



**North PLANNING COMMITTEE - UPDATE SHEET**

**14 July 2020**

**Item 7 – DC/19/2195/FUL– Land Adjacent to West End Farm, Mill Lane, Shadingfield, NR34 8DL**

**Additional letters of representation:**

Three additional letters received; there are no new material planning considerations to note.

**Item 8 : DC/19/3746/FUL - Project Gold Crest, Rushmere Road And Chapel Road, Rushmere**

**Additional consultee comments**

**Environmental Protection:** No objections to the application subject to contamination land conditions and a noise management plan

**Economic Development:** Proposal would support the local and regional economy, and provide inclusive growth by making sure that jobs are accessible to all, by providing training and tackling discrimination and offer support for social enterprises.

**Communities Team:** In principle they support the proposal, and confirm that there is a unmet need in this area.

**Parish Comments**

**Rushmere Parish Council:** “Following my email and letter (attached) sent in March 2020, I am now in receipt of the Officer report which has not addressed a significant number of the issues we raised and over which we have serious concerns. They are highlighted below and will form the basis of my verbal representation at the committee next week. Steven Bell (Senior Associate – Planning) at Birketts LLP shares the concerns to potentially challenge any decision in line with your Officer report in the Courts:

- The scheme is assessed as a personal permission – it is not. Planning permission runs with the land and not the applicant. If planning permission is granted any operator could take over this site and run it as a commercial campsite without restriction, there are no

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

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

legitimate means to restrict the consent to the current applicant as confirmed in national planning guidance the NPPG. The bias in the report towards the applicant is misleading and would lead to a legally unsafe planning decision. The conclusion is misleading at best on this and particularly paragraph 8.2 where your officer states'.... Therefore, in this instance, it is considered that the social and economic benefits arising from the scheme through measures such as improved skills, respite provision, and social interactions would outweigh the impacts identified...'. There is nothing in the conditions or otherwise to be able to restrict this permission to young people and adults with learning disabilities &/or needs / facing barriers and neither could there be in planning. Planning is only concerned with the use and development of the land – a point made clear in numerous case law.

- Presentation of this application at this committee prior to the proper, legally required consultation is carried out arising from the development's impact on the setting of the adjacent Grade I listed church is pre-emptive and legally challengeable.
- Parish Council communications are reported in full in the Officer report except the letter attached to this email, which is listed on the website as a Parish Council response but not reported fully. It should be appended to the Officer report as an Appendix as a minimum and it therefore does not comply with the publication 'Probitry in Planning – advice for Councillors and officers making planning decision (revised in December 2019) where it states on officer reports that they should '..be accurate and should include the substance of any objections and other responses received to the consultation.'
- The report does not record the detailed objections of the Council's own Design and Conservation Officer, referencing only 'concerns raised'. It is appended to this email for your consideration. The Assessment section of the report (paras 7.13 to 7.20) is effectively silent on the detailed concerns raised by the Council's technical expert and the harm she considers will result from the proposed development.
- Historic England make no comments – this is not the same as raising no objection and should not be construed as such.
- Relying on hedging, which in itself could be described as an alien feature in this predominantly open landscape is entirely inappropriate.
- The previous use as a horticultural nursery was a very limited operation employing 4 persons with no retail sales. It ceased over 10 years ago, the structures have fallen into disrepair and the use has been abandoned. The site has returned to an agricultural nil use and its former use as a nursery is not a material planning consideration.
- Issues relating to noise and disturbance have not been properly assessed in the Officer report despite accepting 30 people (see 7.22 of the report) could be on site at any one time. The nearest dwelling is 15 metres away, there is no noise impact assessment and no response received from the Council's own Environmental Protection Team – how can an informed decision be made on this issue?
- The submission refers to a A1 shop and A3 café being provided, there is no assessment of these elements in the report. Issues relating to controlling levels of activity associated with these uses in not assessed.

- The application does not adequately consider the impacts on the local area if all the proposed activities are operated simultaneously despite being open seven days a week, 9am to 6.30pm NOT including camping. To say weekend use will be less for a campsite is ludicrous!
- The proposed car park shows only 7no parking spaces which is woefully inadequate. There is no Transport Statement submitted with the application and an apparent reliance on community transport via minibus that cannot be controlled by condition. The Officer report (7.27 to 7.31) does not assess the scheme in context of the Council's own parking standards in para 7.30 (see our attached letter where we analyse the parking requirements and implications). The Highway Authority has relied on information submitted and because planning officers have not queried the true nature of the use, information has been accepted at face value and proper consideration has not been undertaken. Please see email correspondence with the Highway Officer attached.
- A comparative scheme on much smaller scale for one unit of holiday accommodation was refused last year (DC/19/1682/FUL) in Rushmere at Beech Tree Farm for all the reasons relevant to this proposal. Why are those considerations not being applied to this much larger, vastly more damaging scheme?

Overall this application has not been properly and robustly prepared. The application has not been properly assessed by Officers and is presented to you for determination pre-emptively when proper consultation procedures have not been followed. The Officer report does not provide a full assessment of the potential impacts of the development, doesn't comply with Probity in Planning (December 2019), misleads Members regarding the lawful status of the site and the true impacts of the development. The conclusions reached in the Officer report regarding the resulting impacts of the development on this peaceful and tranquil village are misleading and presented with a bias towards the applicant which is legally challengeable.

