



East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, 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 in the Deben Conference Room, East Suffolk House, Riduna Park
on **Tuesday, 27 August 2019 at 2:00 pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

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.

		Pages
4	Minutes To confirm as a correct record the Minutes of the meeting held on 23 July 2019	1 - 18
5	Appointments to the Local Plan Working Group ES/0112 Report of the Leader of the Council	19 - 23
6	Enforcement Performance Report - April to June 2019 ES/0110 Report of the Head of Planning and Coastal Management	24 - 26
7	East Suffolk Enforcement Action - Case Update ES/0111 Report of the Head of Planning and Coastal Management	27 - 37
8	DC/19/1999/FUL - Battery Storage, The Street, Hacheston ES/0113 Report of the Head of Planning and Coastal Management	38 - 72
9	DC/19/2048/FUL - 28 Haughley Drive, Rushmere St Andrew ES/0114 Report of the Head of Planning and Coastal Management	73 - 77
10	DC/19/1863/FUL - 1 Church Road, Felixstowe ES/0115 Report of the Head of Planning and Coastal Management	78 - 84

Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Riduna Park, Melton, on **Tuesday, 23 July 2019 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 Debbie McCallum, Councillor Kay Yule

Other Members present:

Councillor Linda Coulam, Councillor Graham Elliott, Councillor James Mallinder

Officers present:

Liz Beighton (Planning Development Manager), Michaelle Coupe (Senior Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Nicholas Newton (Landscape and Arboriculture Manager), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Development Management Team Leader South), Robert Scrimgeour (Principal Design and Conservation Officer), Rachel Smith (Senior Planning and Enforcement Officer), Ben Woolnough (Major Sites and Infrastructure Manager)

Others present:

Luke Barber (Principal Highway Engineer, Highway Authority)

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Blundell declared a Local Non-Pecuniary Interest in item 7 of the agenda, as Ward Member for Martlesham.

3 Minutes

On the proposition of Councillor Hedgley, seconded by Councillor Deacon it was

RESOLVED

That the Minutes of the meeting held on 25 June 2019 be agreed as a correct record and signed by the Chairman.

4 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0076** of the Head of Planning and Coastal Management, which provided a summary of the status of all outstanding enforcement cases for the Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 8 July 2019.

A member of the Committee, who was Ward Member for Martlesham and Purdis Farm, asked for an update on a case in his Ward that was being investigated for possible enforcement action. The Planning Development Manager advised that the case was being investigated by one of the Area Planning and Enforcement Officers and that a decision on enforcement action would be made at the conclusion of the investigation.

RESOLVED

That the contents of the report be noted.

At this point in the meeting, the Chairman advised that the agenda would be re-ordered and that item 6 would be heard next.

6 DC/19/1539/LBC - The Great House, Church Street, Orford, IP12 2NT

The Committee received report **ES/0075** of the Head of Planning and Coastal Management. Listed Building Consent was sought for the creation of a pedestrian access in an existing boundary wall and the insertion of a gate within the wall. This item was before the Committee following a meeting of the referral panel and the link with the previously consent DC/18/4844/FUL, which also granted planning permission for the erection of a holiday let within the garden of the property.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. She advised the Committee that a similar application had been refused by Suffolk Coastal District Council's Planning Committee earlier in the year; a revised application was subsequently submitted which was recommended for refusal. This application was later withdrawn and replaced with the current application, which had been further revised, and the Officer recommendation had changed to one of approval.

The site's location was outlined and the Committee was shown a photograph of the section of the wall where the gate would be inserted. The proposed elevations of the gate were displayed and it was noted that the height of the gate had been lowered in order to reduce its impact.

The Senior Planning and Enforcement Officer acknowledged that the scheme would result in a small loss of historic brickwork, but considered that the proposal would not harm the character of the wall. She noted that the Council's Principal Design and Conservation Officer was in attendance to answer any questions the Committee might have.

The recommendation to approve was outlined to the Committee. The Senior Planning and Enforcement Officer displayed an additional condition, not contained within her

report, proposing that prior to the gate first being used, the brickwork in the area of the new opening shall be made good using matching materials and finished appearance.

The Chairman invited questions to the Officer.

It was confirmed that the proposed gate access was to provide pedestrian access to the holiday let approved on the site.

The Senior Planning and Enforcement Officer informed members of the Committee that the previous application had been refused by Suffolk Coastal District Council's Planning Committee due to the negative impact it would have had on the curtilage listed wall.

The Principal Design and Conservation Officer stated that the gate would be made of oak and would be left unfinished so that it weathered naturally.

The Chairman invited Ms Barnwell, representing Orford and Gedgrave Parish Council, to address the Committee.

Ms Barnwell informed the Committee that the Parish Council continued to oppose the creation of a gate access in the curtilage listed wall. She stated that there was no proven need for the gate and it was being installed to provide a convenience, and its benefits did not outweigh the harm that would be caused.

It was noted that views of Broad Street were currently unimpeded by parking and that the creation of the gate would encourage parking on a section of this road. Ms Barnwell described the wall as being unique, as it had no breaks within it and backed an undamaged area of the green.

Ms Barnwell considered the photographs submitted by the applicant of similar walls in Orford with gates to be irrelevant, as those gates had been installed for different reasons than the ones given by the applicant. She said that this evidence did not impact on the special considerations to the unique piece of wall in question.

It was noted that guest parking would be provided within the grounds of The Great House and that a path would be available from the parking area to the holiday let, which would not impact on the host dwelling. Ms Barnwell said that access from the site's current entrance was therefore sufficient to access the holiday let and could not see any justification for breaching a listed wall. She said that nothing material had changed from the application refused by Suffolk Coastal District Council and urged the Committee to uphold the protections in place.

There being no questions to Ms Barnwell, the Chairman invited Mr Gerard, the applicant, to address the Committee.

Mr Gerard noted that he had acknowledged the feedback given on the original scheme proposed, particularly that the original gate proposed was too high and too visible, and had come back with a revised scheme where the gate's height had been reduced and its location changed to abut the existing brick pier, in order to reduce its impact.

Mr Gerard referred to a number of similar walls in Orford that contained gates. He said that this was part of the charm of Orford. He noted that when the first application was heard by Suffolk Coastal District Council's Planning Committee, concerns had been raised that pedestrian traffic to and from the gate would damage the green. Mr Gerard said that foot traffic would be light and would cause less damage than those homes on Broad Street that were accessed via the green. He said that these homes set a precedent for this access.

The parking concerns were acknowledged by Mr Gerard and he said that he was aware of the parking problems in Orford. He was clear that any guests of the holiday let, which he referred to as 'The Little House', would be compelled to use the off-street parking available. He also noted the resurfacing of Broad Street and the addition of yellow lines as a parking control.

Mr Gerard concluded by asking the Committee to understand the need of the proposal and the minimal impact it would cause.

The Chairman invited questions to Mr Gerard.

Mr Gerard highlighted the work that had been completed to create access for guests from the designated parking area to 'The Little House'.

The Committee was advised by Mr Gerard that he expected 'The Little House' to be let for six to eight weeks of the year, mostly at weekends. He considered that it would be popular during the peak season.

Mr Gerard confirmed that he would continue with the plans for 'The Little House' even if this application was refused but said that such a refusal would spoil the plans.

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

Members of the Committee acknowledged the reasons given by Mr Gerard for his application but did not consider them to be sufficient given the harm that would be caused to the wall. Members noted the precedent that approving the application would set and the harm that would be caused to the neighbouring green by pedestrian traffic and the possible parking the gate would encourage. It was not felt that the route through the host dwelling's site to the current access point was inconvenient.

There being no further debate, the Chairman moved to the recommendation to approve as set out in the report. The recommendation was not proposed and therefore **FAILED**.

The Chairman then sought an alternative recommendation. She suggested that the application be refused due to the negative impact it would have on the curtilage listed wall and that the harm caused would not outweigh the benefits, in accordance with the NPPF.

On the proposition of Councillor Deacon, seconded by Councillor Hedgley it was

RESOLVED

That the application be **REFUSED** due to the negative impact it would have on the curtilage listed wall and that the harm caused would not outweigh the benefits, in accordance with the NPPF.

5 DC/19/1022/FUL - Bawdsey Manor, Bawdsey, IP12 3BH

The Committee received report **ES/0074** of the Head of Planning and Coastal Management. The application sought planning permission to provide a lake within the grounds of Bawdsey Manor Estate for use by the applicant (PGL) who run a children's outdoor activity/educational centre on the site. The lake would provide opportunities for canoeing and raft building by guests. The material excavated for the lake was proposed be re-used on the estate. It was also proposed to re-position activity equipment previously consented within the grounds. The application was before the Committee because of the sensitive nature of the site, the finely balanced nature of the recommendation, and the level of public interest.

The Committee received a presentation on the application from the Senior Planning and Enforcement Officer. She referred to the visit to the site undertaken by the Committee on 15 July 2019 and drew Members' attention to the additional information provided within the update sheet, which had been circulated on 22 July 2019.

The site's location, and its relationship with Bawdsey village and Bawdsey Quay, was outlined. The site's proximity to Ferry Road was also demonstrated. Several parcels of land on the site, containing residential dwellings, existed on the site. These areas and buildings had once formed part of the Estate but were in separate ownership.

An aerial photo of the Bawdsey Manor Estate was displayed. It was highlighted that several features of the site, including parkland and buildings, were listed. The site consisted of a series of formal gardens at its front and more natural areas of parkland to its rear. The PGL site was predominantly accessed from the driveway at the front of the site, accessed from Bawdsey Quay. An access driveway also existed at the rear of the site which primarily served the residential properties.

The site was within the Suffolk Coast & Heaths Area of Outstanding Natural Beauty (AONB), and to the south and west was the River Deben Estuary which was designated a Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI). A section of the coastline was also an SSSI (Bawdsey Cliff SSSI) designated for its geological interest.

The Senior Planning and Enforcement Officer outlined the site's history; the site was originally created as a country estate in the late 1890s, before being occupied as an RAF site between 1930 and 1991. A number of military buildings from this period remained on the site and were of significant historical importance, due to the role Bawdsey had played in the development of radar technology. The site was sold by the Ministry of Defence in 1994 and was used as an international school until PGL purchased the site. Since taking on the site, PGL have been committed to its restoration and had undertaken works identified by the site's Conservation Management Plan (CMP), which had been completed in 2009 and funded by Historic England. One of the restorations identified in the plan and undertaken by PGL was the

section of the River Jordan near to the Manor House, which had been observed by the Committee during its site visit.

It was noted that at its peak, the international school had accommodated 200 students, but this number had declined in the school's latter years.

2019 was the second year of PGL operating the site and the company had made use of a number of the listed buildings in an appropriate way, as part of the site's operation. The parkland areas were also being used for outdoor activities. The Senior Planning and Enforcement Officer highlighted that PGL's ownership of the site prevented further piecemeal breaking up of the site through sales of parcels of land.

The Senior Planning and Enforcement Officer outlined the application site and the lake's position within the estate. It was noted that raft building already took place on the restored section of the River Jordan. The applicant had stated that the ability to offer the activities the lake would provide was essential as it was expected at PGL sites and would allow the site to remain competitive. Excess water from the lake would discharge to wetlands at the rear of the application site and help improve that area, in line with the CMP. The works would also remove defunct car parking areas close to the application site which would be a positive development.

The Committee was provided with detailed plans of the proposal; the shape and design of the lake, including the addition of islands, would allow it to integrate into the local landscape. There would be 12 activity stations around the lake for the launch of boats/rafts and the storage of equipment. It was highlighted that the lake had been reduced in size and moved further away from neighbouring residential properties to mitigate its impact.

The activity stations would be linked by means of a footpath. Photographs were displayed, showing the view of the application site that had been demonstrated to Members during the site visit. Two shelters would also be included for young people not taking part in activities and for the storage of bags during activities. It was considered that the activity stations would be screened by existing planting on the site.

Further detail was provided regarding the planting of reed beds and the wet grassland that would be around the periphery of the lake, to mitigate the loss of the grazing marsh. Cross-sections of the lake were shown, demonstrating the level of the lake in relation to neighbouring properties. It was confirmed that the depth of the lake would be 1.5m.

A comparison photograph was shown, detailing the screening that existing vegetation would provide to the nearby residential dwellings in both summer and winter. The Committee was also in receipt of an image of the site with the proposed lake superimposed on to it, to demonstrate the relationship there would be between the lake, nearby houses, and Ferry Road.

The Senior Planning and Enforcement Officer detailed the amendments to the layout of the some of the activity structures, previously consented but not yet been installed. To address some concerns raised by neighbouring residents in close proximity of these

structures, it was proposed to re-position some of those structures increasing the distance from adjacent properties. The application also sought retrospective consent for the zip wire that was installed in the opposite direction to that consented. This had resulted in the descent being angled further from a neighbouring property.

The key issues were summarised as the impact on designated heritage assets, the impact on the landscape the AONB and the Heritage Coast, the ecological impact and the impact on protected species, the impact on residential amenity, highway safety, flood risk, and contamination.

The applicant had acknowledged that nearby organisations used the River Deben for waterborne training, however had stated that this was not suitable for the activities proposed as the majority of guests would be primary school age and have limited experience on the water in a vessel, and would need safe and controlled water conditions. It was also stated that off-site activities would have a significant impact on both activity time, cost to guests, and traffic in the local area.

The Committee was directed to the update sheet, in regard to the updates to paragraph 8.17 of the report on the amended Landscape Strategy and the comments of Historic England on the document.

The Senior Planning and Enforcement Officer reiterated that the lake had been designed to look as natural as possible within the AONB and have a minimal impact. It was noted that the area of the AONB related to Bawdsey Quay was not defined as a tranquil area and attracted visitors. The Committee was also advised that Suffolk Wildlife Trust had objected to the application as it felt insufficient evidence had been provided by the applicant; PGL had subsequently undertaken a Habitats Regulation Assessment which had provided enough detail to determine that there would be no negative impact to the SSSI or Ramsar sites. It was noted that an Ecology and Habitat Management Plan would be put in place.

The objections to the application on the grounds of noise were referenced. The Committee was informed that PGL had taken into account these objections and would implement restrictions on the number of children on the lake at any one time, and the operating times of the lake. The applicant had also produced an assessment that suggested noise levels would be broadly the same as the levels measured at the River Jordan site when raft-building takes place. The Senior Planning and Enforcement Officer noted the comments of Environmental Health regarding the subjective factors that should be taken into consideration.

The recommendation to delegate authority to approve, as detailed within the report, was outlined to the Committee.

The Chairman invited questions to the Officer.

It was confirmed that the Council's Economic Development Team had not been formally consulted on the application as the application was for an additional facility within an existing business. In response to a request from the Chairman during the site visit, the Senior Planning and Enforcement Officer had approached Economic Development who stated it recognised PGL's occupation of the site as significant

investment in the economy of the area which provided employment. The Chairman expressed her disappointment that no-one from Economic Development was present at the meeting given the nature of the application.

The Senior Planning and Enforcement Officer assured the Committee that restoration works were conditioned within the recommendation.

In response to a question on the existing grazing land, the Senior Planning and Enforcement Officer was unable to give a precise length of time for its disuse but considered it was at least ten years.

A member of the Committee queried the lack of noise level assessment information in the report. The work undertaken by the applicant to measure the sound of raft-building at the River Jordan site was reiterated as were the comments of Environmental Health regarding the subjective factors of any noise made by the activities. The Senior Planning and Enforcement Officer noted that the applicant had agreed to controlling factors to minimise the noise produced.

It was confirmed that ponds would be created from the lake as part of wildlife habitats. The proposed islands would also function as wildlife habitats.

The Committee was advised that there would only be two shelters, and that there would be 12 activity stations. Equipment would only be stored at the latter during the summer months.

In response to a request from a member of the Committee, a picture of the proposed shelters was displayed.

The Chairman invited Mr Block, Chairman of Bawdsey Parish Council, to address the Committee.

Mr Block said that the Parish Council had looked at the application in detail and that he would concentrate on three key issues; the impact on residents, the impact on the grassland, and the consideration of an alternative location for the lake.

Mr Block noted the concerns raised by local residents who had bought homes that had previously been part of the estate. He considered that the concern regarding loss of amenity was supported by the comments of Environmental Health and that the noise would be continuous, irregular, difficult to control and monitor, and would be every day. Mr Block said that tranquillity was an important part of the Deben Estuary; he agreed that Bawdsey Quay was not a tranquil area but considered that the area abutting the application site was. He referred to the NPPF supporting this factor for an AONB.

It was acknowledged that the grassland was not a spectacular piece of countryside, but a lack of recent human intervention had given it a special quality. Mr Block said that it was an important habitat for local species and was a large part of the AONB. Mr Block considered that once this was gone, it was gone forever, and that no matter how carefully the site was managed, it would be a place of lively human activity.

Mr Block was of the opinion that the suggestion that the lake be located on the western lawn had been dismissed too readily. He noted that a small lake had existed on the north-west of the site when it was a country estate, so the proposal was not without precedent. Mr Block added that unlike the application site, this alternative location could be successfully restored in the future.

