterion (d) does not apply to this proposal as no residential uses are included within the proposal.
- 6.14. Core Strategy Policy SP6 (Regeneration) is also of relevance in relation to diversification, which is established as a priority in a number of areas across the former Suffolk Coastal area. One of which is the rural areas, and of particular importance is diversification arising within the agricultural economy. The proposal acts to strengthen the economic potential of Easton Park Farm in diversifying from an agricultural entity, and thus is supported by Policy SP6. Proposals for new facilities for sport and play will be considered in relation to the character of the location, the scale of the settlement, the impact on landscape and townscape, access provision, highway safety and residential amenity (Core Strategy Policy DM32). It is also noted that the Economic Development team have supported this proposal.
- 6.15. It is therefore considered that the principle of development is acceptable, subject to the proposal according with other policies within the adopted framework as outlined above; particularly in respect of the impact on the highways network, residential amenity and landscape.

Landscape & Ecological Impact

- 6.16. Core Strategy Policy SP8 is clear that proposals are expected to be accompanied by biodiversity and habitats assessments. Whilst no such assessments have been submitted and the Council's Ecologist has reviewed the proposal and concluded that the area for the proposed lake appears to be located in an area of 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. Therefore, there is no in-principle objection to the proposal. However 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, prior to any development commencing on site. The proposal would not be liable for contribution towards Suffolk RAMS. The proposal, subject to details identified above, is considered to accord with Core Strategy Policies SP14 and DM27.
- 6.17. Core Strategy Policy SP7 also requires consideration of impacts arising from the proposal on the environment to be considered. Core Strategy Policy SP15 (Landscape and Townscape) notes the River Deben valley and tributaries, amongst others, as a particularly significant landscape worthy of protection.
- 6.18. 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.

- 6.19. 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."

- 6.20. 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.
- 6.21. 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.
- 6.22. It is unfortunate that the application does not include precise details of the route of the proposed low ropes course, or the heights of the posts/framework that would have to be positioned within the new lake. These details have been requested from the applicants agent but have not been supplied. However, based upon the submitted indicative pictures of similar low ropes courses elsewhere it is clear that the scheme would involve a significant number of tall upright posts, which in addition to the creation of the lake and associated changing rooms/reception building would be an alien feature in this landscape.
- 6.23. It is noted that the consented campsite to the north of the proposed development does already have an impact on this sensitive landscape; albeit additional landscaping (vegetation) was consented and 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.

- 6.24. Emerging Policy SCLP10.4 (Landscape Character) has limited weight as it is subject to consultation as part of the main modifications, but does further protect the aforementioned designated landscape character areas, stating 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), or successor and updated landscape evidence. 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.

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."

- 6.25. 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)." 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. identified quality in the development plan);

- 6.26. 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.

Highway Safety

- 6.27. Core Strategy Policy SP11 (Accessibility) 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 Core Strategy DM19 (Parking Standards).

Flood & Water

- 6.28. Core Strategy Policy DM28 (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.
- 6.29. 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.

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, but are yet to be 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 both the adopted and emerging 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 Core Strategy Policy SP15 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, both the adopted and

emerging 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 and the height of the posts/framework to support the ropes, 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 Core Strategy Policy SP15, emerging Local Plan Policy 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.