We respectfully request that as elected Councillors you consider all the issues raised and undertake a full and frank debate regarding the true nature of the proposal and effects it will have on the site, its wider surroundings and the residents of Rushmere and Mutford if this scheme were to go ahead. A decision following the officer recommendation in light of the above will potentially result in a costly challenge in the Courts."

**Rushmere Parish Council:** Comments received on the 31<sup>st</sup> May 2020 form an appendix to this update sheet as they are not included in full in the officer report.

**Mutford Parish Council:** "Mutford Parish Council (MPC) wish to respond to the officer's report on the above application.

MPC recommended that this application be refused in our response to it. Having considered most carefully the officer's report and recommendation MPC is extremely concerned that there is a lack of clarity and evidence to explain why the specific objections made by MPC have been dismissed. The officer's report does not give any indication that this application will not lead to creeping coalescence between Mutford and Carlton Colville. The inclusion of a café, shop and holiday accommodation in this application could be an example of creeping coalescence. 6.6 of the officer's report does not include WLP8.36 relating to this element.

MPC shares Rushmere Parish Meeting's concern about the impact on the Church and does not consider that the evidence submitted clearly shows that there will be no significant impact. The report highlights that noise and light pollution will be controlled in an effort to minimise impact, particularly on nearby residences, by 'a restriction of noise from 9.30pm'. For the holiday activities planned MPC would need to be persuaded it is achievable. It should be noted that in the countryside noise travels further at night than in the daytime even with 'screening'. Turning to light pollution looking at the client groups' needs and their safety it is likely that more lighting would be required than the report appears to suggest.

Page 151 of the report centres on highways implications. 7.30 states that in the opinion of the case officer 'there is sufficient space on the site for the proposed activity. It is clear to MPC that the stated position is totally inadequate for the activities. The applicant has outlined the proposed activities but not provided their estimate for parking. The holiday provision will require a number of car parking spaces unless the users are local and brought to the site by the applicant. The café will generate a significant number of spaces if it is to achieve its stated outcomes since those will require paying customers in a real work environment. The potential number of spaces will be dependent on the business plan for the café. These spaces will only be occupied on a short-term basis, but the turnover of customers will see an increasing number of vehicles visiting the site. The same can be applied to the shop.

Traffic movements through Mutford are increasing and this can be seen from the statistics provided by the Vehicle Activated Speed Sign in the village. Like all small villages in the county traffic speeds are increasing and specifically in Chapel Road the number of 'near misses of Road Traffic Collisions is increasing.

Further information linked to traffic issues includes the use of the bridleway (bridleways 4,6 and 8 in Mutford, and 10 in Rushmere) to reduce traffic movements. MPC fails to see how the use of the bridleway will achieve this objective. The applicant also states that the hours of operation will also reduce traffic. In 7.22 the report says the applicant indicates that activities will be mainly Monday to Friday and less at weekends. Three areas of commercial activity to generate finance, the café, the shop and the allotments would need to be fully operational at weekends to do so, it is likely then that the volume of traffic will increase. The applicant says that activity will cease at 6.30pm. MPC are of the opinion, based on allotments under the Mutford Welfare Trust, that visitors to the allotments would attend in the evening and weekends,

The report in 7.37 states that funding for the project is not a material planning consideration, but in 7.35 goes into detail about the economic benefits of the proposed scheme. MPC is led to believe that the applicant has yet to secure funding for the project. Funding is therefore critical to achieving those economic benefits.

Mutford Parish Council acknowledges the potential benefits for a number of the activities but considers that the negative elements stated here and further in the response from the Rushmere Parish Meeting clearly show that this is neither an appropriate site nor development."

### **Officer Considerations:**

#### **Contamination:**

The environmental protection team have requested a full suite of contaminated land conditions. However, in this instance, officers consider that the full suite of land contamination conditions is not reasonable, due to the limited built development taking place, and limited land movements.

As such officers would seek to apply the unexpected land contamination conditions to this application, in order to protect for any contamination issues that may arise.

### **Conditions**

13. Prior to commencement of the permitted use a Noise Management Plan shall be submitted to the local planning Authority for their written approval.

The noise management plan, to prevent disturbance to local residents resulting from the hereby permitted use of the land, shall include undertakings and procedures for:

1. The name(s) of the onsite supervisor responsible for the behaviour of guests and liaison with local residents;
2. The control of outside areas;
3. The control of noise out break from within buildings, caravans and tents;
4. Access and egress from the site;
5. Recording of complaints and response to those complaints;
6. Deliveries and collections to and from the site;
7. The annual review of the approved Noise management Plan and, if necessary, the submission and approval of a revised noise management plan;
8. Any other matters that are reasonably required by the local planning authority;

The approved Noise Management Plan shall be followed and/or implemented at all times.

Reason: To protect the amenity of the surrounding area from excessive noise.

14. 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.

**Item 13: DC/20/1704/FUL - 55 Gainsborough Drive, Lowestoft, NR32 4NJ**

**Ward Member comments**

**Cllr Coulam:** "I have looked at this property as Councillor for the Ward and have no objections to this planning application."