There being no questions to Mr Block, the Chairman invited Ms Cass, agent for the applicant, to address the Committee.

Ms Cass stated that the application represented an important part of PGL's use of the estate. She considered that PGL's acquisition of the site ensured that it remained in a single ownership and prevented further piecemeal sales breaking up the estate.

It was noted that the site was at risk when acquired and that PGL had recognised that significant investment and restoration was required; Ms Cass said that this had informed PGL's long-term plan for the site and that the installation of the lake was integral to its objectives. She advised that waterborne activities were an important part of PGL's history and key to it being competitive in the market.

Ms Cass considered that material planning considerations had been addressed by the current application and that the lake would support the long-term management of the estate, and support habitats drying out.

It was appreciated by Ms Cass that noise remained a concern. She highlighted that PGL had made changes to the application in response to comments including changing the position of the lake and the positions of the launch stations around it. Ms Cass said that this demonstrated PGL quickly responding to concerns and that the company had kept the Council up to date at all times. She considered that the noise management plan in place and the site manager's approach to concerns had addressed concerns raised to date.

Ms Cass said that PGL promoted the local economy by increasing jobs in the area and offered valuable experiences for young people. She stressed that PGL worked with the neighbours at all its sites and asked the Committee to support the application.

The Chairman invited questions to Ms Cass. Ms Cass was joined by Mr Jones, General Manager of the site, to answer any questions.

The Chairman asked for detail on how noise levels across the site would be controlled. Mr Jones explained that singing is used when transporting young people between locations on the site and this would be restricted in areas near to residential dwellings. He added that the sessions on the lake would be designed to be fun but educational and would concentrate on these aspects rather than games or races.

It was confirmed that young people on the site were supervised for the vast majority of the time on the site, given the profile of the type of young people who commonly visited the site. Mr Jones noted that the only unsupervised activity was orienteering, but this took place well away from the application site.

The Chairman invited Mr Zinns, who objected to the application, to address the Committee.

Mr Zinns invited the Committee to ask him questions regarding noise concerns, as he considered that there had been significant misrepresentation on the issue. He was representing neighbouring residents who objected to the application and had concerns regarding it. He noted that the CMP had suggested the sell-off of buildings to support the restoration of the estate.

Mr Zinns explained that most residents were retirees or individuals that worked from home. He was of the opinion that a lake would reduce residential amenity and also property value. He highlighted the comments of Environmental Health regarding noise and said that a noise management plan would not resolve the issue.

Mr Zinns said that should the lake be approved he and other residents would pursue private claims against the applicant and considered that this would then cause the lake to be abandoned. He was also concerned regarding the impact of the lake on the drainage of the site and stated that the harm to the parkland would not be realised until it was too late. He outlined the recent profits of PGL and weighed this against its statement that the lake was vital in order to fund restoration works.

The Chairman invited questions to Mr Zinns. She reminded the Committee that its determination of the application must be based on material planning considerations and that the impact on house prices should not be taken into account.

A member of the Committee asked Mr Zinns if he and other objectors, when they had purchased properties, had taken into consideration that they were not buying properties within a conventional residential setting. Mr Zinns noted that the properties had been bought from the international school, which had not created a nuisance for residents.

The Chairman invited Councillor Mallinder, Ward Member for Bawdsey, to address the Committee.

Councillor Mallinder said that he wanted to concentrate on two key issues; noise and the impact of the development on the environment. He considered the proposed mitigation for noise to be poor and was concerned about the negative impact it would have on both residents and local wildlife, as sound would travel better in such a rural setting. He described the areas as calm and tranquil and said that it attracted humans and wildlife.

Councillor Mallinder added that the area was a special one that needed to be protected. He welcomed PGL's efforts and described the company as welcome residents but stated that the application was too big for what it was trying to achieve. He said it would be a permanent alteration of the grassland which was a sensitive wildlife area. He said that he could not support the application.

The Chairman invited questions to Councillor Mallinder.

Councillor Mallinder said that the sound travel from the lake would differ from other activities on the site as two sides of the application site bordered residential dwellings and the highways, whilst other activities were situated further into the site.

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

Several members of the Committee noted that they had concerns about the application, particularly in regard to noise and the impact on the ecology of the application site. It was suggested by one Member that the noise issue had not been tackled adequately and that clear statements regarding the impact of noise from the lake were required.

Another member of the Committee, who was Ward Member for Western Felixstowe, gave an example of a reserve constructed in his Ward to mitigate the expansion of the Port of Felixstowe. He said that, at the time, had held concerns that the proximity of the reserve to the Port would cause disturbance to wildlife but that this had not been the case. He noted the assurances of the applicant regarding the mitigation proposed in the application and understood both the applicant's reasons for the application and the objectors' concerns. He was unsure how he would vote on the application.

Other members of the Committee spoke positively on the application, noting the significant change that had occurred across the estate during its lifetime and commended the efforts of PGL to mitigate impact on wildlife and its commitment to restore the Estate, highlighting the continued employment opportunities that the site brought. One Member considered that the lake itself would encourage wildlife and noted that similar lakes were encouraged as mitigation on other developments. These Members indicated that they would vote in favour of the proposal.

The site visit was described by one member of the Committee as having been informative. She remained concerned about the impact of noise on residential amenity and was undecided on how to vote on the application.

At this point of the debate, Councillor Cooper declared a Local Non-Pecuniary Interest in the application, as he had accessed the site under its previous ownership. He noted that children on the site would be engaged in physical activity and take part in positive experiences. He was in support of the application.

Another member of the Committee suggested that more detailed facts and figures relating to noise would have been helpful. He spoke about his experience of working on similar sites and considered that the impact of noise on residential amenity would not be significant. However, he was concerned about the impact of the lake's construction on wildlife and disagreed with comments made by other Members on this subject. He acknowledged that some wildlife would return, but not all of what would be disturbed would. He noted the importance of the lake for the development of young people accessing the site and said that, on balance, he supported the proposal.

The Chairman acknowledged that the site had been occupied since the late 1890s for various uses. She reminded the Committee that planning applications, where the recommendation was against policy, needed to be determined on the balance of the benefit outweighing the harm. She believed that, on this occasion, the benefit

outweighed the harm. She noted the concerns of the objectors but considered the continuation of the restoration of the Estate to be very important. She was also of the opinion that the development of young people was important and that the lake would provide activities that would contribute to such development. The Chairman noted the employment that was brought to the local area by PGL and considered the mitigation for the impact on wildlife to be sufficient. She was in favour of the application.

A member of the Committee noted that the report detailed that no noise complaints had been received in 2019 and that complaints in 2018 had not been substantiated. He said that there was clear evidence that PGL was taking onboard suggestions from local residents and attempting to be a good neighbour.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Cooper, seconded by Councillor Hedgley it was unanimously

RESOLVED

That the Head of Planning and Coastal Management be delegate **AUTHORITY TO APPROVE** subject to the resolution of outstanding matters relating to a Landscape Strategy, ecological effects and noise being satisfactorily resolved and subject to the following controlling conditions, and any additional conditions identified through the assessment of the outstanding documents:-

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with (list of documents to be inserted here, final documents yet to be agreed) received (dates of receipt to be inserted), 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. Not more than 80 participants shall use the lake at any one time.

Reason: In the interests of protecting the amenity of nearby residents

4. The lake shall not be used between 14th November and 10th February the following year. At all other times of the year the lake shall not be used for activities before 9am and after 5pm.

Reason: In the interests of residential amenity.

5. Prior to works commencing on the excavation to create or the construction of the

shelters, the lake, detailed construction drawings shall be submitted to and approved by the local planning authority. The details shall include the level changes and grading of land around the lake, details of the activity stations, the exact locations of the timber shelters and their appearance and materials, details of materials for all hard surfaced areas. Only the approved details shall be implemented.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity and the preservation of the historic parkland.

6. None of the existing woodlands, tree belts, groups of trees and individual trees shown to be retained on the approved drawings shall be uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedgerow removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season with trees and/or shrubs of a size and species which have previously been agreed by the local planning authority.

Reason: To safeguard the visual amenity provided by the trees and hedgerows and to safeguard the character of the Historic Park and Garden.

7. Prior to work commencing on the excavation to create the lake, a materials management plan providing details of how the material excavated will be distributed, deposited and managed across the site shall be submitted to and approved by the local planning authority. The development shall proceed only in accordance with the submitted details.

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

8. Within 3 month(s) of commencement of development, satisfactory precise details of a full planting schedule (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved by the local planning authority.

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

9. The ecological mitigation and enhancement measures detailed in the hereby approved Ecological Reports (to be specifically referenced on receipt) shall be implemented in full.

Reason: To protect and enhance the biodiversity and geodiversity value of the site.

10. The works listed in the hereby approved Landscape Strategy shall be implemented in full within the timeframes stated unless otherwise agreed with the local planning authority. (This condition may make specific reference to particular works once the final Landscape Strategy is agreed)

Reason: In the interest of securing the maintenance/restoration of designated heritage assets.

11. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and the following mitigation measures detailed

within the FRA:

- Finished water levels for the lake are set no higher than -0.1 metres above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to first use in accordance with timing/phasing arrangements embodied within the scheme, unless otherwise agreed with the local planning authority.

Reason: To reduce the risk of flooding.

12. The development shall be carried out in accordance with the submitted Landscape and Visual Appraisal and the following measures detailed within the appraisal:

- The 24,260 cubic metres of excavated substrate must not be deposited within either Flood Zone 3 or Flood Zone 2.

Reason: To reduce the risk of flooding

13. Prior to the commencement of the excavation works to create the lake, details of the proposed temporary access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to construction of the lake commencing. Thereafter the access shall be retained in its approved form until construction is complete, where upon it shall be removed within 1 month, and the highway verge restored in accordance with details previously agreed with the local planning authority.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety and the highway verge is satisfactorily re-instated.

14. All HGV movements to and from the site during construction shall be subject to a Deliveries Management Plan which shall be submitted for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the plan. The Plan shall include measures to deal with complaints.

Reason: To reduce the effect of HGV movements in the interests of residential amenity and the protection of the local environment.

15. All landscape works shall be carried out in accordance with the approved details, on completion of the lake or in accordance with a programme agreed with the Local Planning Authority; and any trees or plants which, within a period of five years from completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation; all works shall be carried out in accordance with the relevant provisions of appropriate British Standards or other recognised Codes of Good Practice.

Reason: In the interest of securing the maintenance/restoration of designated heritage assets, visual amenity and the protection of the local environment.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

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.

17. The development shall take place in compliance with the implementation of a programme of archaeological investigation, as described in the approved Written Scheme of Investigation which has been submitted as part of the application to the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

Following the conclusion of this item, the Chairman adjourned the meeting for a short break at 4.10pm. The meeting was reconvened at 4.19pm.

7 DC/18/4644/VOC - Land South and East of Adastral Park (Brightwell Lakes), Martlesham

The Committee received report **ES/0077** of the Head of Planning and Coastal Management. This application sought to vary condition 34 of the outline planning permission DC/17/1435/OUT which was a condition relating to the timing of completion of vehicular access points serving the site. The condition sought to deliver the main site access onto the A12 and the western access of Ipswich Road prior to the first dwelling being occupied. The variation sought would change the trigger points for completion of the accesses to allow the western Ipswich Road access to be provided first, enabling up to 200 dwellings to be built in a southern part of the site as part of the first phase of development without the completion of the A12 access.

This change in the trigger points would affect only the first 200 dwellings and the consideration was limited to the effect of the occupation of those homes via one Ipswich Road access. Specifically, the only relevant effects were those on the highway network and the effect on the establishment of this new community.

The application had been referred to the Committee by the Head of Planning and Coastal Management due to the significance of both the outline planning permission

and the site, and because the application for outline planning permission had been determined by Suffolk Coastal District Council's Planning Committee.

The Committee received a presentation on the application from the Major Sites and Infrastructure Manager. He highlighted some minor errors on the first page of the report, which referred to condition 32 of the outline planning permission. He confirmed that the variation was sought for condition 34. It was noted that Mr Barber, Principal Highway Engineer for the Highway Authority, was present at the meeting. The Committee was informed that the scheme for the site had received two awards, including one from the Royal Town Planning Institute, since outline planning permission had been granted.

An illustrative masterplan of the site was displayed, and detail was provided regarding highway infrastructure and landscaping. The Major Sites and Infrastructure Manager stated that several developers were keen to build on the site. The site would also provide an "all-through" school and Suffolk County Council was progressing the design of this; it was hoped that detailed planning proposals for the school would be brought forward in the next six months.

The delivery of the boulevard was described as being key to the site as it would be the spine of its infrastructure and was therefore critical to the delivery of the school and first 100 homes on the site. Two secondary roads would lead off from the boulevard to Ipswich Road and the A12, which were the subject of the application before the Committee.

An access and movement parameter plan was demonstrated to the Committee, highlighting road and cycle access. Condition 34 of the outline planning permission dealt with the delivery of access points into the site and different accesses had different trigger points, to ensure delivery and mitigation was spread appropriately. The applicant was seeking to vary condition 34 in order to bring forward the delivery of the Ipswich Road access. The Major Sites and Infrastructure Manager advised that there were functional reasons as to why the A12 access could not be completed by first occupation. It was noted that the boulevard would provide key facilities including foul water drainage.

The Committee was shown details of the proposed access from Ipswich Road, along with photos demonstrating where access from the A12 would be. The areas of the site that would be initially developed were outlined.

The recommendation to approve, as detailed within the report, was outlined to the Committee.

The Chairman invited questions to the Officer.

A member of the Committee asked what impact any northern relief road would have on the proposed accesses. The Major Sites and Infrastructure Manager advised that it was necessary to consider the proposal against the current circumstances, and that it was not possible to predict the impact of any such relief road. He stated that any proposals for the relief road would need to take into account what had been approved for access in and out of the site.

The Chairman invited Ms Pryor, representing CEG, to address the Committee.

Ms Pryor informed the Committee that since outline planning permission had been granted, significant work had been undertaken to prepare the site for the delivery of housing, including reserved matters applications and engagement with the local community. She said that a lot of work had gone on behind the scenes and expressed gratitude to the Council's officers for their collaboration. She said it was anticipated that work would begin in the western section of the site in early 2020 and that CEG was seeking to complete all pre-commencement conditions before this time. CEG was acting as the master developer and was offering parcels of land to various housing developers.

The purpose of the variation was to allow a housing developer to begin construction on a parcel of land adjacent to Ipswich Road at an earlier stage than if the A12 access needed to be completed first. Ms Pryor said the purpose of the application was speed up the delivery of housing on the site and was not to re-orientate the location of the site's principal access.

The Chairman invited questions to Ms Pryor.

Ms Pryor confirmed that two reserved matters applications had been approved by Suffolk Coastal District Council in 2018 which would allow services to be provided to the parcels of land identified for initial development. She advised that no work on the site itself had been undertaken at that time.

The Chairman invited Councillor Blundell, Ward Member for Martlesham, to address the Committee.

Councillor Blundell said he had a great interest in the site, noting that it would impact several parishes within his Ward. He considered that it was a well-established and well-designed site and that CEG had communicated well with the local community. He was concerned that development had not yet begun on the site and expressed a wish to see amenity facilities provided in the area.

Councillor Blundell stated that he was content with the variation to condition 34 as proposed.

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

There being no debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Fryatt, seconded by Councillor Hedgley it was

RESOLVED

That the application for permission to issue the variation of condition 34 be **APPROVED**, with the variation to state:

34. The Following highway improvement shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling:

Shared cycleway and footway connection via Barrack Square – drawing number. 10391-HL-103 revision A

The following access and highway improvement shall be completed and made first available for use in accordance with the relevant permitted drawings prior to occupation of the the first dwelling within the orange area (being the A area) on drawing 31677 30B or prior to the occupation of the 201st dwelling, whichever is sooner:

Proposed western signalised access off A12 dual carriageway – drawing number 1039-HL-07 revision C.

The following access and highway improvement shall be completed and made available for use in accordance with the relevant permitted drawings prior to occupation of the first dwelling within the area outlined light blue (being the site B area) on drawing 31677 30B or prior to the occupation of the 301st dwelling, whichever is sooner:

Proposed priority junction western access off Ipswich Road – drawing number 10391-HL-05 revision E.

As a Variation of Condition application, all previous conditions are reapplied to this permission and it acts as a new decision notice for the Outline approval (time limits adapted to address the passage of time). The Section 106 agreement does not require any variation owing to a clause written into the agreement applying the Section 106 agreement to any subsequent Variation of Condition application.

The meeting concluded at 4:38pm

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Chairman



PLANNING COMMITTEE SOUTH

Tuesday, 27 August 2019

APPOINTMENTS TO THE LOCAL PLAN WORKING GROUP

EXECUTIVE SUMMARY

To consider appointments to the membership of the Local Plan Working Group for the 2019/20 Municipal Year.