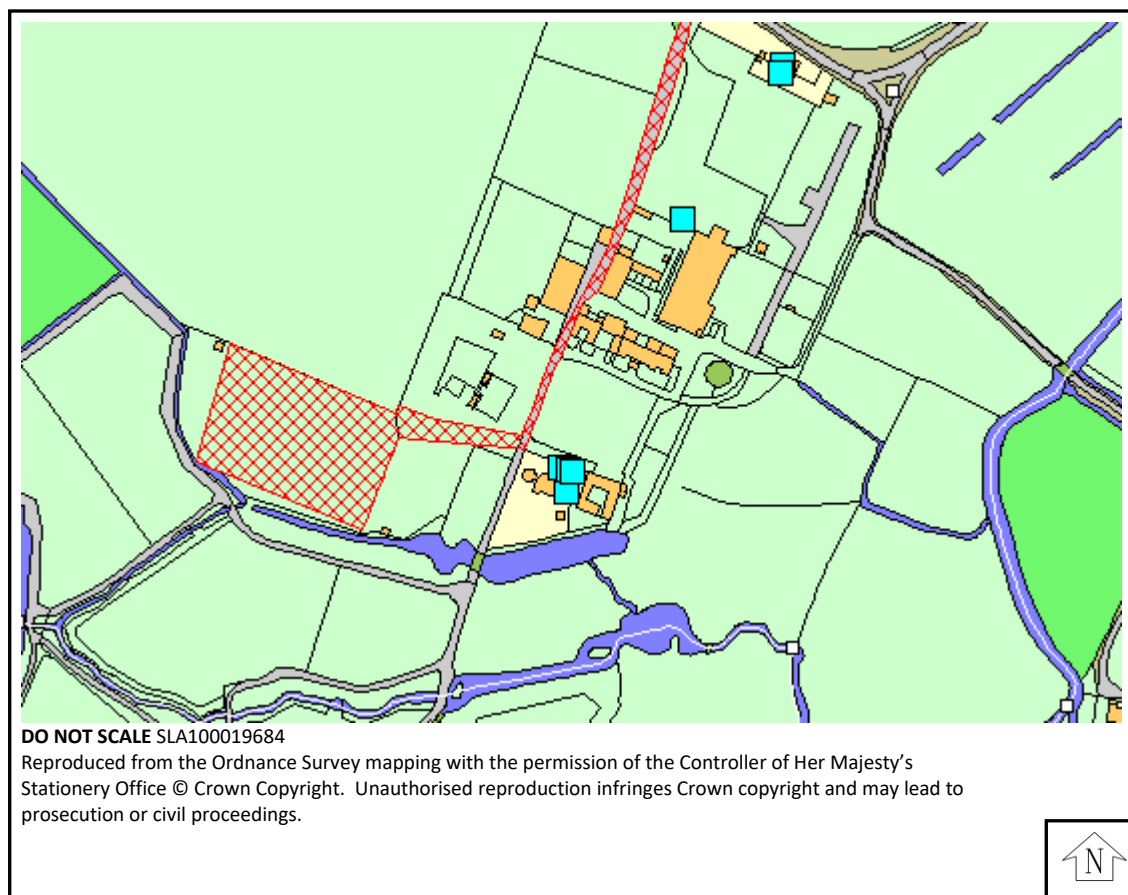
Informatives:

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.





Background information

See application reference DC/20/1033/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6MHI1QXI6300>

Map



Key

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

Committee Report

Planning Committee South - 21 July 2020

Application no DC/20/1603/FUL

Location

Seaton Recreation Ground
Seaton Road
Felixstowe
Suffolk
IP11 9BS

Expiry date 22 June 2020

Application type Full Application

Applicant East Suffolk Council

Parish Felixstowe

Proposal 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.

Case Officer Grant Heal
01394 444779
grant.heal@eastsuffolk.gov.uk

1. Summary

- 1.1. Full planning permission is sought for a new welfare hub (including three units positioned on paving slabs to accommodate storage, W/C's and coffee hut), security fencing and security lighting at Seaton Recreation Ground, Seaton Road, Felixstowe.
- 1.2. Considered against all relevant material considerations and planning policies, the application is deemed sustainable and in accordance with planning policy is recommended for approval.
- 1.3. There are no objections from statutory consultees, however, the applicant is made by East Suffolk Council 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 small parcel of land (approximately 130 square metres) positioned towards the south-east corner of Seaton Park Recreation Ground, Felixstowe. It is bound by an area of existing vegetation to the east, which separates the site from a dedicated parking area of approximately ten vehicular spaces, accessible via Cornwall Road. The flank elevations of residential properties are located within 12 metres to the south, while the recreation ground lies to the north and west.
- 2.2. The wider park comprises an extensive square-shaped parcel of land (approximately 2.1 hectares) that benefits from multiple entry points, with vehicular access available from Seaton Road, Margate Street and Cornwall Road. Save for a fenced-off play area situated towards its south-western corner and a small number of peripheral trees, the park is laid to grass and otherwise featureless. The rear/side boundaries of dwellings fronting Cornwall Road (south), Margate Street (west), Seaton Road (north) and Chepstow Road (east) enclose the site on all sides.

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. Proposed facilities would be housed within three separate painted metal units and includes a refreshments kiosk, a two-stall WC block and a large storage container for sports equipment.
- 3.2. The individual units would be arranged close to one another and would be secured by a 2.4-metre-high anti-climb security fence enclosing an L-shaped area of approximately 43 square metres. This area would be paved and includes two new lighting columns positioned towards the north-eastern corner. Vehicular access would be gained from the south and west via two pairs of gates and one single gate would provide pedestrian access to the north. The existing pedestrian entrance from Cornwall Road would also be widened and improved with new paving and a dropped kerb from the existing car park.
- 3.3. The proposal site would remain in an ancillary Class D2 (Assembly and leisure) Use.

