



**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 Stuart Bird  
Councillor Chris Blundell  
Councillor Tony Cooper  
Councillor Mike Deacon  
Councillor Colin Hedgley  
Councillor Mark Newton  
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,  
on **Tuesday, 25 May 2021 at 2:00 pm**

This meeting is being held in person in order to comply with the Local Government Act 1972. In order to comply with coronavirus regulations and guidance, the number of people at this meeting will have to be restricted to only those whose attendance is reasonably necessary.

Ordinarily, East Suffolk Council encourages members of the public to attend its meetings but on this occasion would encourage the public to watch the livestream, via the East Suffolk Council YouTube channel instead at <https://youtu.be/XICsmANaerA>.

If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk), of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

## **Part One – Open to the Public**

### **Pages**

- |          |   |                  |
|----------|---|------------------|
| <b>1</b> | <b>Apologies for Absence and Substitutions</b>  |                  |
| <b>2</b> | <b>Declarations of Interest</b><br>Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered. |                  |
| <b>3</b> | <b>Declarations of Lobbying and Responses to Lobbying</b><br>To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.   |                  |
| <b>4</b> | <b>East Suffolk Enforcement Action - Case Update ES/0765</b><br>Report of the Head of Planning and Coastal Management   | <b>1 - 20</b>    |
| <b>5</b> | <b>DC/20/1036/FUL - Land east and south of The Square, Martlesham Heath, Martlesham ES/0766</b><br>Report of the Head of Planning and Coastal Management  | <b>21 - 64</b>   |
| <b>6</b> | <b>DC/21/0541/FUL - Former Deben High School, Garrison Lane, Felixstowe, IP11 7RF ES/0767</b><br>Report of the Head of Planning and Coastal Management  | <b>65 - 103</b>  |
| <b>7</b> | <b>DC/21/0808/FUL - Land East Of Bent Hill, Undercliff Road West, Felixstowe ES/0768</b><br>Report of the Head of Planning and Coastal Management   | <b>104 - 113</b> |
| <b>8</b> | <b>DC/21/0615/FUL - Water Tower, Tuddenham Lane, Rushmere St Andrew ES/0769</b><br>Report of the Head of Planning and Coastal Management  | <b>114 - 127</b> |

## **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

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

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

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

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

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

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

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If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



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## PLANNING COMMITTEE SOUTH

**Title of Report:**

East Suffolk Enforcement Action – Case Update

**Meeting Date**

Tuesday 25 May 2021

**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 up until 22 April 2021. At present there are 13 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 22 April 2021 be received and noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> <li>• 15/10/2010 - EN served</li> <li>• 08/02/2010 - Appeal received</li> <li>• 10/11/2010 - Appeal dismissed</li> <li>• 25/06/2013 - Three Planning applications received</li> <li>• 06/11/2013 – The three applications refused at Planning Committee.</li> <li>• 13/12/2013 - Appeal Lodged</li> <li>• 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing</li> <li>• 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708</li> <li>• 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months.</li> <li>• 10/11/2015 – Informal hearing held</li> </ul>	31/07/2021

					<ul style="list-style-type: none"> <li>• 01/03/2016 – Planning Appeal dismissed</li> <li>• 04/08/2016 – Site re-visited three of four Notices have not been complied with.</li> <li>• Trial date set for 21/04/2017</li> <li>• Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs.</li> <li>• The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017.</li> <li>• 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice.</li> <li>• 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps.</li> <li>• 21/11/2017 – Mobile home and steps removed from site.</li> <li>• Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 27/06/2018 – Compliance visit conducted to check on whether the 2010.</li> <li>• 06/07/2018 – Legal advice being sought.</li> <li>• 10/09/2018 – Site revisited to check for compliance with Notices.</li> <li>• 11/09/2018 – Case referred back to Legal Department for further action to be considered.</li> <li>• 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</li> <li>• 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given.</li> <li>• Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</li> <li>• 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018</li> <li>• 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</li> <li>• High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019</li> <li>• 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</li> <li>• 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</li> <li>• 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</li> <li>• 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action.</li> <li>• Court date arranged for 28/11/2019.</li> </ul>	
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					<ul style="list-style-type: none"> <li>• 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</li> <li>• Site visited. Case currently with the Council's Legal Team for assessment.</li> <li>• Charging orders have been placed on the land to recover costs.</li> </ul>	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> <li>• Authorisation granted to serve Enforcement Notice.</li> <li>• 13/09/2013 -Enforcement Notice served.</li> <li>• 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months</li> <li>• 11/07/2014 – Final compliance date</li> <li>• 05/09/2014 – Planning application for change of use received</li> <li>• 21/07/2015 – Application to be reported to Planning Committee for determination</li> <li>• 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015</li> <li>• 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as</li> </ul>	May 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>to further action.</p> <ul style="list-style-type: none"> <li>• 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought.</li> <li>• Further enforcement action to be put on hold and site to be monitored</li> <li>• Review in January 2019</li> <li>• 29/01/2019 – Legal advice sought; letter sent to site owner.</li> <li>• 18/02/2019 – contact received from site owner.</li> <li>• 04/04/2019 – Further enforcement action to be placed on hold and monitored.</li> <li>• Review in April 2021.</li> <li>• <b>13/04/2021 - Letter sent to owner to establish current situation</b></li> </ul>	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> <li>• 23/11/2016 – Authorisation granted to serve an Enforcement Notice</li> <li>• 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months.</li> </ul>	24/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 17/07/2017 – Enforcement Notice withdrawn and to be re-served</li> <li>• 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance</li> <li>• 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action.</li> <li>• Notice withdrawn</li> <li>• 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018)</li> <li>• 01/10/2018 – PINS has refused to accept Appeal as received after the time limit.</li> <li>• Time for compliance is by 06/12/2018</li> <li>• Site visit to be completed after the 06/12/2018 to check for compliance with the Notice</li> <li>• 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action.</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel.</li> <li>• 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served.</li> <li>• 01/04/2019 – Enforcement Notice served.</li> <li>• 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate.</li> <li>• Start date has now been received, Statements are due by 12/12/2019.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal Dismissed with variations. Compliance by 20 January 2021</li> <li>• Site visit due at end of January 2021.</li> <li>• 24/02/2021 – Visit conducted, some compliance, extension</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					agreed until 24/05/2021	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> <li>11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period.</li> <li>Enforcement Notice to be drafted</li> <li>Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).</li> </ul>	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> <li>16/11/2017 – Authorisation given to serve EN.</li> <li>22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period</li> <li>Appeal submitted. Awaiting Start date</li> <li>Appeal started, final comments due by 08/02/2019.</li> <li>Waiting for decision from Planning Inspectorate.</li> </ul>	31/07/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment.</li> <li>• 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020</li> <li>• Site visited. Case conference to be held</li> <li>• Appeal received in relation to the EN for the residential use</li> <li>• Appeal started. Statement submitted for 16<sup>th</sup> June 2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with some amendments. Compliance by 11/12/2020</li> <li>• Site visit to be undertaken after 11/12/20</li> <li>• Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					action. <ul style="list-style-type: none"> <li>• Further visit to be done on 25/03/2021.</li> <li>• <b>Site visit completed, Notices not complied with, file passed to Legal services for further action.</b></li> </ul>	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> <li>• Initial complaint logged by parish on 22/09/2015</li> <li>• Case was reopened following further information on the 08/12/2016/</li> <li>• Retrospective app received 01/03/2017.</li> <li>• Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions.</li> <li>• Notice sever by recorded delivery 05/09/2018.</li> </ul>	30/07/2021



LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Appeal has been submitted. Awaiting Start date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed. Compliance with both Notices by 05/08/2020</li> <li>• Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species.</li> <li>• Court hearing in relation to structures and fencing/gates 03/03/2021</li> <li>• Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with</li> </ul>	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					steps relating to lake removal.	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> <li>• Enforcement Notices served on 10/12/2018</li> <li>• Notice effective on 24/01/2019</li> <li>• 3 months given for compliance</li> <li>• Appeal submitted awaiting Start Date.</li> <li>• Start letter received from the Planning Inspectorate. Statement due by 30/07/19.</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed and amended. Compliance with both Notices by 13/08/2020</li> <li>• Site visit conducted. Some works have been completed but due to Covid-19 pandemic work to remove refrigeration units has been delayed. Extension of time given until 02/10/2020.</li> <li>• Further extension of time given until 30/11/20.</li> </ul>	31/03/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>03/12/2020 – Site visited. MCU Notice has been complied with and Operational Development Notice partially complied with. Final steps are not required for completed until 31<sup>st</sup> March 2021.</li> <li><b>Site visited, final steps of Notices complied with. Case to be closed</b></li> </ul>	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> <li>Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019</li> <li>Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019</li> <li>Stop Notice Served 25/05/2019 comes into effect 28/05/2019.</li> <li>Appeal has been submitted. Awaiting Start date.</li> <li>Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020</li> <li>Awaiting date of hearing from Planning Inspectorate.</li> <li>Hearing date set for 02/02/2021.</li> </ul>	30/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Hearing adjourned until 09/03/2021</li> <li>Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021.</li> <li><b>Awaiting Decision</b></li> </ul>	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> <li>Notice served 26/11/2019</li> <li>Compliance visit to be conducted when possible.</li> <li>Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step.</li> <li>Enquires being made to take direct action.</li> <li>Contractors arranged to undertake the required work.</li> <li>Owner arranged for workers to undertake required work in place of Council Contractors.</li> <li>Site visit due to check compliance.</li> <li>Notice not complied with in full. Internal discussions being held to decide the next step.</li> </ul>	28/05/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Contractors being contacted to complete work.</li> <li>Contractors undertook garden clearance on 13<sup>th</sup> January 2021. Will return at later date to complete outstanding work.</li> <li>Work has been completed on property to fulfil the notice.</li> <li>Costs are being collated to bill the owner for the work.</li> <li><b>Discussion being held with the accounts department.</b></li> </ul>	
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> <li>Enforcement Notice served 10/12/2019</li> <li>Awaiting site visit to check on compliance</li> <li>Site visit undertaken, summer house still in situ. Further action to be considered.</li> <li>Property has now changed hands. Contact with new owner to be established.</li> <li>Officers are now in contact with the new owners and are discussing a way forward.</li> </ul>	10/06/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>• Six weeks given for summerhouse, decking and steps to be removed.</li> <li>• New planning application has been submitted. Case on hold until determined.</li> <li>• Planning permission has been granted for retention of the decking element. Removal of summerhouse and steps have been conditioned.</li> <li>• <b>Summerhouse to be removed by 10<sup>th</sup> June 2021</b></li> </ul>	
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> <li>• 17/01/2020 – Enforcement Notice served.</li> <li>• Appeal received. Statements due by 27/04/2020</li> <li>• Awaiting Planning Inspectorate Decision</li> <li>• Appeal dismissed with amendments. Compliance date 26.12.2020. Judicial review submitted.</li> <li>• Judicial review dismissed. Compliance date 23/03/2021</li> </ul>	30/04/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> <li>Site visit to be undertaken on 25/03/2021 to check for compliance.</li> <li><b>Site visited, at time of visit, Notice was deemed to have been complied with. Case to be closed</b></li> </ul>	
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> <li>30/06/2020 – Enforcement Notice served. Appeal submitted awaiting start date.</li> <li>Appeal started. Final comments by 09/11/20</li> <li>Awaiting Planning Inspector Decision.</li> <li>Appeal dismissed. Compliance due by 25/03/2021.</li> <li><b>Site visited, Notice not complied with, further time given until 13/05/2021 to comply.</b></li> </ul>	13/05/2021

<b>LPA Reference</b>	<b>Date of Authorisation (Panel/ Delegated)</b>	<b>North/South</b>	<b>Location</b>	<b>Breach</b>	<b>Status</b>	<b>Date by which Compliance Expected (or Prosecution Date)</b>
ENF/2020/0049 /DEV	12/01/2021	South	17 Saxonfields, Snape	Installation of a replacement roof on conservatory	<ul style="list-style-type: none"> <li>Enforcement Notice served. Comes into effect on 15/02/2021</li> </ul>	15/06/2021



## Committee Report

**Planning Committee South – 25 May 2021**

**Application no** DC/20/1036/FUL

**Location**

Land east and south of The Square  
Martlesham Heath  
Martlesham  
Suffolk

**Expiry date** 3 June 2020 (extension of time agreed until 28 May 2021)

**Application type** Full Application

**Applicant** McCarthy & Stone Retirement Lifestyles Ltd

**Parish** Martlesham

**Proposal** Construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development

**Case Officer** Rachel Lambert  
01394 444574  
rachel.lambert@eastsuffolk.gov.uk

### 1 Summary

- 1.1 This application seeks approval for the 'construction of retirement apartments for the elderly, a new public car park, access, landscaping and ancillary development' at land east and south of The Square, Martlesham Heath.
- 1.2 The application was heard at Planning Committee on Tuesday 27 April 2021. The item was deferred to allow Members of the Committee to undertake a site visit prior to considering the application. This was deemed necessary in order to view the site in terms of its context with particular reference to the former runway area and parking. The Planning Committee are scheduled to undertake the site visit on Thursday 13 May 2021, in accordance with Covid-19 government guidelines.
- 1.3 Comments previously noted with the respective update sheet and those received thereafter have been incorporated within this report.

### Reason for Committee

- 1.4 In accordance with the scheme of delegation, the Head of Planning and Coastal Management has requested that the decision is to be made by Members at the respective planning committee, due to the significance of public interest in the proposal.