Is the report Open or Exempt?	Open
Wards Affected:	All Wards in the District
Cabinet Member:	Councillor Steve Gallant Leader of the Council
Supporting Officer:	Matt Makin Democratic Services Officer 01394 444626 matt.makin@eastsoffolk.gov.uk

1 INTRODUCTION

- 1.1 The Council appoints to a number of Working Groups each year as part of its corporate governance framework in support of the democratic process and decision-making arrangements.
- 1.2 At a meeting of Full Council on Wednesday 24 July 2019, report **ES/0049**, proposing Working Groups for 2019/20, was considered. The following Working Groups were agreed and appointed to:
- The Local Plan Working Group
 - The Housing Benefits and Tenant Services Consultation Group
 - The Member Development Steering Group
 - The Lowestoft Transport and Infrastructure Prospectus Working Group
- 1.3 The Working Groups have clear terms of reference outlining their roles, responsibilities and reporting mechanisms, thereby increasing openness and transparency and making the best use of resources.
- 1.4 The Terms of Reference for the Local Plan Working Group state that two members of the Planning Committee shall be appointed to its membership. This information is contained within Appendix A.
- 1.5 At the meeting of Full Council on 24 July 2019, the Leader of the Council suggested that these appointments be delegated to the Planning Committee North and Planning Committee South. This approach was duly agreed by Council, with the expectation that each Committee will nominate one Member each to the Local Plan Working Group.

2 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 2.1 Councillors that are appointed to Working Groups work to help address local issues and to achieve sustainable solutions. This will help to deliver a strong and sustainable local economy and to help improve the quality of life for everyone living and working in the District.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 3.1 Appointment to Working Groups enables more in-depth consideration to be given to specific issues.
- 3.2 Members appointed to Working Groups are able to claim expenses in accordance with the Members' Allowance Scheme and these costs can be accommodated within existing resources.
- 3.3 Reviewing Councillor representation on Working Groups ensures that they are still relevant and fit for purpose and allows back bench Councillors to concentrate on their community leadership roles within their own Wards.

4 CONSULTATION

- 4.1 Consultation has been undertaken with the Group Leaders, seeking nominations for the Working Group positions.
- 4.2 Full Council received report **ES/0049** at its meeting on 24 July 2019, which considered the continuation and membership of Working Groups for the 2019/20 Municipal Year. At this meeting it was suggested by the Leader of the Council that the appointments to the

Local Plan Working Group be delegated to the Planning Committee North and Planning Committee South. This approach was agreed by Council.

- 4.3 This report was also received by Planning Committee North at its meeting on 13 August 2019, with the expectation that each Committee will nominate one Member each to the Local Plan Working Group.

5 OTHER OPTIONS CONSIDERED

- 5.1 Working Groups are set up to examine specific issues in depth prior to recommendations being put forward to the relevant decision-making body. Should the Planning Committees decide not to appoint to the Local Plan Working Group, then the opportunity for more in-depth consideration of issues could be lost.

6 REASON FOR RECOMMENDATION

- 6.1 To ensure that Members are appointed to the Local Plan Working Group for the 2019/20 Municipal Year.

RECOMMENDATION

That the Planning Committee South appoints one representative to the Local Plan Working Group, for the remainder of the 2019/20 Municipal Year, as outlined in Appendix A to the report.

APPENDICES

Appendix A	Schedule of Working Groups Nominations for 2019/20 (Local Plan Working Group only)
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BACKGROUND PAPERS – None.

EAST SUFFOLK COUNCIL

Appointment of Working Groups for 2019/20

1. Local Plan Working Group

Terms of Reference:

- To act in an advisory/consultative capacity to the Cabinet Member for Planning and Coastal Management and through him/her to Cabinet/Full Council, as appropriate.
- To work with officers to prepare and review Local Plan documents and related documents, such as Supplementary Planning Documents including development briefs, the Statement of Community Involvement, Local Development Scheme, the Authority Monitoring Report and Community Infrastructure Levy (CIL) Charging Schedule.
- Feed in local knowledge and information to inform the preparation of Local Plan documents and related documents.
- Consider the findings of evidence base documents to inform the preparation of documents.
- To work with officers to agree and publish issues and options papers and other draft documents on which to consult the community and other stakeholders.
- Work with Officers to determine the appropriate consultation methods at specific plan/document making stages, taking into account the Council's Statement of Community Involvement and resources.
- Consider representations to the documents and recommend amendments for approval by Cabinet or Full Council, as appropriate.
- Act as a focal point for knowledge and information about the Local Plan and related documents both for members and the community at large.
- Receive progress updates for the preparation of Neighbourhood Plans and other projects, as relevant.
- In preparing Local Plans and other related documents, take into account the wider strategic planning issues and collaboration with other local authorities, particularly those within the same housing market area and functional economic area.
- Provide views, via the Cabinet Member for Planning and Coastal Management, into any Board/s overseeing local authority joint working on Local Plans and related documents.
- Act in an advisory capacity for any other relevant issues relating to the preparation of Local Plan and related documents.
- To scrutinise the preparation of Local Plan documents to ensure they comply with all the regulatory requirements.

The Working Group will meet monthly on an on-going basis, subject to business.

Vice Chairman to be elected at the first meeting of the municipal year.

No substitutes other than Vice Chairman of Planning Committee, where necessary. Other members can be invited at the discretion of the Chairman of the Working Group.

The Working Group maintains a standing invite to the Cabinet Member and relevant officers responsible for the Great Yarmouth, Ipswich, Babergh and Mid Suffolk Local Plans in the

interests of the Duty to Cooperate on strategic planning issues of a cross boundary nature. Other local authority representatives, neighbourhood plan groups and organisations will also be invited as and when appropriate.

<p>Membership - 12</p>	
<p>Cabinet Member for Planning and Coastal Management (Chair)</p>	<p>Cabinet Member for Planning and Coastal Management – David Ritchie</p>
<p>3 x Relevant Cabinet Members</p>	<p>Cabinet Member for Housing – Richard Kerry Cabinet Member for Economic Development – Craig Rivett Cabinet Member for Environment – James Mallinder</p>
<p>2 x Chairman of Planning Committee (Vice-Chairman to substitute if necessary)</p>	<p>Chairman of Planning Committee North – Paul Ashdown (Vice-Chairman - Jenny Ceresa)</p> <p>Chairman of Planning Committee (South) – Debbie McCallum (Vice-Chairman – Tony Fryatt)</p>
<p>2 x Planning Committee Members</p>	<p>2 Planning Committee Members – tbc</p>
<p>Broads Authority Representative</p>	<p>Broads Authority Representative – Andree Gee</p>
<p>3 x Other Members</p>	<p>Mike Deacon Graham Elliott Malcolm Pitchers</p>



PLANNING COMMITTEE SOUTH

Title of Report:

ENFORCEMENT PERFORMANCE REPORT – APRIL TO JUNE 2019

Meeting Date

27 August 2019

Report Author and Tel No

Cate Buck
01394 444290

Is the report Open or Exempt?

Open

REPORT

To provide information on the performance of the enforcement section.

RECOMMENDATION

That the report concerning Enforcement Team statistics be received.

1. Background

- 1.1 Following the adoption of the new Local Enforcement Plan in March 2019 and the formation of the new East Suffolk Council Enforcement Section it was decided that a report be presented on a quarterly basis from August 2019.
- 1.2 Between April and June 2019, one Temporary Stop Notice, one Stop Notice, two Enforcement Notices and one Listed Building Enforcement Notice have been served.

Cases Received and Closed April to June 2019

<u>Month</u>	<u>Cases Received</u>	<u>Cases Closed</u>
April	57	31
May	44	26
June	40	36

*Please note all new complaints are logged, site visited and then triaged in accord with the appropriate risk assessment.

Reasons for Closure

<u>Reason</u>	<u>April</u>	<u>May</u>	<u>June</u>
No Breach	19	15	17
Compliance/use ceased	4	5	9
Planning Permission Granted	7	6	10
Permitted Development	0	0	0
Immune/Lawful	0	0	0
Duplicate file	0	0	0
Withdrawn	0	0	0
Not Expedient	0	0	0

Time taken to close cases

<u>Time taken to close cases</u>	<u>Cases Closed in April</u>	<u>Cases Closed in May</u>	<u>Cases Closed in June</u>
<u>1-10 days</u>	4	4	3
<u>11-20 days</u>	4	4	3
<u>21-30 days</u>	2	2	2
<u>31-40 days</u>	0	4	2
<u>41 + Days</u>	21	12	26
<u>Total</u>	31	26	36

Enforcement Notices Served April - June 2019

<u>Type of Notice</u>	<u>Address</u>	<u>Breach</u>	<u>Compliance period</u>
TSN	Land at North Denes, Lowestoft	Unauthorised development	28 days
LBEN	Willow Farm, Chediston	Unauthorised works to a Listed Building	3 months
EN	Dingle Dell, Middleton	Unauthorised change of use	3 Months
EN	Land at North Denes, Lowestoft	Unauthorised Development	3 Months
Stop Notice	Land at North Denes, Lowestoft	Unauthorised Development	Immediate

PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

27 August 2019

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 July 2019. At present there are 16 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 Council's 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 July 2019 be received.

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. 	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	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 dismissed 	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<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 released for enforcement notice served in connection with unauthorised occupancy /use of barn. 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 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>sought. Verbal update to be given.</p> <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. • 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 07/09/2019. 	
EN/09/0305	18/07/2013	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 	April 2021

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>Committee for determination</p> <ul style="list-style-type: none"> 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 monitored 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. 	
EN13/005	13/12/2013	High Grove Wood, Low Road, Great Glemham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> 13/12/2013 – PCN served 19/09/2014 – Enforcement Notice served - takes affect 24/10/2014 24/02/2015 - Compliance due date 07/07/2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered. 16/07/2015 – Preliminary hearing at Crown Court, next appearance has been set for 18/09/2015. 02/09/2015 – Enforcement Notice withdrawn on legal advice 04/03/2016 – New PCN served. 05/04/2016 – PCN re-served 27/04/2016 – Completed PCN not returned. Case is due to be heard at Ipswich Magistrates Court on 	30/07/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>01/11/2016 for the offence of failing to return a Planning Contravention Notice.</p> <ul style="list-style-type: none"> • Case has been adjourned until 06/12/2016 • Trial date set for 03/02/2017 • Trial has been discontinued for further Enforcement Notice to be served. • 27/06/2017 – Enforcement Notice served, Notice effective on 28/07/2017, compliance by 28/11/2017. • 23/01/2018 – site visit undertaken • 08/05/2018 – Site visited on pre-arranged visit, access denied. Another visit arranged for 31/05/2018. • 21/06/2018 – Site visited. • 06/07/2018 – Legal advice being sought as to further action. • 11/09/2018 – Site revisited to check for compliance with Notices. • 12/09/2018 – Case referred back to Legal Department for further action to be considered • 01/11/2018 – Court Hearing at the High Court in relation to the 2017 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Four months given for compliance with Enforcement Notice. • 07/03/2019 – Site visit undertaken to check on compliance with Injunction. • 01/04/2019- File has been passed back to Legal Department for further action. • 07/05/2019 – Case was heard at the High Court for failure to comply with the Enforcement Notice. Case has been adjourned for sentencing until the 26/07/2019 • 26/07/19 – The Council returned to Court for sentencing. 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				The mobile home and portable toilet have now been removed from the site so the enforcement notice has now been complied with.	
ENF/2014/0104	16/08/2016	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 action. • 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 	30/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>the Council give 30 days for the site to be cleared before the Notice is served.</p> <ul style="list-style-type: none"> 01/04/2019 – Enforcement Notice served. 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	
ENF/2016/0292	11/08/2016	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	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 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 	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 07/09/2019	
ENF/2017/0170	21/07/2017	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. Waiting for decision from Planning Inspectorate. 	31/07/2019
ENF/2018/0035	26/04/2018	9 Hillcrest Knodishall	Untidy Site	<ul style="list-style-type: none"> 26/04/2018 – S215 Notice served 3 months for compliance from 28/05/2018 29/08/2018 – Further action passed to Public Sector Housing Team to take forward. 09/01/2019 – Site visited, some work has been done to comply with Notice, site to be monitored. 	31/07/2019
ENF/2017/0387	14/08/2018	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> 14/08/2018 – S215 Notice served 3 months for compliance from 13/09/2018 12/11/18 - Site in the process of being cleared. 24/12/2018 - Site has been predominantly cleared. 26/02/2019 – Property has recently been sold, final works expected to be done imminently. Property sold at auction, further time given to clear site. 	31/07/2019
ENF/2015/0279 /DEV	05/09/2018	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	<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 information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she 	30/10/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
			formation of a lake and soil bunds.	<p>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. 	
ENF/2018/0057 /	15/11/2018	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. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	30/10/2019
ENF/2018/0276	23/11/2018	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 	31/07/2019
ENF/2018/0319 /COND	19/12/2018	Windy Acres Mutfordwood Lane Mutford	Change of use of 'Day Room' to permanent residential accommodation.	<ul style="list-style-type: none"> • Retrospective planning application submitted 26/10/2018 • Planning application refused 29/11/2018 • Enforcement Notice served to rectify breach relating to the change of use of 'day room to residential dwelling' on 19/12/2018. • Site visit to be conducted to check for compliance with the Enforcement Notice. 	30/07/2019
ENF/2018/0330 /LISTM	17/05/2019	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 	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543 /DEV	24/05/2019	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. 	28/09/2019

PLANNING COMMITTEE SOUTH – 27 AUGUST 2019

APPLICATION DC/19/1999/FUL

EXPIRY DATE 11 July 2019

APPLICANT Dr Marc Thomas

ADDRESS Land Adjacent To Wickham Market Substation, The Street, Hacheston, Suffolk

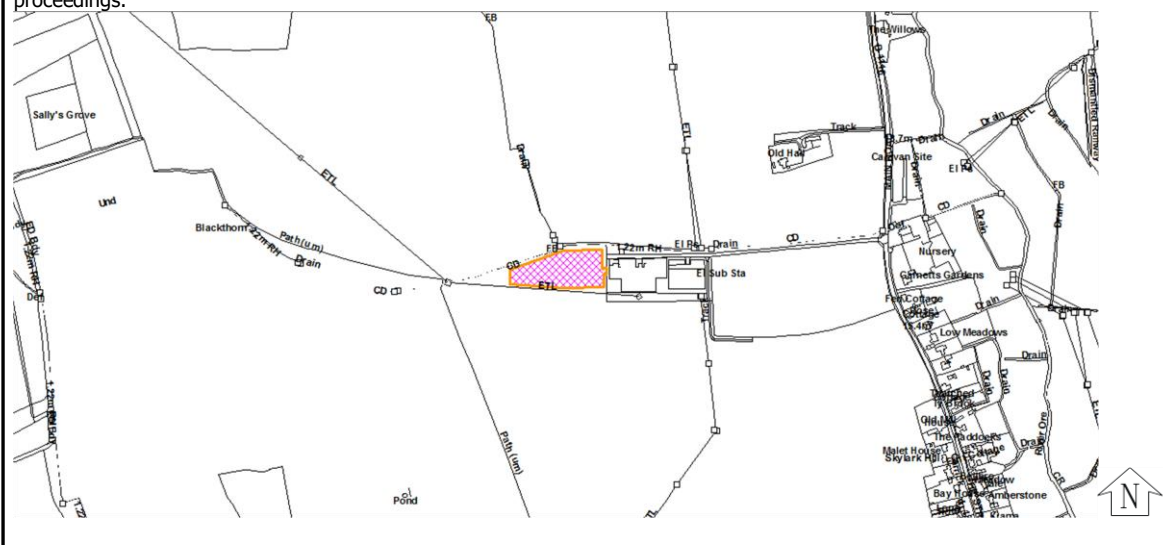
PROPOSAL Minor Material Amendment relating to approved 50MW battery storage facility

CASE OFFICER Jane Rodens
01394 444505
jane.rodens@eastsuffolk.gov.uk

DC/19/1999/FUL- Land Adjacent To Wickham Market Substation, The Street, Hacheston

DO NOT SCALE SLA100019684

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1. EXECUTIVE SUMMARY

- 1.1 Planning permission is sought for a revised scheme to an already approved fast response embedded power plant to be sited adjacent to an existing substation in the countryside between Hacheston and Parham.**
- 1.2 The application site is no different in size and location to the previously consented scheme DC/17/3742/FUL. The proposed changes relate to the structures solely located within the proposed compound. The changes are detailed in paragraph 3.4 of this report.**
- 1.3 Hacheston Parish Council and a number of local residents have objected to the proposal on grounds of landscape/visual impact; impact upon the setting of Parham Old Hall; noise. It is noted that there are no statutory objections to the proposal, subject to the re-imposition of the conditions and the Council's Landscape Manager raises no impacts on landscape harm.**
- 1.4 Officers consider that the changes proposed to the consented scheme are not considered significant or demonstrably harmful and are acceptable when having due regard to the consented scheme. It remains the case that the public benefits of the scheme are sufficient to outweigh the less than substantial harm to the setting of the Grade 2 listed Parham Old Hall and the landscape and visual impact of the development.**
- 1.5 The concerns raised through the consultation responses are noted, however the proposed changes are considered acceptable in terms of principle and detail and the application is recommended for approval.**

2. SITE DESCRIPTION AND PLANNING HISTORY

- 2.1. The site lies within farmland on the northern side of the village of Hacheston, south of the village of Parham. The site is surrounded on its southern, western and northern sides by gently rising ground, with the land east an existing 132kV primary electric substation which is fed by 132kV overhead power lines. The land and existing sub station is accessed by a vehicular access and access road onto the B1116, with the junction some 400m east. The site and surrounding area is a designated Special Landscape Area (SLA). The land falls gently in an easterly direction with the River Ore lying on the opposite side of the B1116 some 515m due east.**
- 2.2. The nearest residential property is Parham Old Hall, a detached two-storey dwelling which is Grade 2 listed, which lies approximately 260m due north-east. There are other residential properties on the opposite side of the B1116. A Public Right of Way (PROW) (E-427/001/0) runs east – west on the northern side of Parham Old Hall before turning to the north, on the northern side of the site. At its closest point the footpath is some 120m distant from the site.**

- 2.3. There is a line of trees alongside the concrete access road, with intermittent hedging on the northern side of the ditch. The site has undulating arable fields to the north, south and west. The trees are not covered by any statutory protection.
- 2.4. The site forms part of a larger arable field which stretches to the south and south-west. This field covers an area of 51.29ha (127 acres) and runs up to Easton Lane to the south. The highest part of the field is the north western corner at an elevation of approximately 40 metres (m) AOD and slopes gently eastwards to the eastern boundary at about 30m AOD. The north eastern corner of the field is the current site area and falls towards a ditch along the northern boundary at just below 25m AOD.
- 2.5. A line of “major” pylons extends from the substation site north westwards across part of the field and northwards into open countryside. A further 33KV power line extends south and then south west from the sub-station.