4. Consultations/comments

- 4.1. No third-party representations have been received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	1 May 2020	27 May 2020
Summary of comments: Committee welcomes this proposal and recommends APPROVAL. However, we would like ESC Officers to explore the possibility of making at least one of the toilets suitable for disabled users.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	1 May 2020	21 May 2020
Summary of comments: Recommend appropriate conditions.		

Consultee	Date consulted	Date reply received
Sport England	18 June 2020	19 June 2020
Summary of comments: The proposals will improve the attractiveness of the site and also improve security as the site has suffered from vandalism. The Football Foundation and Suffolk FA support the proposals. In this instance, Sport England is satisfied that the proposal meets exception 'E2' of the Sport England 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. This being the case, Sport England does not wish to raise an objection to this application.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	1 May 2020	5 May 2020
Summary of comments: Internal consultation - no comment received.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	18 June 2020	2 June 2020
Summary of comments: Standard comments noting the need for compliance with relevant Building Regulations and the recommended loading capacity of concrete hard-standing.		

Consultee	Date consulted	Date reply received
Active Communities (Sarah Shinnie)	18 June 2020	No response
Summary of comments: no comment received.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

5. Planning policy

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
 - East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council – Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan (Adopted January 2017) and;
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and the East Suffolk Council – Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan (Adopted January 2017) are:

- SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - FPP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Felixstowe Peninsula Area Action Plan Development Plan Document (January 2017))
 - SP21 - Felixstowe with Walton and the Trimley Villages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP16 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - DM32 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP17 - Green Space (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- 5.5. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination.
- 5.6. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019).

6. Planning considerations

Planning principle:

- 6.1. The site falls within the physical limits boundary (FPP2) of Felixstowe (SP21); which is defined as a 'Major Centre' within the context of the Suffolk Coastal District Core Strategy and Development management document's settlement policy (SP19).
- 6.2. The proposal broadly accords with the strategy set out in SP21 which, amongst other things, advocates the improvement, expansion and retention of sport and leisure facilities. Policies SP16 (Sport and Play), DM32 (Sport and play) and SP17 (Green space); which collectively seek to promote the provision, protection and enhancement of formal and informal sport and recreation facilities towards ensuring that communities have well-managed access to green space within settlements, are also met.
- 6.3. Considered within the context of the new local plan, this application meets the provisions of emerging policy SCLP8.2:Open Space; which advocates the Council's support for the provision of open space and recreational facilities and their continued management across the district. Indeed, the proposed welfare hub would encourage active lifestyles with a view to increasing participation in formal and informal recreation for all sectors of the community.
- 6.4. In this way, the proposal upholds 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. 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:

- 6.6. The proposed units would have corrugated metal elevations/roofs and would resemble shipping containers in 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. While the proposed scheme's aesthetic would appear largely utilitarian, it would be appropriate within the surrounding context and discreetly located. As such, the proposal is considered to uphold the requirements of DM21 (Design: aesthetics) and SP15 (Landscape and townscape).

Access and parking:

- 6.7. The proposal would not encroach on or decrease existing vehicular parking provision and would otherwise improve the existing pedestrian access from Cornwall Road through a new widened paved footway with dropped kerb. Thus, the proposal is considered to uphold the requirements of DM19 (Parking standards) and DM22 (Design: function).
- 6.8. It is noted that the Local Highway Authority has recommended conditions relating to the provision of secure cycle storage, and submission of details relating to refuse/recycling presentation areas. However, these conditions are considered unreasonable and therefore

would fail the tests relating to conditions as set out in paragraph 55 of the NPPF. The site is the edge of an existing recreational ground, and whilst secure cycle storage would be desirable it can not be insisted upon. There is also adequate space around the proposals to enable waste bins to be stored and presented for collection, and as land owner East Suffolk Council would retain some control over these aspects.

Residential amenity:

- 6.9. The proposal will serve an ancillary function to the recreation ground and the proposed refreshment kiosk, W/C block and storage facility presents a low potential to impact negatively on existing residential amenity from increased noise, outlook degradation or the resulting physical relationship with other properties.
- 6.10. The proposal would also be in the vicinity of dwellings that could provide natural surveillance of the site towards ensuring a good level of safety and security of the immediate area.
- 6.11. The applicant has also confirmed that the security lights would only be operated when the site is open and in use. However, it would be appropriate to include a condition relating to lighting to ensure that it is appropriately positioned and angled etc in order to safeguard the amenity of adjoining residents from potential light spill.
- 6.12. As such, the proposal does not present the opportunity to erode levels of existing amenity to an unacceptable level. It therefore accords with the provision of DM23 (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 local planning policy.
- 7.2. Consultation notification was sent to Sport England and East Suffolk Council's Active Communities Team after the initial consultation notifications to other parties (the Town Council, Neighbours etc). Therefore, the consultation period has been extended until 9 July 2020, so the recommendation seeks authority to approve subject to no additional material planning considerations being raised during the remaining consultation period.