### Statement of case

- 1.5 Overall, it is considered that the proposed development for 41 sheltered housing apartments (C3 residential use class) within the settlement boundary of Martlesham Heath and within close proximity to the village centre, is a sustainable form of development that meets the growing demands of an ageing population. Despite the displacement of the existing parking area, the proposal seeks to unlock a brownfield site for development, resulting in an improved utilisation of the land to the benefit of the street scene and its immediate setting.
- 1.6 A number of significant concerns previously raised by statutory consultees have since been addressed through subsequent design changes, with further detail to be provided via pre-commencement conditions. The lead local flood authority has removed their holding objection and the highways authority confirm that any respective concerns can be mitigated to an acceptable level via amended plans since received and a number of proposed conditions.
- 1.7 The prominence of the proposed design and the reconfiguration of the immediate area will not cause adverse impacts to the character of the area or result in subsequent pressure on the local healthcare facility. Such matters relating to highways, flooding, ecology, heritage, landscape and environmental protection can be sufficiently mitigated, methods of which are to be secured by way of condition. Whilst potential impacts upon facilities and public services can be suitably mitigated through Community Infrastructure Levy (CIL) funding.

### Recommendation

- 1.6 The scheme complies with the local plan and would deliver valuable sheltered housing in a sustainable location on previously developed 'brownfield' land. There are no barriers to development and whilst the objections are noted and understood, the proposal complies with the development plan and benefits outweigh any harm. Accordingly, the application is recommended for approval subject to conditions and a S106 legal agreement.

## **2 Site description**

- 2.1 The site is located within Martlesham Heath, accessed off Eagle Way via the A12 – and measures approximately 0.74 hectares. Located to the eastern extent of the village centre (The Square), the core of the subject site currently serves as a car park (in part), with an attractive green space to the eastern extent, with an area of hardstanding (a former runway and non-designated heritage asset) to the south west - the southern edge of this aspect fronts onto Martlesham Heath's Green, which forms the heart of the community.
- 2.2 It is located within close proximity to the existing commercial and community services within the village core (including a public house, doctors surgery, dentist and variety of shops).

- 2.3 The surrounding environment is predominately residential in nature. Properties within the area are of varying architectural styles, scales and forms, with a mixture of three storey blocks and detached two-storey dwellings - each 'hamlet' having their own distinctive identity. Residential properties along the northern boundary, fronting Eagle Way, comprise detached two-storey dwellings set back from the street – with a three-storey flatted building sited close to the village centre. Adjacent to the southern boundary is a row of three-storey terraced-style dwellings, positioned closely to an existing footpath (with vehicular access to the rear, via Lark Rise).
- 2.4 The subject site is located within Flood Risk 1 zone, which the Environment Agency defines as having a low probability of flooding - due to the associated low risk, no further assessment is required. Topographically, the site is a relatively level area of land. There are five protected Norway Maple TPO trees located on the open space grassed area to the eastern extent (TPO number: 267/2018).
- 2.5 As the site previously formed part of the RAF Martlesham Heath military airfield and has since been used as a car park, it is deemed as previously developed brownfield land.

### **3 Proposal**

- 3.1 This application seeks approval for an over-55s residential living development comprising 29 one-bedroom and 12 two-bedrooms units, with the wider development including a communal homeowners lounge, guest suite, reception area, refuse store, and mobility scooter storeroom and communal external landscaped areas.
- 3.2 The scheme also provides the following:
- Parking on the former runway, providing a total of 43 car-parking spaces (including two electrical vehicle charging points and two disabled spaces).
  - Resident and visitor car parking, providing a total of 25 car-parking spaces (including three electrical vehicle charging points and two disabled spaces).
  - Reconfigured access from Eagle Way (including shared surface cycleway priority at junction) and provision of new access to the residential development.
  - Provision of a cycleway along the northern boundary (southern extent of Eagle Way) – connecting the footbridge with the village centre and wider cycle network.
  - Provision of balconies for 12 of the 29 first and second floor flats (all other units have Juliet windows).
  - Private shared outside amenity space (approximately 230 sq. metres).
  - Detailed landscaping plans for the core development (including retention of the majority of the protected green space), with indicative plans/visualisations for the former runway area.
  - Photovoltaic panels on the eastern, western and southern roof profiles (in part).

- 3.3 The proposed built form extends over three-storeys, with varying roof heights and elevational materials (red brick, white render, red and charcoal grey roof tiles) – the southern linked aspect, which sits adjacent to the properties along Lark Rise, is limited to two-storeys.
- 3.4 External provisions include reconfigured parking both on the immediate site and on land located to the south of the doctors surgery (former runway), landscaped area (with the retention of the TPO trees and protected green space), and a new road configuration with pedestrian access links to the village centre and a designated cycle track along Eagle Way. The proposed units will be a C3 residential use class and will therefore be dwellings though their occupancy may be restricted by a condition.
- 3.5 The following documentation has been submitted in association with the application:
- Application form
  - Site location plan (000 Rev. P00)
  - Site layout plan (001 Rev. P09)
  - Proposed floor plans (002 Rev. P05; 003 Rev. P03; 004 Rev. P03; 005 Rev. P02)
  - Elevations (006 Rev. P03; 007 Rev. P04)
  - Archaeology Statement (by RPS Group, dated 17 August 2020)
  - Design and Access Statement (by Feilden + Mawson, dated February 2020)
  - Detailed UXO Risk Assessment (by 1<sup>st</sup> Line Defence, dated 28 October 2019)
  - Ecology Report (by RammSanderson, dated January 2020)
  - Financial Viability Statement (by Alder King Property Consultants, dated 04 September 2020)
  - Flood Risk Assessment and Drainage Strategy (by Pinnacle Consulting Engineers, dated 8 February 2021)
  - Former runway parking layout visualisation
  - Landscape plan (17688 Rev. C)
  - Movement plan
  - Site Investigation Report (by Crossfield Consulting, dated November 2019)
  - Transport Assessment (including updated report on revised layout)
  - Tree Survey and Impact Assessment (by Keen Consultants, dated February 2020)
  - Visually Verified Montages (by Nicholas Pearson Associates, dated February 2020)

#### **4 Third party representations**

- 4.1 A total of 35 third party representations were received throughout the numerous consultation periods, including from the landowners of The Square (Fordley Land Company Ltd and Suffolk Life Annuities Ltd) - 30 raised objections and five support the scheme.
- 4.2 Matters of objection are summarised below:
- **Principle of development:** Condition 5 of planning permission E/7763/28 states that the development is limited to 1,000 dwelling; contradicts the vision of the

- area; inappropriate site location; questionable requirement for house type/mix within Martlesham Heath; and contrary to neighbourhood plan policy.
- **Poor design quality:** Visual impact of overall design; overbearing; dominate and out of keeping with the character of the area; overdevelopment; and lacking aesthetical design.
- **Impact on residential amenity:** Loss of views; overlooking; loss of privacy; and lack of amenity space for future residents.
- **Loss of parking:** Insufficient public parking, which will lead to on-street parking on Eagle Way.
- **Inadequate parking provisions:** Lack of parking for future residents.
- **Environmental quality:** Increase in air and noise pollution.
- **Pressure on key services:** Increased demand for GP services and impact on ability to expand surgery.
- **Highway safety concerns:** Increase in traffic; narrow junctions/entrances; safety concerns regarding key footpath crossing entrance/exit of car park (used by schoolchildren); and use of former runway as a car park would lead to safety issues for vulnerable users.
- **Landscaping impacts:** Impact on landscaping and loss of trees.
- **Access:** Restricted access to village green for visitors, vendors and emergency vehicles (this must be maintained); limited/restricted access for wheelchair users; and impact on established 'right of way' across the former runway.
- **Open space:** Loss of open space and landscaping; and impact on visual amenity from the green.
- **Land ownership:** Land within MHHL ownership.
- **Overdevelopment:** Cumulative impact with Brightwell Lakes development.
- **Heritage impacts:** Loss of former runway (heritage importance).
- **Ecology impacts:** Impact on Martlesham Heath SSSI

#### 4.3 Matters of support are summarised below:

- Much need retirement apartments.
- Former runway in need of repair.
- Enhancement of area and provision of well-located, quality housing for the elderly.
- Improved aesthetics of the area in a sympathetic way.