Planning History

- 2.6. The application site was previously part of a larger site for a proposed solar park in 2013 (SCDC ref C12/1899) consisting of solar panels to generate up to 25MW of electricity with transformer housing, security fencing and other works including landscaping. This proposal was dismissed at appeal, following a Public Inquiry, the inspector’s decision was subject to “call in” by the Secretary of State (SOS), who agreed with the Inspector's findings. Permission was refused.
- 2.7. The main issues at appeal were visual impact and the effect on the setting of heritage assets. It was concluded by the SOS that major/moderate adverse impact would be likely on the landscape for recreational users of rights of way and occupiers of Parham Old Hall. There was no guarantee that mitigation planting would occur or be maintained for the life of the development and it was concluded that significant weight should be given to the harm which would occur both to the landscape and the rural setting of Parham Old Hall which was stated to be significantly harmed.
- 2.8. A further planning application was submitted for a “*fast response embedded power plant*” (application reference DC/17/3742/FUL refers). The application was presented to the Suffolk Coastal District Council Planning Committee on the 19 July 2018 and subsequently approved. The minutes of the meeting are contained in Appendix 1 to this report.
- 2.9. The development that was granted planning permission included the following:
- Internal access through the site
 - Acoustic Fence, 3m tall on the southern elevation and 4m on the northern
 - 23no. inverters
 - 23no. Transformers
 - 6no. Substation buildings
 - Welfare Building
 - Control Room
 - Main Grid Transformer

- 6no. B1 battery building
- 12no. B1 battery building
- Planting and screening

3. PROPOSAL

- 3.1. This application seeks permission for some changes to the host permission (DC/17/3742/FUL). The original application has relatively short-run duration batteries, principally suited to frequency regulation. This proposal seeks to extend the battery storage capacity to allow the site to engage in energy arbitrage as well as frequency regulation. This assists in the growth of renewables by providing a storage facility for surplus renewable generation, which is later released for peak demand. The most obvious example is the PV peak generation, which occurs in the middle of the day, and at a time of low demand, while peak demand occurs just after sunset.
- 3.2. The proposed changes are in order to align with an increase in battery capacity, maximising site safety, and due to work on the detailed engineering and UKPN connection requirements. In addition, the availability of equipment and advancing technical construction requirements has led to minor amendments to ensure components are efficient and fit for purpose.
- 3.3. The proposal is for the installation of a 50MW reserve power storage and frequency response facility which will operate in support of National Grid and the regional electricity distribution network. There is no primary generation on site, with the response being delivered by grid storage batteries which import and export balanced quantities of energy from the grid.
- 3.4. The overall site size is not proposed to change from that previously granted. This application seeks to change the structures and layout within the site, as summarised below:

Item	Approved	Proposed	Summary
Internal access through the site	central access, then road is directed to the south and west	Access running along the north of the site, then directed to the south and west	The first part of road is moved northwards
Acoustic fence around the perimeter	3m tall on the southern and western side and 4m high on the north and east consisting of metal posts, concrete plinth with timber/acoustic boards. 3m high on South East corner	3m tall on the southern and western side and 4m high on the north and east consisting of metal posts, concrete plinth with timber/acoustic boards. 3m high on South East corner	No change
Inverters	23 Structures that are 4.61m by 2.1m and 2.32m high, as fitted with manufacturer's baffles	24 Structures 4.78m by 2.71m width, 3.1m height as fitted with proposed canopy	Increase of one. Change of Dimension

Item	Approved	Proposed	Summary
Transformers	23 structures that are 2.2m tall by 1.887m wide, 1.814m deep	12 Structures 2.8m tall x 2.8m wide x 2.5m deep	Reduction of 11. Change of Dimension
Substation buildings	6 structures (Primary Substation, Substation 1, Substation 2, Substation 3, UPS, District Network Operators Substation) With dimensions ranging from 3.4m x 1.0m x 2.0m to 7.3m x 3.8m 3.5m With an overall volume of 416.9m ³	Six structures (three x T Boots, 11kv substation, DNO substation, customer substation) With dimensions ranging from 2.5m x 2.8m x 2.38m to 7.3m x 3.8m x 3.5m With an overall volume of 264.8m ³	No change in quantity, reduction in overall volume
Welfare building containing a sink and toilet facilities	3.658m by 2.471m and 2.471m high	3.658m by 2.471m and 2.471m high	No change
Control room	6.0m long, 3.28m wide by 4.05m high.	10.2m width, 2.7m length, 2.8m height	Change in Dimensions
Main grid transformer and disconnector plant is set out in the south-eastern part of the site	up to 5.7m tall	up to 5.7m tall	no change
B1 batteries	Six blocks that are 2.438m wide by 2.991m deep, with elements 1.988m long by 800mm wide on the roof and sides.	None	Reduction of six
B2 batteries	12 structures that are 3.9m long, 1.0m wide and 2.25m tall.	None	Reduction of 12
Bank A batteries	Eight Containers 15.24m by 2.9 m high and 2.44m deep	19 containers 15.24m by 2.9 m high and 2.44m deep	Increase of 11
Planting and screening			No change proposed

- 3.5. The Design and Access Statement that accompanies this application states that there are 78 separate containers currently granted. The application seeks a reduction of the number of containers to 62, therefore a reduction of 16 containers.

4. CONSULTATIONS/COMMENTS

- 4.1. Hasketon Parish Council: *“The Parish Council objected strongly to the original proposal and object to this one. They still have concerns over noise. There is a history of noise nuisance from this site, installation of new equipment in the past caused serious unpredicted disturbance to nearby residents. The current application includes a noise survey but councillors are not convinced that unforeseen noise will not be an issue. Stringent conditions are attached to the approved scheme in that noise emanating from the installation must not exceed ambient noise. However it is not clear how this will be monitored by the operator nor what will happen if levels are exceeded. They would like assurance that East Suffolk Planning Enforcement will act should conditions be breached.*

The Parish Council will be contacting Norriker for information on measures taken to detect and extinguish fire in the equipment enclosures. There are concerns that chemical leakage could contaminate farmland and the nearby plant nursery and would like information on the developer’s contingency plans.”

- 4.2. Suffolk County Council – Local Highway Authority: No objection to the application
- 4.3. East Suffolk Council - Head of Environmental Services: No objection subject to conditions which are the same as those attached to the previous permission and proposed to be re-attached to this permission.
- 4.4. Third Party Representations: Eight Letters of objection have been received raising the following matters:

Neighbour Comment	Officer Response
DC/19/1999 is described as a “ <i>Minor material amendment</i> ” by the applicant but this is a misrepresentation of the proposal due the numerous changes being undertaken with regard to buildings and equipment.	This application has been submitted as an improvement of the storage capacity and technology that has already been permitted on the site.
It is stated in the information in the application that this proposal is dependant on another site in Hertfordshire, but there are no details of the separate planning permission for this diesel plant (including start date, length and any restrictions) and no certification or supporting evidence from the National Grid that this aggregate transmission had been officially approved.	This planning application is only concerned with this development and cannot consider other development across the country.
This should a major alteration and be subjected to the most rigorous scrutiny. Satisfactory answers to	The application has been considered by the Landscape Manager and the Head of

Neighbour Comment	Officer Response
any technical issues should be provided before a revised permission is issued rather than relying on the applicant 'coming up with something as they go along'.	Environmental Services. Their comments are in this Committee Report and the conditions they recommend, are included within the officer recommendation.
It is disputed that the claim that this development is regarded as "renewable energy" since the applicant has no control over the source of the energy used for charging of the batteries.	This application has been submitted as an improvement of the storage capacity and technology that has already been permitted on the site.
The applicant has not yet complied with the conditions attached to the original consent namely conditions 6, 7, 8, 9, 11, 12 and 13 which do not appear to have been met or at least have not been made available to the public.	No applications have been submitted to discharge the conditions of application DC/17/3742/FUL.
The property closest to the development (280m) is a Grade II Listed Building (Parham Old Hall) that cannot be fitted with modern sound insulating materials.	Conditions in regards of noise mitigation are proposed to be duplicated from planning permission DC/17/3742/FUL on the new consent.
It is essential that the noise is modified as much as possible and carefully monitored. Condition 13 (DC/ 17/3742) needs to be strictly adhered to.	Conditions in regards of noise mitigation are proposed to be duplicated from planning permission DC/17/3742/FUL on the new consent.
Concern has been expressed that during these winter afternoons/evenings, when the plant is to be running at full power, there will be far less background sound than in the summer months, making noise from the power plant more apparent.	Conditions in regards of noise mitigation are proposed to be duplicated from planning permission DC/17/3742/FUL on the new consent.
The submitted noise report has been independently assessed by Paul Goring BSc MIOA. He states that this assessment shows failure to comply with BS 4142:2014 and highlights omissions in the Pace Consult Ltd Report. It concludes that the Environmental Services Team has not been presented with all relevant facts and, therefore, advises that the Council should obtain independence advice about the noise impact of this proposal.	The Head of Environmental Services has commented on the application and recommended that the conditions from planning permission DC/17/3742/FUL are to be carried over to this application.
A higher fence will reduce the noise impact on the area, but this will have a visual impact on the area. A specialist report on this matter should then be put before the Planning Committee for consideration.	The same height fence is being proposed in this application, which has been granted in the previous planning permission DC/17/3742/FUL.
The planning permission for this industrial development is for a 30-year period. It is therefore important that Planning Officers ensure that any equipment that is replaced during the lifetime of the project, should be fitted with the latest noise	A condition cannot be applied to the application to recommend the applicant to update acoustic fencing when new technology is provided, as this will be an unknown quantity.

Neighbour Comment	Officer Response
reductions technologies. This should be included as a separate Planning Condition.	
That the noise report does not assess the noise impact of the development in accordance with BS 4142:2014 and contains many failings one of the most important being that the essential one-third octave band frequency data for every item of noise emitting equipment is not assessed.	The Head of Environmental Services has commented on the application and recommended that the conditions from application DC/17/3742/FUL are to be carried over to this application.
The submitted noise report claims that there will be no problem generated by the new proposal. Similar claims were made with regard to the consented scheme, however it is stated in the application that the only way that the consented scheme could meet the conditioned noise levels at night time was to operate the site at reduced power.	The Head of Environmental Services has commented on the application and recommended that the conditions from application DC/17/3742/FUL are to be carried over to this application.
There is no cross section across the site to be able to compare the height of the proposed and permitted schemes.	The application has been assessed on the information that has been provided.
The impact of the revised scheme on the landscape and heritage asset should be re-assessed properly and reviewed by an independent expert. Statements by the Applicant to the effect that these are minor changes that have minimal impact should not be taken as read and should be properly tested.	The application has been assessed by the in house Design and Conservation Officer, and Planning Officers from the information that has been submitted, a site visit and in combination with the consideration of the previously consented scheme.
Due to the location of the site it makes it difficult to screen, from important areas including Grade II Listed Parham Old Hall lies 280 m to the northeast of the site and a Public Footpath E-427/001 to the north comes to within 120m of the site boundary.	The same screening and fencing is being provided that has already been granted in planning permission DC/17/3742/FUL.
Due to the prolonged periods of drought currently being experienced in the region, it is hoped that the Council's Landscape Officer will be involved in overseeing the Landscape Management Plan to ensure that the new planting is well managed so that it establishes quickly. Merely replacing dead trees and plants which die during the first five years (Condition 9) is not an effective solution.	Conditions are to be applied to the application in regards of the planting of the scheme. These have already been applied to planning permission DC/17/3742/FUL.
The impact of the revised scheme on the landscape and heritage asset should be re-assessed properly and reviewed by an independent expert. Statements by the Applicant to the effect that these are minor changes that have minimal impact should not be taken as read and should be properly tested.	The application has been assessed on the information that has been provided.

Second Consultation 18th July 2019 – 1st August 2019 – LVIA amendment note

- 4.5. Hacheston Parish Council: no further comments to add to those already submitted for this application
- 4.6. Suffolk County Council – Local Highway Authority: Do not wish to make comments

5. PUBLICITY

- 5.1. The application has been subject of the following advertisement in the press:

Category	Publication date	Expiry	Publication
Ancient monument	6.6.2019	27.06.2019	East Anglian Daily Times

6. SITE NOTICES

- 6.1. The following site notice(s) have been displayed at the site:

Site notice type	Reason	Date posted	Expiry date
General site notice	Ancient monument	31.05.2019	21.06.19

7. PLANNING POLICY

- 7.1. Section S38(6) of the Planning and Compulsory Purchase Act 2004 states that the planning application is to be determined in accordance with the development plan unless material consideration indicates otherwise.
- 7.2. National Planning Policy Framework (2019).
- 7.3. National Planning Policy Guidance
- 7.4. EN-1 – Overarching National Policy Statement for Energy
- 7.5. East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1a - Sustainable Development
 - SP7 – Economic Development in Rural Areas
 - SP12 – Climate Change
 - SP144 – Biodiversity and Geodiversity
 - SP15 – Landscape and Townscape
 - SP29 – The Countryside
 - DM21 - Design: Aesthetics
 - DM22 - Design: Function
 - DM23 – Residential Amenity
 - DM27 – Biodiversity and Geodiversity
 - DM28 – Flood Risk

- 7.6. East Suffolk – Suffolk Coastal District Local Plan – Site Allocations and Area Specific Policies Development Plan Document (2017)
- Policy SSP38 – Special Landscape Areas.
- 7.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, with the Examination to take place in August 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination . At this stage in the plan making process, the policies that 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). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable:
- SCLP3.1 – Strategy for Growth in Suffolk Coastal District
 - SCLP 9.1 – Low Carbon and Renewable Energy
 - SCLP 10.1 – Biodiversity and Geodiversity
 - SCLP 10.3 – Environmental Quality
 - SCLP 10.4 –Landscape Character
 - SCLP 11.1 – Design Quality
 - SCLP 11.3 – Historic Environment
 - SCLP 11.4 – Listed Buildings

8. PLANNING CONSIDERATIONS

Principle of development

- 8.1. The principle of this type of development on this site has already been established through the granting of Planning Permission DC/17/3742/FUL, which is an extant permission until the 6 August 2021. The conditions of this application have not been discharged but there is a realistic timeframe for this to be achieved without prejudice to the consent.
- 8.2. The principle of development is not a matter for debate given the previous consent which can still be implemented. The consideration of this application must relate solely to the changes from the approved scheme and the significance of potential impacts arising from those changes, either positive or negative.
- 8.3. The only change to adopted planning policy since the granting of the previous planning permission is a revision to the NPPF. However, these revisions primarily related to housing matters and have no bearing on the consideration of this application.
- 8.4. The Local Planning Policies of the Local Development Plan considered in the determination of DC/17/3742/FUL remain applicable. In addition to those policies, those within the emerging Local Plan are also now relevant. The emerging policies have been considered by officers but as with the NPPF, do not impact on the acceptability of the application, and cannot be afforded full weight until such time that they are adopted by the Council.