8. Recommendation

- 8.1. Authority to approve subject to no additional material planning considerations being raised during the remaining consultation period (expires 9 July 2020) and 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 the following approved drawing(s):
 - 170 01 Rev F (Proposed site plan) received 18 May 2020;
 - 170 03 Rev F (Proposed plan) received 18 May 2020;
 - 170 00 (Existing site plan) received 28 April 2020;
 - 170 02 Rev A (Proposed elevations) received 28 April 2020;and
 - 170 04 (Proposed location plan) received 28 April 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 the 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.

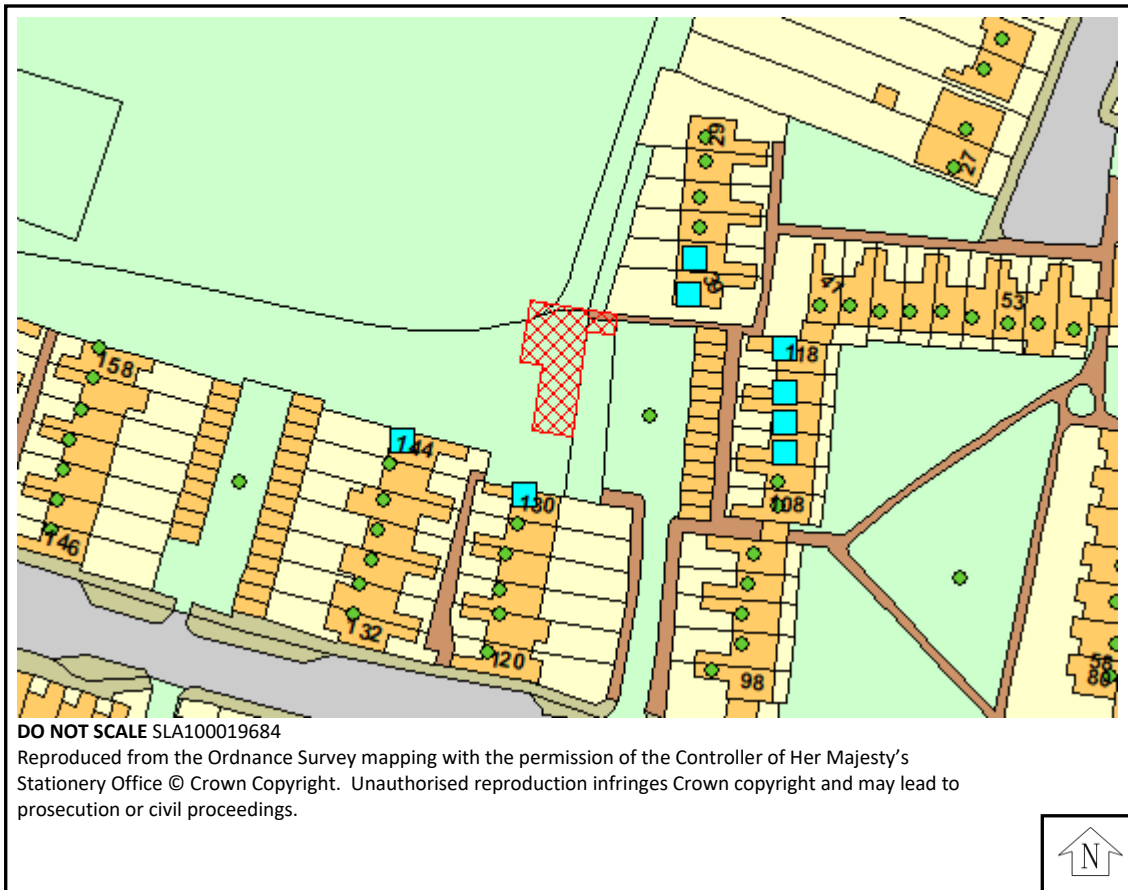
Informatives:

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/20/1603/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9HVPQUXJ7600>

Map



Key

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