## 5 Consultees

- 5.1 Due to the frequency of consultation throughout processing the application, all comments received are collated within one table – with the respective consultation start dates listed. Where the consultee comments do not alter in response to the most recent revisions the latest 'date reply received' date is noted.

#### Parish/Town Council

Consultee	Date consulted	Date reply received
Martlesham Parish Council	15 March 2021	07 May 2021
	03 February 2021	25 April 2021
	01 October 2020	29 March 2021

	18 September 2020 06 March 2020	24 February 2021
<p>See Public Access for full suite of responses from Martlesham Parish Council – as listed above.</p> <p>The below comments were received on 25 April 2021 in response to the Committee Report – these have been addressed within the updated reporting. Comments received within the most recent letter (dated 7 May 2021) have also been addressed.</p> <p><b>1. Martlesham Parish Council Remaining areas of concern</b></p> <p><i>The Parish Council has continued to object to this planning application due to unresolved issues. The Parish Council's position is that it supports and welcomes the scheme in principle and its new residents, but with two caveats:</i></p> <ul style="list-style-type: none"> <li><i>The reduction in overall car park capacity compounded by increased overflow demand generated by the new development. Please see references below to conditions 32 and 33. The council feels that this is so fundamental that planning permission should be refused until the overall village centre car park capacity issues are satisfactorily resolved. This is not a problem which can be subsequently retrofitted. See reference to Conditions 32 and 33 below referring to car park management plans.</i></li> <li><i>The new runway car park's southern boundary landscaping and access proposal appears to fail to address the landscaping requirements set out in Martlesham Neighbourhood Plan Policy MAR3. Access arrangements onto the Green which has historically been used for village events, have also not been taken into account, nor the need to prevent unauthorised vehicular access. See para 2 below.</i></li> </ul> <p><i>Please note that Martlesham Parish Council's comments included in the Committee Report are the first set submitted in April 2020 The Parish Council has subsequently made further positive submissions/suggestions relating to our preferred requirements especially with respect to the runway car park, (including photos of Village Day events and satellite images illustrating usage patterns). No feedback has been received and all iterations of the car park plan have failed to address one or more of our requirements. This is all the more disappointing in view of the proposal that it be handed over to the Parish Council on completion.</i></p> <p><i>We also proposed a new desire route footpath across the NE corner of the Green which would give easier access from the east side of the Green to the footpath up the west side of the car park to the Village Square but were told that it could not be S106 funded. We recommend that this be revisited it has merit in terms of usability and public acceptance of the scheme.</i></p> <p><b>2. Design of the new public car park</b></p> <p><i>The Parish Council is unhappy with the statement in para 9.48 of the Committee Report referring to the Parish Council not supporting the concept of the car park as an informal plaza. The officer's report is the first time we have seen a narrative description of the planners' vision for this space. It has not been described in any of the previously published documents. The design and access statement has not been updated since first published in March 2020 and had only one short paragraph about the car park.</i></p> <p><i>Our objection to the various revised layouts for the car park has not been driven by loss of car</i></p>		

*parking spaces in this space as suggested in the report; that is a separate issue affecting the whole of the village centre.*

*Our concerns with this car park have been and still are:*

- Vehicular access arrangements from the car park to the Green for village events on the Green,*
- compliance with MAR3 in the Martlesham Neighbourhood Plan (development should protect and enhance the Village Green setting),*
- user safety given the car park is next to an area where children and young people gather, preventing unauthorised vehicle access onto the green.*

*The move towards unfettered public access area emerged after SCC referred to the Mistley Quay ruling in their response dated 23 February 2021. We believe this is a misapplication of that ruling. The case there was that the Quay already had Town and Village Green status, which the port operator wanted to have removed. This runway does not have TVG status.*

*Had there been an opportunity for two-way dialogue between the Parish council, ESC, McCarthy & Stone and SCC Highways which we requested several times this sort of confusion could have been avoided. A joint site visit would be the ideal approach.*

*On the plus side we welcome the imaginative ideas for treatment of the actual surfacing of the car park reflecting its former runway use which are shown in the freehand sketch plan entitled parking layout posted on 9 April 2021.*

***If the Committee agrees the recommendations and Conditions of the Planning Officer's Committee report, we observe and request the following:***

***3. The s106 agreement must include the transfer of the former runway to the community and the open space area to the east of the site (an Area Protected from Development in the Martlesham Neighbourhood Plan) via Martlesham Parish Council or Martlesham Heath Householders Limited to secure them in perpetuity for the benefit of the community. This is discussed at paragraphs 9.41 & 9.82 of the Committee Report. To asset lock the runway for future community use, the transfer and matters covered in paragraph 9.82 must be enshrined in the s106 Agreement. The s106 Agreement should be made a Condition of the planning consent and any Heads of Term should be made legally binding.***

*Further, we concur with the asset lock 'in perpetuity'; we recommend this should solely refer to the broader community use aspect.*

***4. Martlesham Parish Council must be proactively involved in concluding Conditions 23, 26, 32 and 33. Due to the proposed asset transfer, and the impact of the Village Centre on the day to day activity of the community, local businesses and services as well as special village occasions, the community, represented by the Parish Council, must be involved more than just as a normal arm's length consultee.***

- Condition 23 Strategy for the former runway – it is important that the local community living with the design decisions, has a say in the design aspects which impact Community Life far beyond the construction phase. These include the usage and ongoing safety of the runway car park. The Parish Council is the advocate for the community. The applicant must be able to*

*demonstrate that they have worked with the community. This condition must be amended to reflect that.*

- *Condition 26 The Heritage Strategy – again, this planning condition acknowledges the need to involve the community. The Parish Council should be a named participant.*
- *Conditions 32 and 33 – Management of the private and the three public car parks cannot be disassociated from each other (the public car parks will be used as overflow for the new apartments). The Parish Council should be a named participant in the production of the Car Park Management Plans, along with the owners of The Square and the other two public car parks. The commercial viability of The Square and its health-related services may be significantly impacted by the reduction in the number of spaces and increased demand from visitors and employees at the new development. We wish in principle to take ownership of the runway car park, but it must come with enforcement rights, powers to manage the car park and its users, power to manage temporary closures for village events.*