- 8.5. The changes from the previously approved scheme are detailed in paragraph 3.4 above. They can be summarised as follows:
- Change to route of access road through site,
 - Increase in number of inverters by one unit and a change in increase in dimensions,
 - Reduction in the number of transformers by 11 units, (12 units now proposed), with an increase in their dimensions,
 - Substation buildings, change in their use and dimensions, but an overall reduction in the volume of the structures,
 - Control Room, reduction in dimensions,
 - Omission of all B1 Batteries from the site (six units previously proposed),
 - Omission of all B2 Batteries from the site (12 units previously proposed),
 - Increase of 11 units to the Bank A Batteries (19 units now proposed).
- 8.6. There are no changes proposed to:
- The acoustic fence around the perimeter,
 - The welfare building,
 - The main grid transformer and disconnector plant,
 - Planting and screening.
- 8.7. Within the compound there are proposed to be no elements that are to be greater in height than already approved. The tallest element is the main grid transformer and disconnector plant, this is proposed as up to 5.7m in height. However, this has been approved at this height before. The rest of the elements are between 2m to 4.05m in height.
- 8.8. The changes will be considered in turn and cumulatively, through the Planning Considerations Section of this report.

Change to route of access road through site

- 8.9. The proposed road is to run along the internal northern boundary of the site for 9m, then turns south to the centre of the site. This road is directed south of 8m. Then it turns west to the end of the site for 26m.
- 8.10. This is an internal change within the site. To the north of the site is a three metre high fence where the road will not then be visible. It is considered that there will be no impact on the surrounding landscape and visual amenity.
- 8.11. It is considered that there will be no harm to the neighbouring Heritage Asset as this is an internal change that is to be screened by the fence to the north of the site.
- 8.12. Due to the nature of the change there would be no impact on noise and the residential amenity.
- 8.13. This is an internal road and will not impact on the wider highway network.

Increase in number of inverters by one unit and a change in dimensions.

- 8.14. The approved scheme granted permission for 23 inverters measuring 4.61m by 2.1m and 2.32m high, as fitted with manufacturer's baffles. The current application seeks to amend this to 24 Structures with the following dimensions 4.78m by 2.71m width, 3.1m height as fitted with proposed canopy. These are proposed to be distributed throughout the site.
- 8.15. Due to the limited increase in height of 0.1m it is noted the inverters will now be higher than the proposed three meter high acoustic fence to the south of the site, but will not be visible to the fence north of the site which is proposed to be four meters in height.
- 8.16. However, the elements to the south (internally) of the site are to be located 1m away from the boundary, therefore will not be high visible as the increase in height is only 0.1m. Therefore the amended design of the inverters is not considered to have a harmful impact on the surrounding Landscape and visual amenity from public and private vantage points.
- 8.17. It is considered that there would be no adverse impact in regards of noise emanating from these units and conditions are proposed to be applied to the application on this matter as recommended by the Council's Head of Environmental Health.
- 8.18. The changes that are proposed within the proposed compound from the granted permission are not considered to have an impact on biodiversity.
- 8.19. As this is an internal change there would be no impact on the wider highways network.

Reduction in the number of transformers by 11 units, (12 units now proposed), change in their dimension.

- 8.20. The size of the units are proposed to be increased from 2.2m tall x 1.887m wide, x 1.814m deep, to 2.8m tall x 2.8m wide x 2.5m deep. The number of units will decrease substantially by eleven units to twelve units.
- 8.21. The proposed transformers are to be located within the site and next to the access road through the site, they are also to be lower than the approved 3m high acoustic, fence and therefore will not be visible in the wider landscape.
- 8.22. The proposed inverters are to be located within the site and next to the access road through the site. They are also lower than the 3m high acoustic, fence and therefore will not have any detrimental impact on the setting of the heritage asset.
- 8.23. It is considered that there would be no adverse impact in regards of noise emanating from these units and conditions are proposed to be applied to the application on this matter as recommended by the Council's Head of Environmental Health.

8.24. The changes that are proposed within the proposed compound from the granted permission are not considered to have an impact on biodiversity.

8.25. As this is an internal change there would be no impact on the wider highways network.

Substation buildings, change in their use and dimension but, an overall reduction in the volume of the structures.

8.26. The proposed dimension of the substation buildings are proposed to be altered from that which was previously granted planning permission, and their location within the site. The overall volume of the structure is to be reducing to 264.8m³. Also the height of these units is not to be increasing from 3.5m, which has already been permitted in the original application.

8.27. As the height of the units is not to be changing, there would be no greater impact on the landscape/visual amenity, than that which has already been granted through the previous planning permission.

8.28. As the height of the units is not proposed to change, there will be no impact on the historic asset than that which has already been granted through the previous application.

8.29. The proposed transformers and substations are to be located within the site and next to the access road through the site, they would also be lower than the approved 3m high acoustic fence and therefore will not be visible in the wider landscape.

8.30. It is considered that there would be no adverse impact in regards of noise emanating from these units, subject to appropriate mitigation and sound proofing Conditions are proposed to be applied to the application to secure these measures, as recommended by the Council's Head of Environmental Health.

8.31. The changes that are proposed within the proposed compound from the granted permission are not considered to have an impact on biodiversity.

8.32. As this is an internal change there would be no impact on the wider highways network.

Control Room, change in dimensions

8.33. This proposed control room is to change in its dimension from that which was approved (6m long, 3.28m wide by 4.05m high) to 10.2m width, 2.7m length, 2.8m height. It is proposed to be located in the western corner of the site. Previously it was in the east of the site.

8.34. As the height of the control room is to be reduced there would be no greater impact on the landscape/visual amenity that has already been granted through the previous application.

- 8.35. As the height of the control room is being reduced within the site there will be no impact on the historic asset that has already been granted through the previous application.
- 8.36. There would be no adverse impact from the noise than has been granted in the previous application. This has been confirmed by Environmental Protection Officer on the basis of the information that has been submitted.
- 8.37. The changes that are proposed within the proposed compound from the granted permission are not considered to have an impact on biodiversity.
- 8.38. As this is an internal change there would be no impact on the wider highways network

Omission of B1 Batteries from the site (six units previously proposed)

- 8.39. All six structures previously permitted are to be removed from this application. This reduction will remove any harm that would have been caused on the previously permitted scheme.

Omission of B2 Batteries from the site (12 units previously proposed)

- 8.40. All 12 structures previously permitted are to be removed from this application. This will remove any harm that would have been caused by the previously permitted consent.

Increase of 11 units to the Bank A Batteries (19 units now proposed)

- 8.41. The dimensions of the building are not proposed to change via this submission but it is noted that the application does propose an increase in the number of units from 8 to 19. They are to be dispersed throughout the site.
- 8.42. These units are to be 2.9m in height, which is lower than the acoustic fence that is proposed on all of the boundaries. As these would be hidden from views outside the site, there would be no or little harm caused on the surrounding landscape than has been permitted on the previous scheme.
- 8.43. As these units are to be lower in height, than the fence that surrounds the site. Therefore they would not harm the historic asset to the north of the site.
- 8.44. It is considered that there would be no adverse impact in regards of noise, conditions are to be applied to the application on this matter (further details set out later in this report).
- 8.45. The changes that are proposed within the proposed compound from the granted permission are not considered to have an impact on biodiversity.
- 8.46. As this is an internal change there would be no impact on the wider highways network

9. Overall Assessment changes from previously permitted scheme

Landscape Character and Visual Impact

- 9.1. The application lies within the countryside between Hacheston and Parham and forms part of the Ore valley Special Landscape Area (SLA).
- 9.2. The Suffolk County Landscape Character Assessment (LCA) identifies The Site as being situated within the Ancient Estate Claylands (1). Character typology 1 can be found in the eastern areas of Suffolk, with Rivers and tributaries draining in a southerly or easterly direction dissecting the landscape.
- 9.3. Policy SSP38 states that proposals will not be permitted in these areas (SLAs) where it would have a material adverse impact on the qualities of the landscape that makes it special.
- 9.4. In the Landscape and Visual Impact Assessment (LVIA) submitted with the previous application, there was an acknowledged impact upon the landscape, with greatest visual impact experienced from Footpath No 1 from north. The level of impact was considered to be significantly less than that associated with the 2013 solar farm proposal, which affected a significantly larger area with much of the land elevated above that of the application site. This was an accepted impact by the granting of the previous Planning Permission.
- 9.5. A LVIA update has been provided for this application. It states that there are no perceivable changes to the visual impact of the proposal compared to the previous scheme. The internal rearrangement of the site will give rise to a nominal change in landscape impact but to no recognisable effect. Within the document it states:

“The changes may be perceived, however in landscape and visual terms they provide the same character and overall appearance of equipment that formed part of the original scheme, including in how the scheme is viewed from public locations, prior to the establishment of the new planting. Overall, on balance these changes are not considered to give rise to any greater or lesser level of significance of effects than those identified within the original LVIA.”
- 9.6. It has been agreed by the Landscape Manager that this assessment is correct and there would be no adverse impact on the surrounding landscape by the changes that are being made to the granted planning application.
- 9.7. Table 1 is a listed of the changes that are proposed within the compound. One element that has not changed is the proposed acoustic fencing. This is to be three metre tall on the southern and western side and 4m high on the north and east consisting of metal posts, concrete plinth with timber/acoustic boards.
- 9.8. The main impact will be from Footpath No.1 from the north and with the acoustic fencing introducing a strong linear feature four meters tall along the northern side of

the compound and with some plant visible above the fence line. It will take some time for the proposed planting to provide significant mitigation from this view point. There is a 3 – 5m high belt of hedging and trees on the northern side of the compound which will provide screening in the meantime.

- 9.9. Within the compound there are no units proposed those are to be greater in height than already approved in application DC/17/3742/FUL. The tallest element is the main grid transformer and disconnecter plant, this is up to 5.7m in height, but this has been approved this height before. The rest of the elements are between 2m to 4.05m in height.
- 9.10. It was considered before that within the context of the existing substation this new compound with represent and extension and intensification of the existing urban form rather than a standalone feature. There is planting to be provided around the compound, which will soften the appearance as well as providing some benefits to biodiversity through the enhancement of new habitat.
- 9.11. It is considered that with the proposed mitigation that the landscape will be protected, however there can be no case for these proposals enhancing the landscape, and as such it is only possible to say that the development is in broad compliance with Policy SP15 of the Core Strategy and SSP38 of the Site Allocations and Area Specific Policies, as the update to the LIVA states that there would be no additional impact from the development on the surrounding landscape.
- 9.12. As concluded before that there would be some harm to the surrounding landscape and the footpath to the north of the site as this will be an extension into the countryside from an existing development. However, the elements that are being proposed through this application are to be no taller than those previously consented, and in many cases they are to be lower than the acoustic fencing, and fewer structures are now proposed. Therefore, it is considered that the same conclusion as before can be achieved in regards of the impact on the surrounding landscape. This has been confirmed by the Landscape Managers Comments on the current application, that there would be no additional harm than has already been permitted through the previous application.
- 9.13. All of the conditions that were applied to the previous planning permission in respect of planting and landscaping, are proposed to be attached to this permission.
- 9.14. Policy SCLP 10.4 of the Emerging Local Plan indicates that development is to 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. It then gives criteria to ensure that this is achieved.
- 9.15. This policy is considered to have limited weight as there were comments on the policy received through the Consultation of the Local Plan.

- 9.16. However, it is considered that with the landscaping that is being proposed and the location of the site within a natural depression, the scheme would cause minimal impact on the surrounding landscape.

The effect on the setting of heritage asset(s)

- 9.17. The closest listed building to the site is Parham Old Hall, which is a Grade II listed building, which lies approximately 260m due north-east.
- 9.18. The curtilage of Parham Old Hall which is considered to equate to the garden of the property, is considered to be some distance from the application site (approximately 280 metres) but can still be described as neighbouring. This was identified in the previous application DC/17/3742/FUL, it has not changed from this application.
- 9.19. Parham Old Hall is a manor house in a semi-isolated location between the two settlements of Parham and Hacheston. It was identified in the previous application that there is conjecture that building may have previously been larger and possibly moated.
- 9.20. At the time of the previous application, it was identified that the setting of the Listed Building is the garden of the hall and the wider open agricultural landscape beyond to the north, south and west. This setting is important to the Listed Building. The quality of the landscape setting is recognised by its designation as a Special Landscape Area. The key modern intrusion to this setting is the existing sub-station.
- 9.21. During the consideration of the previous application, the view from an original diamond mullion window to the rear elevation of the Parham Old Hall, was assessed as being of high importance given that there have been views from this window across the rural landscape since the house was built. This is considered to be important as it is part of the occupiers of the building's experience of the rural setting. The landscape setting is assessed as contributing to the special interest of the building.
- 9.22. The public footpath which runs immediately to the north of the Hall provides wide ranging views of the Hall in its landscape setting and the sub-station site will have a clear visual impact within the views of the Old Hall from this path. The proposals are held to be alien and industrial in appearance which in conjunction with the existing substation would cumulatively interrupt the established rural setting.
- 9.23. In assessing the potential harm, the previous application identified the following as being the key heritage values, which included 'historical value, in respect of the concealment of the historic use of the land at the application site; the aesthetic value of the organic form of the rural landscape and the relationship of the traditional building to it and the illustrative historical value of the Hall in respect of views from the Hall and the occupiers visual experience of its setting'.
- 9.24. The assessment of the previous application concluded that the proposals would cause less than substantial harm to Parham Old Hall, under paragraph 196 of the NPPF (2019). This harm will be moderately high in magnitude. This less than substantial harm will

need to be given great weight by the decision maker and balanced against any public benefits accruing from the development, which are considered later in this report.

- 9.25. As this application is almost identical to the granted application, it is also concluded that there would be less than substantial harm caused to Parham Old Hall, under paragraph 196 of the NPPF (2019). The same conclusion on the magnitude of harm is also identified as above. As less than substantial harm has been identified, the decision maker will need to weigh this against any public benefits accruing from the development, which are considered later in this report.
- 9.26. There are other nearby Historic Assets that were ruled out of being impacted on by this proposal, during the previous application which were the following:
- The Grade II* Moat Hall – it was considered to be too remote and lacking in indivisibility with the site to warrant consideration.
 - Abbey Farmhouse – it was considered that the previous proposals would have no discernible impact on the setting of Abbey Farmhouse given the degree of separation, the topography and orientation of the historic building in relation to the site as well as the extensive screen planting between the house and the Easton Road.
- 9.27. These are considered to still being ruled out of being negatively impacted on by this proposal, for the reasons outlined above.
- 9.28. The Planning (Listed Building & Conservation Areas) Act 1990, Policies SP1 and DM21 of the Core Strategy all refer to the need to ensure that development would not impact on the historic setting of the adjacent listed building of the surrounding landscape.
- 9.29. There are changes to the height of the units that are being proposed through this application. However, the units proposed to be no taller than the acoustic fencing and as there are less elements proposed, it is considered that the same conclusion as before can be achieved in regards of the harm on the setting of the Listed Buildings.
- 9.30. The assessment of the previous application concluded that the proposals would result in less than substantial harm to Parham Old Hall, under paragraph 196 of the NPPF (2019). A similar conclusion is also reached in terms of this application. The proposals would result in less than substantial harm to the setting of Parham Old Hall.
- 9.31. Therefore the public benefit is to be considered through the development, and if this would overcome the less than substantial harm that would be caused on the setting of the Listed Building.
- 9.32. Due to the nature of the development for the creation of battery storage, this is considered to be of some public benefit. This was the same conclusion in the previous application, which has not changed in this application and the principle of the application has not changed.

9.33. In terms of the consideration of emerging Local Plan Policies:

- Policy SCLP 11.3 of the Emerging Local Plan refers to the need to conserve and enhance the historic environment and to ensure that where possible development makes a positive contribution to the historic environment.
- Policy SCLP 11.1 of the Emerging Local Plan states that development should have a clear understanding of the historic character of the area.
- Policy SCLP 11.4 of the Emerging Local Plan gives criteria for developments to achieve where there is impact on the setting of a listed building.

9.34. All of the above Policies are considered to have limited weight as there was comment on them during the consultation of the Local Plan. However, for the reasons laid out previously in this report, it is considered that the current proposal accords with the emerging planning policies.

9.35. As stated above, it is concluded that that is the scheme would result in less than substantial harm to the setting of the listed building. However, the scheme would result in public benefits arising from the storage of energy. The alterations from the previously consented scheme would be behind an acoustic fence and therefore would be any more visible from/within the setting of the listed building than that which has already been granted through planning permission DC/17/3742/FUL. The proposal is considered to be in accordance with the above adopted and emerging planning policies, and the Listed Buildings and Conservation Areas Act.

Noise

9.36. The NPPF (2019) advises in paragraph 180 that planning decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and seek to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.

9.37. The new application states in the Design and Access Statement:

“The theoretical maximum noise impact is actually reduced, and no longer relies on operational restrictions, though these continue to be available if necessary. There is no other adverse impact from the amendments.

A revised noise assessment is supplied (revision H) based on the new layout and noise parameters for the proposed equipment. This demonstrates the site will meet the requirements of the noise planning condition.”

9.38. The updated noise assessment submitted with the current application reflects the machinery and equipment that is now proposed to be located within the site area. It has been confirmed by the Council’s Head of Environmental Health Services, that there is no

objection to the application in terms of potential noise and disturbance impacts, subject to conditions being applied to the proposal. These are included in the recommendation.