**5. The ESC proposed Planning Conditions are defective in the following respects:**

- *Condition 2 – The latest site plan (PO9 dated 6.4.2021) does not indicate any vehicular access points or vehicular routes to the Green for community events. This was included in previous iterations of the site plan albeit in an unacceptable location. The access point we have consistently requested is along the eastern side of the Green well away from where people gather on Village Day. This version of the plan does not show how unauthorised access to the Green will be prevented.*
- *Condition 23 - Strategy for the former runway –The Parish Council welcomes and appreciates the Heritage design elements shown in the latest sketch plan. The Parish Council should be named consultants to the Strategy.*
- *Condition 23 – The ‘Design Heritage and Landscape Strategy’ - should be retitled ‘The Design, Usage, Heritage and Landscape Strategy’.*
- *Condition 23 –A funding Strategy for the ongoing maintenance of the former runway is required prior to commencement of development.*
- *Condition 26 - To add clarity and for consistency with other the Conditions, and to ensure the Condition is complied with in good time, "Prior to use" must be replaced with "Prior to commencement of development".*
- *Condition 32 - Car Parking- this condition does not go far enough. Residents, as the property owners, will also book outside contractors and services for their flats. The Condition must clarify that any references to contractor/trade/service bookings includes services commissioned for both residents and developer. Enforcement provisions must be prescribed within the Condition.*
- *Condition 34 – parking amenities – infrastructure provision should be made for electric point installation in the public as well as private car park as shown on some iterations of the site plans. The Parish Council also suggested that additional ducting be put in place to allow further EV charge points to be added with minimal upheaval as EV penetration rises.*
- *Condition 37 – A requisite element of the Construction Management Plan must be proposals to*



*handle displaced car parking during the construction phase. Accessibility to the surgery and shops for residents unable to walk any distance MUST be maintained. Informative 13 applies equally to the construction phase as the post construction phase. During construction access for doctors and ambulances to the yard behind the surgery must be maintained during their opening hours.*

## Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	13 April 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	16 March 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	15 March 2021 03 February 2021	12 November 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Anglian Water	19 March 2021	14 April 2021
Summary of comments: No objection (informatives noted).		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	19 March 2021	24 March 2021
Summary of comments: No objection - records show, that no apparatus located in the proposed work, as this area is not covered by Essex & Suffolk Water.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
National Amenity Societies	15 March 2021 03 February 2021 01 October 2020 18 September 2020 11 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	15 March 2021 03 February 2021 01 October 2020 18 September 2020 11 March 2020	02 October 2020
Summary of comments: No objection subject to conditions/informatives.		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	12 March 2020
Summary of comments: No objection.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	01 April 2021
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Police Designing Out Crime Officer	15 March 2021 03 February 2021 01 October 2020 18 September 2020	5 May 2020
Summary of comments: No objection, although a number of concerns raised - these are addressed within the reporting.		

Consultee	Date consulted	Date reply received
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Ecology (Internal)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	1 April 2020
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	22 March 2021
Summary of comments: No objection – comments incorporated within reporting.		

Consultee	Date consulted	Date reply received
Disability Forum	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	26 March 2021
Summary of comments: Comments addressed within reporting.		

Consultee	Date consulted	Date reply received
Martlesham Heath Householders Ltd	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	24 February 2021
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	15 March 2021 03 February 2021 01 October 2020 18 September 2020	No response

	06 March 2020	
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	12 October 2020
Summary of comments: No objection - comments included within reporting.		

Consultee	Date consulted	Date reply received
Sustrans (East of England)	15 March 2021 03 February 2021 01 October 2020 18 September 2020 06 March 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Housing	15 March 2021 03 February 2021 02 December 2020	11 December 2020
Summary of comments: Comments raised re. affordable housing not applicable due to type of development.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	15 March 2021 03 February 2021 01 October 2020 18 September 2020	13 October 2020
Summary of comments: No objection subject to CIL contribution.		

Consultee	Date consulted	Date reply received
CIL (Internal)	19 March 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
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Head of Environmental Services and Port Health	19 March 2021	1 April 2021
Summary of comments: No objection subject to conditions.		

## 6 Publicity

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

Category	Published	Expiry	Publication
Major Application	12 March 2020	2 April 2020	East Anglian Daily Times

## 7 Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 19 March 2020 Expiry date: 9 April 2020
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## 8 Planning policy

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” This is reflected in paragraph 12 of the NPPF, which affirms the statutory status of the development plan as the starting point for decision-making.
- 8.2 The development plan comprises the East Suffolk Council – Suffolk Coastal Local Plan (“local plan”) and any adopted neighbourhood plans. The relevant policies of the local plan and Martlesham Neighbourhood Plan are listed in the section below and will be considered in the assessment to follow.
- 8.3 It is important to also note that NPPF paragraph 11 requires that planning decisions apply a presumption in favour of sustainable development and that means, for decision-taking, approving development proposals that accord with an up-to-date development plan without delay.
- 8.4 National Planning Policy Framework (NPPF) (2019).
- 8.5 National Planning Policy Guidance (NPPG).
- 8.6 The East Suffolk Council – Suffolk Coastal Local Plan (adopted on 23 September 2020):
- SCLP3.1 - Strategy for Growth
  - SCLP3.3 - Settlement Boundaries

- SCLP5.8 - Housing Mix
- SCLP5.10 - Affordable Housing on Residential Developments
- SCLP7.1 - Sustainable Transport
- SCLP7.2 - Parking Proposals and Standards
- SCLP8.2 - Open Space
- SCLP9.2 - Sustainable Construction
- SCLP9.5 - Flood Risk
- SCLP9.6 - Sustainable Drainage Systems
- SCLP9.7 - Holistic Water Management
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.2 - Visitor Management of European Sites
- SCLP10.3 - Environmental Quality
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.6 - Non-Designated Heritage Assets
- SCLP11.7 – Archaeology

#### 8.7 Martlesham Neighbourhood Plan 2016-2031 (made July 2018):

- MAR1 - Martlesham Physical Limits Boundaries
- MAR2 - Areas to be Protected from Development
- MAR3 - Development within Martlesham Heath
- MAR4 - Residential Design and Amenity
- MAR5 - Residential Mix
- MAR12 - Non-Designated Heritage Assets
- MAR13 - Cycling, Walking and Disability Access Routes
- MAR15 - Parking Provision
- MAR20 - High Speed Broadband)

## 9 Planning considerations

### Principle of development

- 9.1 The subject site is located within the physical limits of Martlesham Heath (located within the major centre of 'East of Ipswich'), where new development within defined settlement boundaries is acceptable in principle, subject to consideration of other relevant policies of the development plan (Policy SCLP3.3 - Settlement Boundaries). This notion is further

supported by Policy MAR1 (Martlesham Physical Limits Boundaries) of Martlesham Neighbourhood Plan (made July 2018), subject to proposals being appropriately designed without being detrimental to the setting and character of the area.