9.39. Policy DM23 of the Core Strategy and paragraph 180 of the NPPF seeks to safeguard the amenity of the neighbouring residential properties, from adverse impacts arising from noise and disturbance. Through the submitted noise assessment and the comments from the Head of Environmental Health Services, it has been confirmed that the proposal will have minimal impact on the amenity of the neighbouring properties in regards of noise, and disturbance. Officers are therefore satisfied that subject to the recommended conditions, the scheme is acceptable in terms of residential amenity implications arising from noise and disturbance.

9.40. The following emerging planning policies are also relevant to the consideration of potential impacts upon residential amenity:

- Policy SCLP 11.2 of the Emerging Local Plan refers to the need to reduce the impact on the amenity of the neighbouring amenities in regards of different criteria, noise is located within the list of criteria.
- Policy SCLP 10.3 of the Emerging Local Plan ensures that development will consider their relationship on Noise Pollution.

9.41. Both of the above Policies are considered to have limited weight as there was comment on them during the consultation of the Local Plan.

9.42. Due to the information that has been received through the application and the comments from the Head of Environmental Health Services, it is considered that the mitigation measures that are proposed and the conditions that are recommended will ensure that there is minimal harm and that the scheme is acceptable in terms of material planning considerations relating to residential amenity.

Biodiversity

9.43. The site is not an area of ecological significance, although it lies within an area which supports UK Priority species. There is a woodland County Wildlife Site (CWS) some 500m west.

9.44. The site is currently recently planted grassland of low ecological significance and the proposed planting of trees and hedging around the development will result in some increase to the biodiversity value of the site.

9.45. Potential impacts are disturbance to breeding birds during construction phase and lighting during operational phase, but suitable mitigation has been proposed, including use of external lighting only when it is needed, and directing it away from the existing hedgerow. This mitigation would reduce the impacts of the development proposals upon the habitats and species present, with the submitted ecological report suggesting an overall Neutral impact.

- 9.46. A number of ecological enhancements have also been proposed, which would improve the quality of the site for native flora and fauna. These measures include vegetation management within the facility. Delivery of these enhancements would lead to an overall Neutral-Minor Beneficial Impact.
- 9.47. It has been confirmed by the Council's Ecologist that there the proposed development would likely not to result in any adverse ecological impacts beyond these that have already been assessed as part of the previous application. This is as the amendments proposed appear to be contained within inside the consented compound area.
- 9.48. Policy DM27 seeks to safeguard biodiversity. As there is considered to be no change from the previous application on this matter it is considered that there would be no conflict with this Policy.
- 9.49. Emerging Policy SCLP 10.1 of the Emerging Local Plan is also seeks to safeguard biodiversity. This policy is considered to have limited weight as there where comments on it through the consultation of the application. However, the current proposal is considered to comply with its aims and objectives.

The environmental, social and/or economic benefits of the scheme

- 9.50. Within the considerations for the previous application, it was stated that the NPPF and the Core Strategy support developments for developments relating to climate change and renewable energy projects. The policies in the updated NPPF and emerging Local Plan re-iterate such support.
- 9.51. Whilst the proposal is not for energy generation, it is accepted that it will support these aspirations through storing energy for release when it is needed, providing increased flexibility to the network and supporting the transition to low carbon and renewable energy. The benefits of Battery Energy Storage Systems have been accepted on a number of sites nationally with a number of examples sited by the applicants. This type of development on this site has been supported previously through the granting of a Planning Permission, which remains extant. The current application seeks changes from the approved scheme, solely within the previously permitted site. Therefore the principle of such a form of development established.
- 9.52. The previously consented scheme has relatively short-run duration batteries, principally suited to frequency regulation. This current application is proposing to extend the battery storage capacity to allow the site to engage in energy arbitrage as well as frequency regulation. This assists in the growth of renewables by providing a storage facility for surplus renewable generation, which is later released for peak demand. The most obvious example is the PV peak generation, which occurs in the middle of the day, and at a time of low demand, while peak demand occurs just after sunset.
- 9.53. The applicant has explained that the changes are sought in order to align with an increase in battery capacity, maximising site safety, and due to work on the detailed engineering and UKPN connection requirements. In addition, the availability of

equipment and advancing technical construction requirements has led to minor amendments to ensure components are efficient and fit for purpose.

- 9.54. The proposal is in compliance with Policy SP1. The proposal will avoid disruptions to the supply of electricity and will enable power to be kept in reserve until required to enable more renewable energy generators to come online thereby benefitting the UK's transition towards low carbon energy generation; this will help to mitigate against and adapt to the effects of climate change (SP1(a)). The approved proposal and the current proposal would both ensure the provision of appropriate infrastructure to support existing and proposed communities (d) and will enable a healthy economy (h). The contained nature of the site and the proposed screen planting will limit impact upon the landscape character of the SLA and the setting of Parham Old Hall, such that landscape and heritage assets are conserved.
- 9.55. Therefore it is concluded that there is no change from the previous application in regards of the benefit of the scheme.
- 9.56. Emerging Policy SCLP3.1 of the emerging Local Plan will seek to ensure that there is sustainable development and there is a provision of infrastructure needed to support growth, whilst protecting and enhancing the quality of the historic, built and natural environment across the District.
- 9.57. Emerging Policy SCLP 9.1 refers to the development of Low Carbon and Renewable Energy projects. The criteria within the Policy are:
- a) *"They can evidence a sustainable and, ideally, local source of fuel;*
 - b) *They can facilitate the necessary infrastructure and power connections required for functional purposes;*
 - c) *They provide benefits to the surrounding community; and*
 - d) *They are complementary to the existing environment without causing any significant adverse impacts, particularly relating to the residential amenity, landscape and visual impact, transport, flora and fauna, noise and air quality, unless those impacts can be appropriately mitigated."*
- 9.58. It is considered that this application will support the development of Low Carbon and Renewable Energy projects and will support sustainable development as it will not impact on the quality of the historic, built and natural environment across the District. Therefore this application is in conformity with the above emerging policies

Highways

- 9.59. It has been confirmed by the County Council Highways Officers that the changes from the previously consented scheme would not significantly impact upon the highway.

10. CONCLUSION

- 10.1. Due to the nature of the development for the creation of battery storage, which is also to improve the capacity and technology that has already been permitted on the site

there is considered to be a public benefit. This was the same conclusion in the previous application. The proposed changes to the physical structures between the two outcomes due not remove this public benefit.

- 10.2. As concluded on the previous application, there would be some harm to the surrounding landscape, including in views from the footpath to the north of the site, as this proposal would be an extension into the countryside. However, the changes currently proposed would be no taller than the previously consented acoustic fencing, and fewer structures are now proposed. Therefore it is considered that there would be no greater impact upon the Special Landscape Area (SLA) or wider visual amenity considerations. This has been confirmed in the LVIA update.
- 10.3. There is concluded to be less than substantial harm e caused to the setting of a heritage asset (Parham Old Hall). However, as the proposed changes to the physical structures would be behind an acoustic fence they would not significantly more visible from/within the setting of the listed building, than that which has already been granted Planning Permission through DC/17/3742/FUL. Therefore the scheme accords with the requirements of the NPPF and the Listed Buildings and Conservation Areas Act.
- 10.4. A number of ecological enhancements have been proposed, which would improve the quality of the site for native flora and fauna, including vegetation management within the facility. Delivery of these enhancements would lead to an overall Neutral-Minor Beneficial impact. These should be conditioned as per the previous consent.
- 10.5. It has been confirmed the County Council Highways Authority that the changes would not significantly impact upon the highway. Planning Officers are also satisfied with this assessment.
- 10.6. Therefore overall, the revisions from the previously consented scheme are considered to be acceptable, subject to the implementation of the mitigation measures specified within the application and subject to appropriate conditions.

11. RECOMMENDATION

- 11.1. APPROVE subject to the following conditions (the prior to commencement conditions where agreed on the 31 July 2019):

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

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing WM1004BS, PLANNING PLAN, 01WICK-EDA-EGN-400, 01WIC-NOR-Planning_elevation, Eds 07-0102.25 A, DNOCTBL-140227-r00, Parham, Woodbridge, Power Plant: Environmental noise assessment, Planning Statement

received 16th May 2019 and 01WICK-EDA-EGN-300 and 01WICK-EDA-EGN-300 received 17th May 2019. Drawing WICK-NOR-Blocklayout-006 and WICK-NOR-Siteplan-006 received 24th May 2019 and LANDSCAPE AND VISUAL IMPACT TECHNICAL ADDENDUM NOTE received 16th July 2019

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

3. The planning permission hereby granted is for a period of 30 years from the date of the first use of the site for the storage of and/or export of electricity after which the development hereby permitted shall be removed. Written notification of the first use of the site shall be given to the local planning authority no later than 21 days after the event.

Reason: To ensure that the impact of the development exists only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the local planning authority. The DMS shall include details of the removal of all plant and equipment, fencing, hardstanding and buildings from the site and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned, buildings, plant, hardstanding and fencing removed and restoration completed in accordance with the approved DMS and timetable.

Reason: To ensure that the impact of the development exists only for the lifetime of the development and in the interests of the amenity of the area.

5. If the development hereby permitted ceases to import or export electricity to the grid for a continuous period of 6 months, then a scheme of restoration shall be submitted to the local planning authority for its written approval for the removal of the plant and associated equipment, fencing and hardstanding and the restoration of the site to agricultural use. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the local planning authority.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

6. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall be carried out in accordance with the approved CMS. The CMS shall include:
 - a) Details of a temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
 - b) Dust Management and cleaning of vehicle wheels;

- c) Pollution control measures in respect of Water courses and ground water; bunding and storage areas; foul sewerage and construction noise mitigation measures.
- d) Temporary site illumination during the construction period;
- e) Details of HGV movements/deliveries;
- f) Details of surface treatments and the construction of any hard surfaces and tracks;
- g) A Site Construction Environmental Management Plan to include details of measures to be taken during construction period to protect wildlife and habitats including nesting birds;
- h) Details of how any construction compound and associated works will be reinstated, including timetable for completion of post construction restoration works.

Reason: To protect amenities of the area during construction process.

- 7. Development shall not commence until an ecological management and mitigation scheme (EMMS) for the site is submitted to and approved by the local planning authority. This shall include details of enhancement measures proposed encompassing but not limited to the recommendations contained within the ecological appraisal dated March 2017.

Reason: To preserve and enhance the biodiversity of the site and its surrounds.

- 8. No development shall commence until precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks and other operations as appropriate) at a scale not less than 1:200 have been submitted to and approved in writing by the local planning authority.

Reasons: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

- 9. Development shall not commence until a landscape management plan (LMP) for the site is submitted to and approved by the local planning authority. The LMP shall include all planting proposals and mitigation measures. The planting shall be completed in the first planting season following commencement of the development, unless otherwise agreed in writing by the local planning authority. Any trees or plants which die during the first five years shall be replaced by plants of the same species during the next planting season.

Thereafter the LMP shall be retained and planting maintained for the period the power plant is operational.

Reason: To ensure screening planting is put in place and maintained.

10. Operational noise levels shall not exceed background noise levels at any nearby noise sensitive properties. Background noise levels shall be measured without any operational noise emanating from the site.

Reason: In the interests of the amenity of residents of surrounding property.

11. No development shall take place until details of the acoustic performance of the acoustic fencing has been provided to and approved by the local planning authority. The approved fence shall be installed before the site is operational and shall be retained and maintained for the period the development is operational.

Reason: In the interests of amenity.

12. No work shall commence on the elements of the proposed development listed below, until precise details/detailed drawings of those matters have been submitted to and approved by the Local Planning Authority. Thereafter, these elements shall only be constructed in accordance with the approved details:
 - i. proposed finish of acoustic fencing;
 - ii. siting and specification of CCTV cameras, including any support posts;
 - iii. siting and specification of exterior lighting, including and support posts.

Reason: In the interests of amenity and the character of the SLA.

13. Prior to the commencement of development, details shall be provided to the local planning authority of a UK based nominated representative for the development to act as a point of contact for local residents, together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with local residents and the local planning authority and dealing with any noise complaints made during construction, operation and decommissioning of the development.

Reason: In the interests of local amenity.

14. No diesel generators shall be installed at the site.

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

BACKGROUND See application reference(s): C/12/1899, DC17/1407/FUL and
INFORMATION DC/17/3742/FU

Appendix 1

Committee Meeting minutes of application DC/17/3742/FUL

HACHESTON – DC/17/3742/FUL – Application for fast response embedded power plant at Land West of Electricity Sub Station, The Street, Hacheston, IP13 9ND for Mr Nicolas Martin, Aton Energy Development Ltd.

Planning permission was sought for a fast response embedded power plant to be sited adjacent to an existing substation in the countryside between Hacheston and Parham. It was noted that the application had been the subject of a Members site visit.

It was proposed that the site would consist of a number of buildings and plant, within a secure compound surrounded by acoustic fencing. Landscaping was proposed around the southern, western and northern sides of the compound to screen the proposals.

The Committee received a presentation on the application from the Area Planning and Enforcement Officer.

It was noted that the site was within a Special Landscape Area (SLA).

Descriptions of the plant and buildings were given. The Area Planning and Enforcement Officer confirmed that some of the plant would protrude in view above the acoustic fencing. An access track to farmland on the eastern side of the compound was proposed.

The Area Planning and Enforcement Officer referred the Committee to a site visit it had undertaken in relation to the application.

The key issues were outlined to the Committee.

Following two separate screening opinions undertaken by the Authority, an Environmental Impact Assessment (EIA) was deemed unnecessary for the site.

The impact on Parham Old Hall was considered to be of a lower magnitude. The impact of the development on the SLA was a significant consideration; the advice from the Arboriculture and Landscape Manager was that the mitigation proposed by the applicant was satisfactory.

Environmental Health had been consulted regarding possible noise pollution and their response had been that there would not be a significant impact on the amenity of local residents.

The Committee was advised that several important species were located within the area; a Barn Owl nested approximately 200 metres from the proposed site. The advice received from Suffolk County Council was that the development was acceptable in ecological terms.

Officers considered that the proposal provided sufficient public benefit to justify the less than substantial harm that would be caused to Parham Old Hall.

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

The Chairman invited questions to the officer.

A member of the Committee asked for clarity on what sort of plant was being proposed for the site. The Planning Development Manager confirmed that no diesel generators were being suggested for the proposal. He asked the Area Planning and Enforcement Officer to recap for the Committee, the types of plant that were being proposed.

The planting proposed to provide screening of the site was queried by another member of the Committee; she asked what mitigation was in place for the winter months and was advised that the planting would be a mixture of deciduous and evergreen planting.

The Member asked a supplementary question regarding the effectiveness of the planting, as it would take time to grow. The Area Planning and Enforcement Officer said that the applicant was proposing to put in semi-mature planting and acknowledged that this was a point of contention between the applicant and the objectors, who believed this would not provide effective mitigation.

The level of noise that would emanate from the site was a particular worry for a member of the Committee, and he asked what the level of the noise was expected to be. The Planning Development Manager invited the Environmental Health Officer, who was in attendance, to answer the Member's question.

The Environmental Health Officer acknowledged that there had been noise issues with the existing sub-station, which had been resolved. The noise from the sub-station was now taken into account when background levels of noise had been measured. He explained to the Committee that the proposal had originally contained noisier generators, for which the acoustic fencing had been provided. The generators had since been removed from the proposal but the mitigation through the fencing had remained unchanged. He considered that with the removal of the generators, the bulk of potential noise had been removed and left a reduced noise source with the same level of acoustic mitigation.

He was of the opinion that the site would cause only a minimal increase in background noise, as the peak use of the site would be limited to between 4pm and 8pm in the winter months, when the batteries were charged. He added that he did not feel there would be any noise from site that would be audible at residential properties, based on the information supplied by the applicant.

Following questions regarding the level of representations received regarding the application, it was acknowledged that several late representations were contained within the update sheet, which had been distributed at the meeting. The Chairman gave the Committee the opportunity to read the update sheet in detail before continuing their questions.

The Chairman referred to paragraph 1.6 of the report, regarding the previous application in 2013 for a solar park on the site. She asked how the current application differed from this.

The Planning Development Manager advised that the solar park application had been a more expansive proposal, covering a larger area than that proposed in the current application. It had been considered that the solar park would have been detrimental to the setting of Parham Old Hall within its manorial setting, and that the current application with its smaller coverage, more densely developed, did not cause the same level of harm.

A member of the Committee referred to a late representation which had stated that the Overarching National Policy Statement for Energy (EN-1) was relied on heavily by the application, but that the proposal was not a major energy infrastructure or a significant infrastructure project. He asked if officers concurred with that view.

The Planning Development Manager said that advice from counsel had been that EN-1 could be applied to a smaller scheme such as the one before the Committee, but its weight would be proportional on a case by case basis.

He noted that although the application did not fully comply with some policies in the Council's Local Plan, it was broadly compliant with the plan itself. He said that officers had considered this and that these policies should carry the greatest weight when the Committee determined the application. As the proposal was not a large scale project, EN-1 only had limited weight when determining the application.

It was noted that Mr Thomas of Noriker Power Ltd, agent for the applicant, was present at the meeting, however had not registered to speak and had arrived after the meeting had started.

Following discussion with Mr Thomas, the Chairman advised all present of the Code of Good Practice in Planning, which was part of the Council's Constitution, which stated that anyone arriving after the meeting had begun was not in a position to insist upon speaking on an item.

The Chairman invited Mr Robinson, an objector, to address the Committee.

Mr Robinson explained to the Committee that he was representing the residents that had objected to the application. He said that residents trusted that Members had noted the numerous objections that had been made between October 2017 and July 2018. Mr Robinson advised that residents considered that the officer report had been manipulated in order to produce the desired recommendation. He said that the report was flawed and misdirected Members, and the Committee would be erring in law if it followed the report's recommendations.

He was of the opinion that the report ignored expert evidence on landscaping and that its conclusions regarding Parham Old Hall had been the result of "shopping around". He suggested that an external expert had been appointed by the Council to overrule its own officers.

Mr Robinson added that there were concerns about the applicant's ability to mitigate noise concerns and was concerned about the lack of an EIA.

He stated that an industrial development, such as the one proposed, did not belong in such an environment. He considered that UK Power Networks had not deemed the site essential or necessary and that the applicant did not have any power contracts secured.

Mr Robinson considered that the report was insufficient and that officers should not be accepting all the applicant was telling them. He urged the Committee to refuse the proposal and preserve the area, resisting its industrialisation.

The Chairman invited questions to Mr Robinson.

A member of Committee expressed significant concern about the accusation that officers had not provided the proper information in the report.

The Planning Development Manager advised that counsel's advice had been sought throughout the application and that counsel had always been supplied with the views of Hacheston residents, as recently as 18 July 2018 when the late representations were provided.

He said that the officers involved with the application had taken a robust and proper approach to it, and was clear that officers had not been pre-determined on the application and that the report had not been manipulated to produce an outcome favourable to the applicant.

In response to a question, Mr Robinson said that he understood that noise from the site would come from the transformers, inverters and cooling fans. He considered that the acoustic barrier would not be sufficient.

Mr Robinson confirmed that residents' biggest concern was the impact of noise from the site and that they did not feel the benefits of the site outweighed the harm that it would cause.
Councillor Cooper left the Conference Room at 10:36am.

The Chairman invited Mr Revill, representing Hacheston Parish Council, to address the Committee.

Mr Revill advised the Committee that Hacheston Parish Council objected to the application and also supported the residents' group opposing it. He said that the public meetings and numerous representations in objection to the application showed that the development was not wanted in the village.

He described Hacheston as a small village and a special place, having a quality of life that was difficult to find in the country. The village was in a Special Landscape Area which Mr Revill said that the Council was pledged to protect and enhance.

Mr Revill was of the opinion that Hacheston was not the place for the proposed development; residents did not see a need for it to be in the village and considered it would not be of public benefit. He said that the applicant had claimed that the site was an essential one, but that there needed to be a second opinion of it from an independent consultant.

He stated that if built, the site would be the biggest structure in the village and would be opposite Parham Old Hall. He described the village as being quiet and advised that the hum of industrial machinery would be intrusive to residents.

Mr Revill concluded by saying that if the Committee was minded to approve the application, stringent conditions needed to be in place over the life of the scheme. However, he urged the Committee to refuse the proposal.

Councillor Cooper returned to the Conference Room at 10:38am.

The Chairman invited questions to Mr Revill.

A member of the Committee noted that Mr Revill had made reference to Hacheston residents not wanting an industrial plant in the village; he queried with Mr Revill what the feelings were in the village regarding the existing sub-station.

Mr Revill stated that noise from the sub-station had caused problems for residents in the past. He did not feel it was appropriate for the sub-station to be in the village but acknowledged that it was accepted at the time.

The Chairman invited Councillor Poulter, Ward Member for Hacheston, to address the Committee.

Councillor Poulter cited her experience of being a member of a Planning Committee and acknowledged that when objecting to a planning proposal, proper planning criteria needed to be applied. She considered that the residents of Hacheston had done so and highlighted that they had been “fighting” against the application for the last two years.

She questioned the applicant’s view that the site was essential, stating that it was in the middle of a rural area and was opposite the entrance of a thriving rural business. Councillor Poulter was not convinced that there was not a more suitable site in the area.

Councillor Poulter was also concerned about the potentially unacceptable level of noise from the site and its impact on the residents of Hacheston.

It was considered by Councillor Poulter that if the site was approved and built, there would be no going back from it. She hoped that the Committee did not support the proposal, but echoed Mr Revill’s statement regarding strong conditions if it was minded to approve.

There being no questions to Councillor Poulter, the Chairman adjourned the meeting for a short break at 10:48am. The meeting was reconvened at 11:05am.

The Chairman stated that prior to debate, the Committee would be given the opportunity to ask questions specific to the different matters for consideration, which had been identified by the Area Planning and Enforcement Officer.

The Chairman invited the Committee to ask questions specific to the landscape impact of the application.

Members of the Committee expressed concern that the site could be split across two levels, as was the case for the existing sub-station. The Area and Planning Enforcement Officer directed Members to Mr Thomas, agent for the applicant, who advised that the site would have a slope to it, but would not be split across two distinct levels.

It was confirmed by the Area Planning and Enforcement Officer that issues around the location of proposed planting, raised by Suffolk County Council Landscape in their comments contained in paragraph 3.5 of the report, had been addressed.

A member of the Committee referred to the Planning Inspector’s comments on the application for a solar park on the site, regarding maintenance planting not being guaranteed for the life of

the site, and was of the opinion that there was a similar lack of guarantee with the application before the Committee.

The Planning Development Manager referred the Committee to the conditions contained within the report's recommendation. He considered that they were enforceable, reasonable and would deliver a scheme of landscaping that would mitigate the development.

In response to a question regarding light spillage from the site, and its impact on the landscape, the Committee was advised by the Area Planning and Enforcement Officer that no lighting towers were contained within the design. Mr Thomas added that lighting would be positioned below the top level of the acoustic barrier, would be focused downwards and only be used for limited periods, such as night work and in the event of a security alarm being triggered.

Another member of the Committee asked who would be responsible for decommissioning the site at the end of its life, should the original applicant not be running it at that point. The Planning Development Manager advised that conditions related to decommissioning could be satisfied under a Section 106 agreement. He confirmed that legal advice would be taken and that a bond could be obtained and enacted under reasonable control.

The Chairman invited the Committee to ask questions specific to the impact of the application on neighbouring Heritage Assets.

A member of the Committee suggested the impact on Heritage Assets was linked with landscaping issues. The Planning Development Manager clarified the different context and advised the Committee that it needed to consider the impact on Heritage Assets as a separate issue.

There being no questions on the impact on Heritage Assets, the Chairman invited the Committee to ask questions specific to the impact that noise from the site would have on the surrounding area.

A member of the Committee referred to representations contained within the update sheet circulated at the meeting, in particular comments regarding out of date noise surveys and failure of equipment during surveys.

The Environmental Health Officer confirmed that a second survey was not undertaken as the noise impact was reduced from what was originally proposed by the application. Readings of background noise levels in the area had been satisfactory and had corresponded with readings from other areas in the District.

He advised the Committee that it was not uncommon for noise equipment to fail during surveys. More readings than required had been submitted, and there had been minimal difference between the two readings.

Members of the Committee sought clarification around the definition of background noise levels, and the condition in the recommendation that noise from the site should not be above said levels. Members asked if there was a numerical value to the levels in the area, how the levels may vary and how the site would be monitored to ensure it met the proposed condition.

The Environmental Health Officer explained to the Committee that background noise level was a particular type of measurement, based over noise heard 90% of the time. He noted that background noise levels varied within a specific area and were also dependent on other factors such as the time of day.

He stated that it was unusual for background noise levels to be exceeded in cases such as the one before the Committee, and this had formed the basis of the recommended condition. The applicant had also advised that they would be able to meet the condition.

In relation to a question from a member of the Committee regarding a need for a numerical value for the background noise levels, the Environmental Health Officer advised that a specific level was not mentioned and that the levels related more to audibility. He considered that noise from the site would be barely audible compared to the existing levels of background noise in the area.

Monitoring of the proposed condition would be via any complaints received, which would trigger an officer visiting the site of a period of time to check the levels and determine any breach of the condition.

It was confirmed to the Committee by Mr Thomas that the principal source of noise would be cooling fans attached to the battery pack. For context, he described them as sounding similar to a cooling fan on a car. The Environmental Health Officer advised that each battery pack had a cooling fan, and all fans would be contained by the acoustic barrier.

In response to a question from a member of the Committee, the Environmental Health Officer confirmed that noise levels from the site would fluctuate depending on the work undertaken in the site. Noise levels would be higher when the batteries were charging. Mr Thomas stated that the cooling fans would only operate as needed; the site would be operating at 7% capacity for much of the time and would be operating at its peak during winter evenings between 4pm and 8pm. Mr Thomas explained that even at this time, it would not be the case that all the cooling fans were operating at once.

Another member of the Committee asked if the proposed conditions related to operational noise levels and noted that it was a particularly stringent condition. The Environmental Health Officer confirmed that the condition did relate to operational levels of noise.

The Chairman invited the Committee to ask questions specific to the ecological impact of the application.

There being no questions on ecological impact, the Chairman invited the Committee to ask questions specific to the environmental, social and/or economic benefits of the application.

In response to questions from Members, Mr Thomas advised that the proposed site was one of several hundred across the United Kingdom in order to support renewable growth and encourage the use of electric vehicles via increasing the National Grid's capacity for charging vehicles. Plants such as the one proposed, would reduce the use of fossil fuel based power generation and were described as being of benefit to Suffolk Coastal and the wider region.

Mr Thomas confirmed that other sites had been considered, however alternative suitable sites had not been identified. He explained that the proposed site needed to be connected to the main grid in order to supply additional capacity in an effective fashion.

The Planning Development Manager reiterated that the application was, in the view of officers, compliant with the Local Plan as a whole. He said that potential harm needed to be weighed against the benefits such a site and acknowledged the differing views of officers and objectors.

It was explained to the Committee by Mr Thomas that the applicant had previously held two contracts for power generation, but had been forced to return one and move another to a different site, due to not being able to build as planned. When asked by the Chairman if the applicant intended to build without a contract, Mr Thomas said it was the applicant's intention to secure contracts before making the final decision to build.

A member of the Committee asked if officers agreed that the large amount of future renewable energy supplies planned for the District needed to be taken into account.

The Planning Development Manager acknowledged the importance of future planning, but reminded the Committee that they had an application before them than needed to be determined based on the current situation and that limited weight should be applied to future planning.

The Chairman invited the Committee to debate the proposal.

A member of the Committee noted that the impact of noise had dominated the application. She stated that on the site visit a fan from the local farm shop was audible and acknowledged there was already a certain amount of background noise in Hacheston. She considered that the Committee had been assured that any noise from the site would not exceed background noise levels.

Members of the Committee debated the impact of the development on the matters for consideration that had been identified by the Area Planning and Enforcement Officer.

It was highlighted by several Members that the benefit of the site would outweigh the limited harm caused to the landscape and heritage assets, and acknowledged that sites such as that proposed were required in order to work towards more renewable energy solutions, despite the less than ideal proposed location for the site.

Other members of the Committee remained concerned about the impact of noise on the amenity of local residents and its impact on the wider landscape. One Member was extremely concerned about the level of industrial development in the countryside and stated that he would not be supporting the application, as the site would ruin the enjoyment of the area.

Another member of the Committee noted that the Port of Felixstowe existed 'cheeky by jowl' with two successful nature reserves. He remained concerned about the impact of noise and wanted to see the concerns resolved.

A member of the Committee remained concerned about the application and expressed a view that the impact on the District's leisure offer should be taken into consideration, as well as the

visual impact on Parham Old Hall. He considered that alternative sites might not have been explored as thoroughly as possible.

The location of the site was questioned by another member of the Committee, who felt that with other renewable energy entrance points within the District, a more suitable site was available. She was also concerned about the impact of noise on residential amenity, particularly when residents were outdoors. She also recognised the need for sites such as the one suggested. She was unsure on how she would vote.

Another member of the Committee said she could see both sides of the argument; she had grave concerns about the impact on the landscape and was not confident that the landscape mitigation proposed was sufficient. She considered the benefit the site would have in terms of safeguarding power, particularly when weighed against ongoing residential and business development.

The Chairman acknowledged the heightened emotion surrounding the application, but was clear that a decision needed to be reached that was based on planning policy and that the application was given due consideration. She stated that she was disappointed to have heard more on the impact on heritage assets nearby. She was of the opinion that the application was being strongly conditioned and would be voting in favour of the application.

The Chairman moved to the recommendation, as set out in the report, which was proposed, seconded and determined as follows:

DETERMINATION

APPROVED subject to the following conditions:

1. Standard time limit
2. Plans/drawings considered/approved, including specifying no diesel generators to be on the site.
3. Permission is granted for 30 year period after which development is to be removed.
4. Decommissioning method statement
5. Removal/restoration if not used for import/export of electricity for period of 6 months, usage to be monitored.
6. Construction method Statement including hours, HGV movements
7. Ecological mitigation and enhancement
8. Submission of a detailed landscaping scheme
9. Landscape management plan
10. Operational noise levels not to exceed background levels
11. Colour of acoustic fence and maintenance and details of its acoustic performance
12. Lighting and CCTV
13. Detail of nominated representative for contact by local residents, with consideration to also be given to regular meetings between the site operator and local residents.

PLANNING COMMITTEE SOUTH – 27 AUGUST 2019

ES/0114

APPLICATION DC/19/2048/FUL

EXPIRY DATE 4 August 2019

APPLICATION TYPE FUL

APPLICANT Miss Katherine Abbott

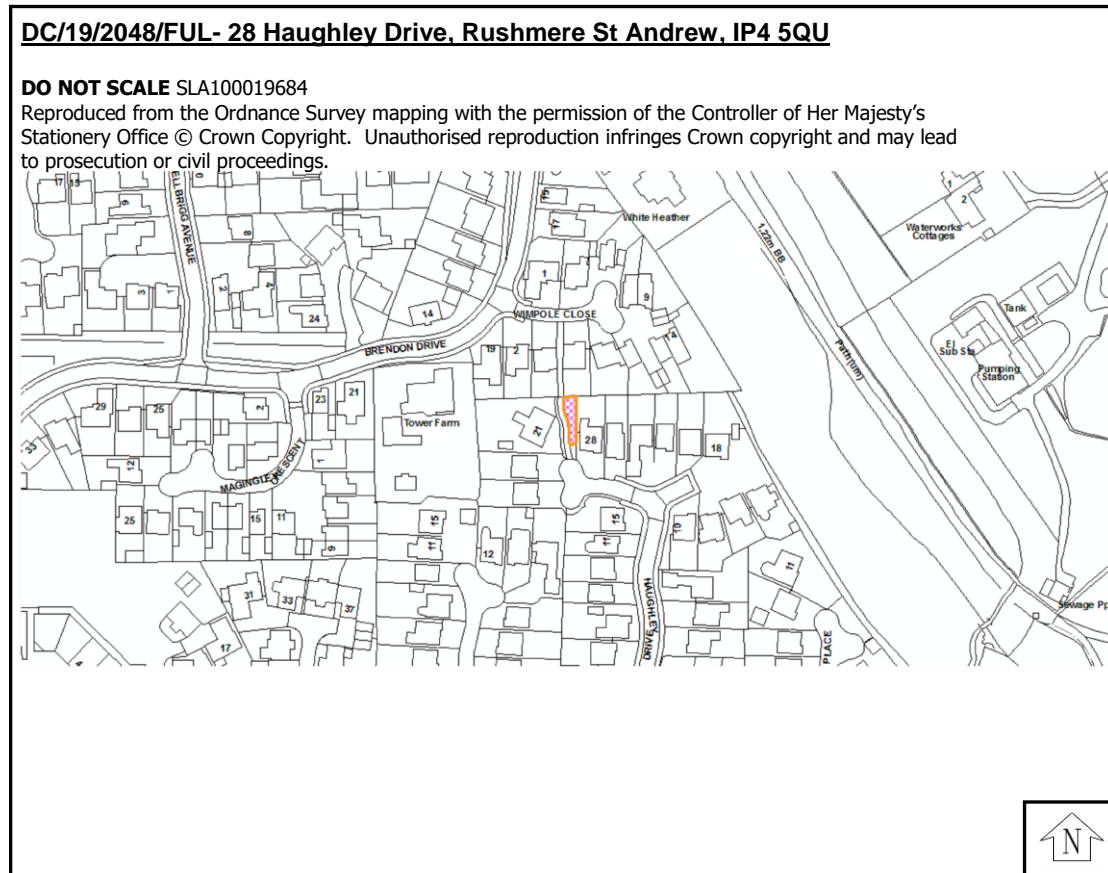
ADDRESS 28 Haughley Drive, Rushmere St Andrew

PARISH Rushmere St Andrew

PROPOSAL Demolish current wall at the side of the house replace with a fence and concrete posts and concrete gravel board. The fence will be installed within the new boundary (if successful with planning and purchasing the land) 800 mm space will be left between new fence and boundary and plants will be planted in the border to keep the area soft. This will also tidy and help with the maintenance of the area, keeping it tidy.