- 9.2 It is acknowledged that a high-quality design approach is highly relevant to Martlesham Heath due to its articulated vision as a model of town planning, with thematic 'hamlets' separated by wide areas of open spaces - which has ultimately resulted in a place that is well integrated in social and community terms. Although, it is noted that subsequent development outside of the original hamlets has occurred in close proximity to the village core - as shown on Figure 4.1 within the neighbourhood plan.
- 9.3 Reference has been made by a number of consultees with regard to the original application (C7763/287) and overall strategic vision for the area. The premise that the subject site is conditioned to serve as a car parking facility does not result in its definitive use as such. Such design impacts on the wider original masterplan of Martlesham Heath are taken into account when assessing the proposal against the respective current planning policies that ensure such vision remains intact, whilst the highways authority addresses the impact of the loss of car parking provision. Furthermore, the area is identified within Martlesham Neighbourhood Plan as a site that could come forward for development (along with the expansion of the GP Surgery – see Figure 1) (Policy MAR3).

#### Areas to be protected from development

- 9.4 The eastern extent of the site is designated as an 'area to be protected from development' in the Martlesham Neighbourhood Plan (Policy MAR2). It is acknowledged that this open space is important both individually and collectively for a variety of reasons, including visual amenity, formal/informal outdoor recreation, non-vehicular linkage between hamlets, habitat and historic association - it shows that the neighbourhood plan has identified qualities and value in the space which inform a need to retain its openness. Any development proposal should be subject to additional scrutiny in respect of its effects on that designation.
- 9.5 In this case, the built envelope of the development abuts the defined boundary, along with a portion of the proposed outside amenity space (approximately 180 sq. metres) and a proposed cycle lane along the northern boundary. Despite this encroachment, the majority of the protected area, as well as all associated protected trees, are retained – and the proposed landscaping plan allows for the retention of a pleasing landscaped approach when viewed from Eagle Way. In respect of the impact on the designated 'area to be protected from development' this would not be substantial, and the openness of the space and its surroundings would not be significantly affected.

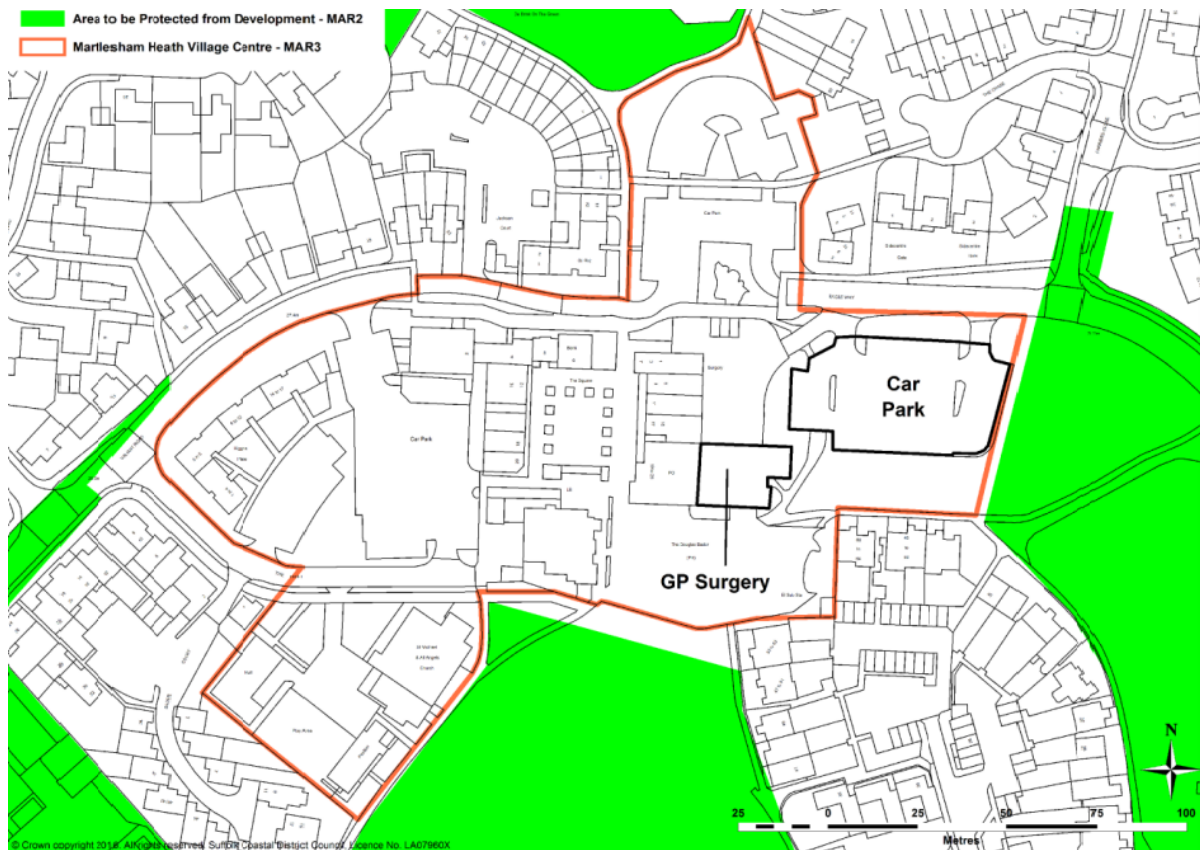


Figure 1 – Policy MAR3 Martlesham Neighbourhood Plan

#### Development within Martlesham Heath

- 9.6 The policies map within the neighbourhood plan shows that the subject site falls within the extent of Martlesham Heath village centre (Policy MAR3: Development within Martlesham Heath). As stated within the neighbourhood plan, there are some small areas within the area close to the centre that have the potential for further development - however, such proposals are required to be well designed and enhances the area rather than detracts from the 'village green' setting of the village centre, whilst avoiding the likelihood of people parking along the Eagle Way - the existing amount of parking provision should be retained as it is important to the viability of the business located there.
- 9.7 The site-specific policy sets out a number of parameters, as noted below:
- a. Within the physical limits boundary of Martlesham Heath, but outside the areas to be protected from development (Policy MAR2), proposed new development should be in keeping with the character of the individual hamlet in which the site is located or is adjacent to.
  - b. In particular, development should be at broadly the same density as the existing density of the hamlet. It must also take into account the requirement for an appropriate level of parking (Policy MAR15).
  - c. Development must demonstrate a high quality of built design and layout. It must allow for the retention of tree belts that surround sites as well as generally providing well landscaped edges to development sites in order to provide a buffer between developments.



- d. Any existing leisure uses on sites accessible to the public should be retained or re-provided in line with Policy MAR8.
  - e. Development specifically within the village centre, as identified on the Policies Map, must also address the following criteria:
    - It must retain and enhance the visual quality of the village green setting, its accessibility by all users and the common activities carried out on the green; and
    - It should contain car parking for village centre users and should not result in the loss of existing public off-street car parking in the immediate local area; and
    - It should not result in additional car parking along Eagle Way, particularly close to the village centre.
  - f. Any development proposals must demonstrate that they have engaged with the Clinical Commissioning Group in respect of the existing primary healthcare facility. Proposals shall not prejudice the potential for expansion of the existing healthcare facility unless it is clearly demonstrated that this is not necessary to support the growth proposed in the Neighbourhood Plan area and at the strategic site at Adastral Park during the plan period.
- 9.8 The relevant aspects of this criteria will be addressed under each respective report section - as set out below.