CASE OFFICER Jamie Behling
(including phone number & mail) 01394 444780
 Jamie.behling@eastsuffolk.gov.uk

MAP



1 EXECUTIVE SUMMARY

- 1.1 Planning permission is sought for the extension to the curtilage of a residential dwelling through the purchase of a piece of open space currently owned by East Suffolk Council.**
- 1.2 The item has come before Members today due to the land being owned by the Council and thus triggering the need of the application to be decided by Members.**
- 1.3 The land has not been purchased yet and the applicant is waiting for planning permission before attempting to purchase the plot. It is proposed that the enlarged garden would have a fence built along the western side of the public footpath with a 0.8 metre gap between the fence and the path for the planting of a new hedgerow to retain the green corridor.**

2 SITE DESCRIPTION

- 2.1 The site is a small parcel of vegetated land between 28 Haughley Drive and a public footpath connecting Wimpole Close to Haughley Drive. The pathway is a green corridor with vegetation both sides providing a natural, pleasant cut through between two cul-de-sacs of the estate. The land runs parallel to No.28 with the parcel of land beginning at 1.35 metres wide reaching a maximum of 4.75 as it widens to the north.**

3 PROPOSAL

- 3.1 The application seeks full planning permission for a change of use to extend the curtilage of the rear and side garden space of 28 Haughley Drive up to the public footpath.**
- 3.2 It is proposed to enclose the enlarged garden with a fence erected 0.8 metres away from the path with planting on the public side to retain a softer, green corridor with the planting being maintained by the applicant. The fence is proposed to be 1.8m high with concrete posts and wooden panels and gravel boards.**

4 CONSULTATIONS/COMMENTS

- 4.1 Parish/Town Council**
"Rushmere St Andrew Parish Council recommends REFUSAL, the proposal will have an adverse impact on public amenity and public safety. The fence will be in closer proximity to the footway/ cycle way and this will impact on the openness of the area as well as public safety. The proposal does not accord with Policy DM21 of the Suffolk Coastal Local Plan that expects developments to establish a strong sense of place and create attractive places to live, work and visit."
- 4.2 Suffolk County Council Highways Authority - No objection**
- 4.3 Third Party Representations – None received**

5 PUBLICITY

- 5.1 None required due to nature of the application**

6 SITE NOTICES

6.1. The following site notice(s) have been displayed at the site:

Site notice type	Reason	Date posted	Expiry date
General site notice	General Site Notice	31.05.2019	21.06.19

7 PLANNING POLICY

7.1 Section S38(6) of the Planning and Compulsory Purchase Act 2004 states that the planning application is to be determined in accordance with the development plan unless material consideration indicates otherwise.

7.2 National Planning Policy Framework (NPPF) 2019

7.3 National Planning Policy Guidance

7.4 East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document (adopted July 2013 policies:

- SP15 – Landscape and Townscape
- DM8 – Extensions to Residential Curtilages
- DM23 – Residential Amenity

7.5 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday, 29th March 2019, and the hearings are to take place in August 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination. At this stage in the plan making process, the policies that 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 (2018). Certain policies are now considered to have some weight in determining applications; these have been referenced where applicable. The relevant policies are:

- SCLP11.1: Design Quality
- SCLP11.2: Residential Amenity

8 PLANNING CONSIDERATIONS

8.1 The extension of the curtilage would remove some depth of the vegetation separating the path with the new fence however this would be offset by the new *Griselinia littoralis* planted between the fence and path. This particular plant will be conditioned to the application to ensure a strong screening of the fence as it grows quickly, is easy to maintain and looks good all year round. It can grow up to three to four metres tall completely screening the fence from the footpath and ensuring a natural sense is maintained within the area.

8.2 The proposed planting would replace the current vegetation that includes weeds and brambles that have grown over the path and reduced manoeuvrability and space within the corridor. The replacement of this will ensure a safer route that has a uniform planting schedule that creates a cleaner more sustainable corridor.

- 8.3 Whilst, given time the proposed planting would mature to a height that would screen the proposed planting, it is recommended that the fence is conditioned to be stained a dark colour in the interests of amenity.
- 8.4 The proposal will conserve the character of the area through the provision of a new more manageable planting scheme that will have only a minor impact to the overall amenity of the area through a soft, green planting scheme being replaced with a slightly harder but similar natural scheme that will be under the responsibility of the owner due to the vegetation being on their newly purchased land. The proposal therefore complies with Strategic Policy SP15 – Landscape and Townscape by protecting the landscape character. There will be minimal public amenity lost once the hedges have grown to their full size, with the green corridor being retained as such.
- 8.5 The proposal would not significantly impact any neighbouring properties amenity space with the most potential affected being to the north, No.6 Wimpole Close, that backs onto the proposed site. The height of the existing vegetation over their rear fencing would be lost from their view looking out from the rear of their property however this is not considered to be a significant loss to their amenity and is not used to screen any views to the south.
- 8.6 Therefore, the development would comply with Development Management Policy DM23 – Residential Amenity as the proposal would not cause an unacceptable loss of amenity to adjoining or future occupiers.
- 8.7 The resulting size of the curtilage would reflect the scale and location of the dwelling and the boundary feature is of a vegetated form that reflects its location within the Rushmere St Andrew estate in line with Development Management Policy DM8 – Extensions to Residential Curtilages.

9 CONCLUSION

- 9.1 In conclusion, the adoption of this parcel of land into the curtilage of the adjacent residential dwelling would not cause significant harm to the amenity of the area nor would it drastically alter the character of the locality.
- 9.2 As such, it meets the requirements of the National Planning Policy Framework (2019), and Policies SP15, DM21 and DM23 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

10 RECOMMENDATION

- 10.1 APPROVE subject to the following conditions:

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

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with: Block Plan, Site Location Plan and supporting photographs; received 06 June 2019; for which permission is hereby granted and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. The western site boundary (adjacent the hereby approved new fence) shall be planted as a *Griselinia littoralis* not later than the first planting season following the commencement of the development; and any plants which die during the first three years shall be replaced in the next planting season.

Reason: In the interests of amenity and the appearance of the locality.

4. Within 3 months of the fence being erection, the timber sections of the hereby approved fence shall be stained in a dark colour, and be retained in that colour thereafter.

Reason: In the interest of visual amenity.

BACKGROUND INFORMATION:

See application ref: DC/17/3412/FUL
at www.eastsuffolk.gov.uk/public-access

PLANNING COMMITTEE SOUTH – 27 AUGUST 2019

APPLICATION DC/19/1863/FUL

EXPIRY DATE 27 August 2019

APPLICANT Mr Thomas White

ADDRESS 1 Church Road, Felixstowe, Suffolk, IP11 9NF

PROPOSAL Construction of single storey side and rear extensions.

CASE OFFICER Rachel Lambert

01394 444574

rachel.lambert@eastsuffolk.gov.uk

DC/19/1863/FUL - 1 Church Road, Felixstowe, IP11 9NF

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1. EXECUTIVE SUMMARY

- 1.1 The proposal seeks to construct a single storey side and rear extension.**
- 1.2 This item has come before Members via the referral process to allow the concerns regarding the impact on the neighbouring residential property to be debated.**
- 1.3 Felixstowe Town Council and the neighbouring resident have objected to the proposal on grounds of cramped form of development and overshadowing neighbouring properties.**
- 1.4 The concerns raised are noted, however, Officers consider that the proposed scheme is not considered significant or demonstrably harmful and is acceptable. The application is recommended for approval subject to conditions.**

2. SITE DESCRIPTION

- 2.1. The site is located at No. 1 Church Lane, Felixstowe and comprises a two storey semi detached residential dwelling, with the attached dwelling sited to the north. The attached property (3 Church Road) is of the same form and similar in appearance, with a single storey conservatory to the rear.
- 2.2. The site is located within the physical limits boundary of Felixstowe. The surrounding environment is predominately residential, comprising a mix of detached and semi detached dwellings.
- 2.3. Located on the corner of Church Road and High Road East, the overall site area is approximately 607 sq. metres. It is constrained by its shape, which tapers into a width of approximately 2.5 metres some 11 metres from the rear of the property and then comprises an area of 279 sq. metres, which is rectangular in form. Positioned at an angle to the neighbouring dwelling that lies to the south-east (131 High Road East), there is a separation distance of approximately 4 metres from the northern corner of 131 High Road East to the south eastern corner of the subject dwelling.
- 2.4. There are no known environmental constraints on site.

3. PROPOSAL

- 3.1. This application seeks full planning permission for the construction of a single storey side extension to the southern elevation serving the hall/stairwell, extending from the side wall of the original dwelling by approximately 1.5 metres, and for the erection of a single storey rear extension serving a kitchen/diner, extending from the rear wall of the original dwelling by approximately 7 metres.
- 3.2. This application was originally submitted seeking planning permission for a two storey side and rear extension. During the course of the application the plans have been revised, reducing the proposed rear extension from two-storey to single-storey.

Felixstowe Town Council and the neighbouring properties were reconsulted on the revised plans.

4. CONSULTATIONS/COMMENTS

4.1. Felixstowe Town Council: Objection, stating:

“Committee recommended REFUSAL. It is an extremely cramped form of development. The 2-storey extension will significantly overshadow the neighbouring semi-detached property to the north with a 2-storey erection only some 9m approximately from the rear windows of the neighbouring property to the south at 131 High Road East.”

(Note: Comments are based upon the originally submitted plans, no comments were received on the revised plans.)

4.2. Third Party Representations: One letter of objection received raising the following matters:

- Single storey extension will still cause deprivation of natural sunlight to the rear of the property (3 Church Road); and
- Concerned about potential damage/disturbance to foundations and conservatory windows at the neighbouring property.

5. PUBLICITY

5.1. None required due to the nature of the application.

6. SITE NOTICES

6.1. The following site notice has been displayed at the site:

Site notice type	Reason	Date posted	Expiry date
General Site Notice	General Site Notice	14.05.2019	05.06.2019

7. PLANNING POLICY

7.1. National Planning Policy Framework (2019).

7.2. East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

- SP1 Sustainable development;
- SP1A Presumption in favour of sustainable development;
- DM21 Aesthetics; and
- DM23 Residential amenity.

7.3. Felixstowe Peninsula Area Action Plan Development Plan Document (January 2017) policies:

- FPP2 Physical limits boundaries

7.4. Supplementary Planning Guidance 16: House Extensions and Alterations.

7.5. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday, 29 March 2019, with the Examination to take place in August 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination. At this stage in the plan making process, the policies that 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). The following policies are now considered to have some weight in determining applications; these have been referenced where applicable:

- SCLP 11.1 – Design Quality
- SCLP11.2 – Residential Amenity

8. PLANNING CONSIDERATIONS

Principle of development

- 8.1. Permitted development rights as defined in Part 1 of Schedule 2 of the General Permitted Development Order (2015) (as amended) allow for certain alterations and additions to be made to the dwellinghouses, without the need for specific planning permission, where defined criteria are met.
- 8.2. The permitted development rights in Class A of Part 1 of Schedule 2 of the above Order, would allow for a single-storey side extension on this property to be erected without the need for specific planning permission, provided that it is no wider than half the width of the original dwelling; the maximum height would not exceed 4 metres; and if within 2 metres of a boundary, the eaves are no higher than 3 metres. There is also a requirement for the external materials to be of a similar appearance to those on the exterior of the existing dwelling house.
- 8.3. In the view of officers, the proposed side extension meets the above criteria, and therefore could potentially be added to the property, without the need for specific planning permission.
- 8.4. The permitted development rights in Class A of Part 1 of Schedule 2 of the above Order would also allow for the erection of extensions to the rear of the property. In terms of a single-storey extension, an addition with a depth of between three metres and six metres could be added to this property, subject to the Householder Prior Notification procedure. Such an addition would need to be less than four metres in height, and if within 2 metres of a boundary, the eaves are no higher than three metres. There is also

a requirement for the external materials to be of a similar appearance to those on the exterior of the existing dwelling house.

- 8.5. The proposed rear extension would exceed the permitted development depth by one metre. Therefore, it requires planning permission. However, the proposed rear addition would comply with all other permitted development requirements, as it does not exceed four metres in height (3.8 metres) and does not exceed the maximum eaves height of three metres (2.5 metres). The site is not located on Article 2(3) land nor on a site of special scientific interest.
- 8.6. Therefore, in determining this application, consideration can only reasonably be related to the additional one metre in depth of the rear addition, and any resulting material planning impacts.

Visual Amenity

- 8.7. Whilst the proposed side extension, does not appear to require planning permission, it is of a scale that is subservient to the host dwelling and would not otherwise seriously detract from the character of the surroundings. It therefore complies with adopted planning policy and is considered acceptable in terms of visual amenity.
- 8.8. Although not viewed from the street scene, the rear extension will comprise rendered elevations, white upvc windows and doors, and a tiled roof – as stated within the original application form. The materials proposed will compliment and be visually similar to the existing dwelling. Therefore, it is considered that the design and appearance of the rear extension would not seriously detract from the character of the surroundings.
- 8.9. The proposal is deemed in accordance with Policy DM21 (Design: Aesthetics) of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

Residential amenity

- 8.10. As the proposed additions are both single storey, there are no concerns regarding overlooking or loss of privacy to the adjacent properties.
- 8.11. The single storey scale of the proposed side extension would not lead to overdominance or overshadowing effects. Moreover, the southern elevation does not comprise windows, ensuring that there are no adverse residential amenity effects relating to outlook and loss of privacy to the neighbouring property (131 High Road East). It therefore complies with adopted planning policy and is considered acceptable in terms of residential amenity upon that dwelling.
- 8.12. Due to the shape and overall size of the site, both extensions will be closely located to the southern boundary, with a setback of less than one metre. Although narrow, access to the rear of the site is retained, and the scale of the extension would allow for the retention of sufficient outside amenity space for the current and future occupiers.

- 8.13. In terms of the potential impact of the rear extension upon overshadowing or access to daylight/sunlight, the impacts to the attached neighbouring dwelling would be limited due to the height of the extension (3.8 metres reducing to 3.3 metres after extending five metres from the rear elevation).
- 8.14. In order to assess potential impacts upon daylight and sunlight from rear extensions, the 45 degree test, as defined in Supplementary Planning Guidance 16: House Alterations and Extensions (2003) is used. This test is based upon 'BRE Report Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (1991)'. If an extension would result in a 45 degree line covering more than fifty percent of a window on the rear elevation of the neighbouring dwelling on both the vertical and horizontal plan, it would fail this test, and therefore result in a significant loss of light.
- 8.15. As the neighbouring property (3 Church Road) already has a single-storey rear conservatory at the rear, the 45 degree test is undertaken on the rear glazing of this element as a whole, rather than individual windows. When measured along the horizontal plain, the proposal would result in more than fifty percent of the glazing being covered by the 45 degree line. However, in order to be unacceptable, the scheme has to also result in more than fifty percent of the glazing being covered by a 45 degree line on the vertical plain. When measured from the top of the parapet of the proposed rear extension (at height of approximately three metres) on the vertical plan, a 45 degree line would not cover more than fifty percent of the whole conservatory. Therefore the proposal passes the 45 degree light test.
- 8.16. Therefore it is considered that any effects to the loss of light to the neighbouring property would not be significant. Moreover, due to the nature of the conservatory, further access to daylight and sunlight is accessible via the polycarbonate/glazed roof.
- 8.17. The proposal is also not significantly larger than that which could be achieved using Permitted Development Rights, subject to prior notification. As there is a clear desire from the landowner to develop and maximise the value of the site is sufficient to demonstrate there is a real prospect to the Class A General Permitted Development Order (GPDO) fallback position in this case. Therefore, material weight to such fallback position is given.
- 8.18. The potential impact upon light to the attached neighbouring dwelling (No.3 Church Road) would not be significantly greater than that which could result from rear extension with a six metre depth of projection, constructed using permitted development rights. Therefore, the resulting impact of this proposal upon light to the adjoining property is insufficient to warrant refusal.

Other matters

- 8.19. The neighbouring property raises concerns regarding the proximity of the proposal to the boundary. As the development includes the construction of a wall or building on or close to a property boundary and likely to include excavations near a neighbouring

building, the provision of the Party Wall Act (1996) will apply. These matters are not considered a material consideration.

9. CONCLUSION

- 9.1. Overall, the proposed single storey side and rear extensions would cause less than minor effects on the residential amenity of neighbouring properties and current/future occupants of the host dwelling - the application is, therefore, deemed in accordance with Policy DM21 (Design: Aesthetics) and Policy DM23 (Design: Residential Amenity) of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013).

10. RECOMMENDATION

- 10.1. Approve subject to the following conditions:

1. The development hereby permitted shall begin no later than 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 drawings:
 - Site plan – received on 25 June 2019; and
 - Block plan, floor plans and elevations (drawing number: TMW/02/19 – Rev D) - received on 04 July 2019.

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.

BACKGROUND INFORMATION Application file reference: DC/19/1863/FUL