#### Housing mix

- 9.9 Policy SCLP5.8 (Housing Mix) seeks to increase the stock of housing to provide for the full range of size, type and tenure of accommodation to meet the needs of the existing and future population. This includes providing housing that will address the needs of an ageing population. Such provision is to be made in a manner that addresses both the immediate needs of the local resident population and the longer-term, future needs of the population, in accordance with the principles of sustainable development and sustainable communities.
- 9.10 In this instance, Policy MAR5 (Residential Mix) of the neighbourhood plan specifically identifies that there is a significant need for sheltered housing (i.e. independent living with some support), allowing for a mix that provides properties to meet the needs of older people looking to downsize and local people looking to remain in the area. This is further supported by national planning policy guidance 'Housing for older and disabled people' (published 2019), which highlights the importance to plan for the housing needs of older people and defines such need as 'critical'.
- 9.11 The Suffolk Healthy Ageing Needs Assessment (2018) identifies tackling social isolation and loneliness as one of its recommendations, and there is a particular need for older and vulnerable people to have opportunities to access sustainable transport and modes of travel other than the car. Opportunities should be taken to integrate older persons housing into the community, in order to address potential issues of isolation and to promote inclusivity. For example, older persons housing on sites that are well related to schools, community centres or other focal points can help to create integrated communities.
- 9.12 With this in mind, the provision of sheltered housing for the elderly - is deemed an optimum use for this location, given its very close proximity to the village centre and all its associated

facilities (surgery, shops, public house, church, green open space); its integration into the mixed-use character and population of the area; and the desirability to provide this facility as part of the residential mix at Martlesham Heath, where all age demographics will be provided for.

- 9.13 With regard to the proposed use, sheltered housing based on self-contained accommodation with simply a warden or scheme manager and no direct provision of care is deemed as housing and would therefore fall under use Class C3 (Dwellinghouses). The development is therefore a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).
- 9.14 As the proposal comprises a solely flatted scheme on a brownfield site, the requirement for a proportion of affordable housing does not apply (Policy SCLP5.10 Affordable Housing on Residential Developments).
- 9.15 All levels of the building are fully accessible in accordance with Building Regulations via an eight-person lift supplemented with ambulant disabled staircases. All apartments conform to Approved Document Part M4(2) – the Lifetimes Homes equivalent. The building benefits from a mobility scooter store which is discreetly contained within the building envelope for the benefit of its residents; this is accessed both internally and externally to ensure a safe and dry transition to/from the scooter. Furthermore, in accordance with Part M of the Building Regulations, a ground floor disabled WC features off the reception area and unimpeded access is provided straight through into the homeowner's lounge with level threshold access beyond to the external terrace overlooking the protected open space.

#### Design quality and residential amenity

- 9.16 With reference to Policy MAR4 (residential design and amenity) of the neighbourhood plan, local residents wish to see *"new infill housing...particularly for larger developments, this should not stifle good design and that a wider range of styles could be appropriate, provided they were not out of keeping with the overall feel of Martlesham."*
- 9.17 Related to this, it is considered that the character meant relatively low-density development, even if this meant using more land to accommodate development - with a height no greater than three storeys. Nonetheless, it is accepted that in larger development plots such as this, design can be *"more flexible, particularly where this enables development to address the needs of the community in terms of the mix of housing, e.g. smaller mixed tenure properties, with an element of 'sheltered' housing for the elderly."*
- 9.18 The proposal provides the site with the designed opportunity to create a local landmark by virtue of scale, architectural presence, massing and appearance. The location is deemed appropriate for such a building type, due to its siting within the village centre, where buildings that are of a relatively large scale would be expected to cluster - for example the Douglas Bader PH, church and the retail square with apartments over. These larger buildings signify 'centre' in the sense of urban legibility, as well as mixed use. The proposed building will, therefore, relate well in terms of scale to those in its village centre surroundings. It will also have the dual benefit of signifying the centre on approach along Eagle Way, which the current spatial arrangement singularly fails to do.

- 9.19 The site offers good scope for design possibilities, with three positive edges that can address - the green open space to the east; the tree-lined edge to the south-east; and Eagle Way with the houses opposite to the north. Such configuration allows for a fourth edge to be utilised for necessary parking, access and service arrangements. These are optimum conditions for development and producing a viable scheme.
- 9.20 The L-shaped form of the building permits the longest extent of elevation to face outwards, which positively addresses and engages with the street and the green open space adjacent. This form also allows for the creation of an 'internal' courtyard that is more private in character, which both private outdoor amenity space and accommodates the parking provision and principal entrance. In this way, there is a demarcated difference between public-facing spaces and private ones and is a simple and effective manner in which to organise the site.
- 9.21 The semi-private space is demarcated by the use of boundaries along the frontages and parking/service area - this approach is correct in identifying space and to whom it belongs and is intended to be used by, whilst providing a secure setting. Good connectivity into and through the site layout validates the benefits of utilising this site for development.
- 9.22 The frontage to Eagle Way is designed to include double doors providing access to small terraces and shared garden space. Although not quite the same as front doors that engage directly with the street, this arrangement will, at least, provide for some degree of active frontage - this is appropriate and welcomed. The east elevation is particularly successful in addressing and engaging the open space, having, somehow a more domestic scale through the iteration of parts.
- 9.23 Concerns have been raised that the frontage to Eagle Way provides for single-aspect north-facing apartments. It was encouraged that this arrangement was designed out early in the scheme design, either through the provision of dual aspect units or the reorientation of the built form. However, it is appreciated that the site is constrained by the need to appropriately address all aspects whilst apartment layouts tend to be single-aspect due to their access gained from internal corridor arrangements. McCarthy and Stone have advised that residents often prefer north facing apartments so as not to have overheated apartments during the summer months, primarily due to health concerns. It is unfortunate that the design revisions did not include the provision of balconies along the northern aspect – nonetheless, the scheme does provide a reasonable amount on communal amenity space for residents to enjoy.
- 9.24 Most apartments will have an interesting and/or attractive outlook - onto a street, an open space, a car park with green space beyond. In the case of this building type, it should not be underestimated that aspect onto a car park can provide visual interest and stimulation to residents who can observe and enjoy comings and goings.
- 9.25 The stepped gabled form of the building adjacent to the dwellings of Lark Rise has been designed without fenestration (except for window within the second-floor roof line) as a means of further limiting overlooking. Although this may comprise the design quality of this aspect to a slight degree, it is considered to be an appropriate means of alleviating residential amenity impacts on the neighbouring properties. Climbing plants along this elevation will help to reduce the blank façade and create some interest, resulting in a green wall type effect.

- 9.26 The form and mass of the building are broken down through the articulation of varied forms, stepped building lines, stepped eaves lines, stepped ridges and materials, with differing elements expressed through varied choices of roofing and cladding materials. This variable and interesting design successfully reduces the scale effect of the massing that often arises from building of this typology (large mass of repetitive units).
- 9.27 Architecturally, the overall presentation is conventional. However, the unpretentious and quiet treatment along with the application of traditional architectural details, reflects the general design ethos of Martlesham Heath reasonably well. An adventurous and contemporary design here would have appeared quite alien to its context. It is important for this scheme to be contextual, to acknowledge its neighbours and take its place. On that basis, the scheme is judged to be reasonably successful in achieving a somewhat landmark status by virtue of its siting, scale and massing.

#### Former runway

- 9.28 The former runway (area to the south of the surgery and east of the Douglas Bader PH) has been identified as a Non-Designated Heritage Asset within Martlesham Neighbourhood Plan and has been defined as having both social and communal value. It is the last remaining section of the main runway, which formed part of RAF Martlesham Heath.
- 9.29 Martlesham Heath has a significant heritage as a military aviation testing site - with RAF Martlesham Heath having been one of the most important aviation sites in the UK, conducting Aircraft testing (Civilian and Military), Weapons Testing, Parachute Experimentation and Ballooning, an active Support Station for Fighters involved in the Battle of Britain, an important USAAF base providing fighter escort to bombers flying into Europe, an Air Sea Rescue operation and Blind Landing and Bombing Ballistic (Nuclear) testing post war. The first Battle of Britain memorial flight over London was made from Martlesham Heath. In March 1979 aircraft flew from the Heath for the last time - this signalled the closure of RAF Martlesham Heath but not in the minds of those who served there.
- 9.30 Development proposals affecting non-designated heritage assets either directly or indirectly, should respect the significance of and context of the asset and demonstrate how they will contribute to the conservation and enhancement of the heritage asset. As noted by paragraph 197 of the NPPF - the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.31 Therefore, it must be demonstrated how understanding the significance and setting has informed the development of the proposals - reflecting and enhancing local character and distinctiveness is identified as a means of conserving/enhancing heritage assets. The design and use of the former runway should reflect the importance of its former use whilst providing public benefits through enhancing the public realm.
- 9.32 Subsequent discussions with the applicant have led to an indicative design that allows for the retention of the runway surface material and the incorporation/prominence of design features (e.g. demarcations, lights, minimal/directional landscaping etc.) that reflect the nature of the heritage asset. It is clear that this approach more appropriately addresses the

historic context of the asset whilst allowing for the prioritisation of cycle/pedestrian movements.

- 9.33 Given the local importance of the asset and the requirement for its enhancement to be of public benefit, further detail would need to be presented via a subsequent detailed Design, Usage, Heritage & Landscaping Strategy, to ensure a high-quality design is achieved to the betterment of multi-functional public space, along with a Public Heritage Scheme (secured by condition). Innovative design approaches that increase public awareness of the conservation of historical heritage are welcomed - the details of any interpretation provision should include public participation in its formation.

#### Connectivity and accessibility

- 9.34 The proposed site layout has been subject to extensive design changes following feedback from both the local community and the highways authority. Such revisions were an important requirement in ensuring that the proposed use allows for the continuation of its public use and to accommodate the known desire lines for both pedestrian and cycle connections, providing a supportive scheme.
- 9.35 The proposed layout incorporates the existing footpath, which passes through the middle portion of the site, and leads west/east - linking the village centre to the Martlesham business/retail park to the west via a footbridge over the A12. It is understood that this is a well-used route by many users, including school children, and their continued safety is of great concern by residents. This has been addressed on the site layout plan with the indication of a raised demarcated crossing – however, specific landscaping details relating to surface treatments, signage, surface materials, lighting etc. are to be agreed via condition. Such details will ensure that safe and reasonable access is provided for all users and result in improvements to the existing crossing point at Eagle Way.
- 9.36 Boundary treatments relating to the residential development are adequately set back from the footpath, allowing users to easily pass one another.
- 9.37 Cycling improvement opportunities in this area have been identified within the recent East Suffolk Cycling and Walking Strategy consultation, where the Council is currently reviewing what cycle infrastructure might be required to better link the communities east of Ipswich. The gap between the existing pedestrian and cycle bridge and Martlesham Heath Square has been noted as an area which is currently not served by a dedicated cycle lane and it is an obvious missing link in the network. This development provides an opportunity to deliver that connection in developing adjacent land and it is the applicant's land which is required to achieve that link. The dedicated cycle lane now proposed on the southern edge of Eagle Way is therefore a proportionate and necessary provision as part of the application and to be delivered by condition and a Section 278 agreement with the Highway Authority. This is a significant benefit arising from the proposals and it will serve the wider community in its benefits to sustainable transport and health and wellbeing as is strongly supported by Policy MAR13.
- 9.38 Successful design changes to the former runway car park have been achieved through the rearrangement of car-parking spaces to a circulatory formation, allowing for larger areas of 'free space', and the provision of sufficiently sized footpaths along the northern, western and southern perimeters. The footpaths along the northern and western perimeters are

approximately three metres wide, allowing for all users to pass with ease – and gaps within the proposed landscaping provides the continuation of movement across the area from the south western and south eastern access points, with direct access to the green retained.

- 9.39 Parking spaces along the western edge of the car park have been sufficiently set back and a good width of footpath and landscape edge has been provided to ensure a continual visual linkage is retained through to the green further to the south, allowing for the line-of sight looking south from the village centre towards the green is uninterrupted by views of parked cars.
- 9.40 The most recent design changes accommodate active travel users from the green travelling across the southern car park area in a north easterly direction, with minimal landscaping and the removal of landscaping bunds to avoid obstruction to active travel users accessing the former runway area. Introduction of routes (with a bound and sealed surface) for users to access the car parking area from the peripheral footpaths and The Square – providing a connecting route in the north western corner to allow access to/from The Square, and two routes along the southern boundary to allow access to/from the green.
- 9.41 Whilst the subsequent design iterations alleviate the concerns the highway authority to an acceptable level, conflicting views regarding landscaping still remain – specifically, the provision of a landscape bund to the southern extent (which is a requirement by the parish council to ensure cars are suitably screened from the green) is resisted by highways as it unnecessarily interferes with the permeability of access for active travel users crossing from the green on to the former runway.
- 9.42 As a result, the proposed layout relating to the former runway is marked as indicative and is to be resolved via the submission of a Design, Usage, Heritage and Landscape Strategy (via condition). This will include ‘detailed design elements’ (layout; quantity of car parking spaces; surface materials; landscaping, lighting; cycle parking; street furniture and signage; and appearance of all car parking features), whilst addressing all pertinent matters associated with the overall vision and character of the area and its setting; the design approach to the public realm; measures to reflect and enhance the historic importance; and the principles of car park/public space hierarchy to address, movement and permeability.
- 9.43 The manner in which the former runway area is used flexibly as a public space is somewhat reliant on its future management. It is the applicant’s intention that the former runway car park is transferred to Martlesham Parish Council to manage in perpetuity, at no charge. This matter (along with the open space area to the east of the site) has been previously discussed with the parish council, and they seem interested in this as an acceptable proposition. The mechanisms of this transfer are to be set out under a S106 legal agreement. Ownership by the parish council will ensure that the former runway, in particular, is utilised as a community asset and public open space that can be used multifunctionally for free-of-charge overflow parking, events, markets etc.

#### Parking provision for development

- 9.44 As identified within the Suffolk Guidance for Parking Technical Guidance 2019, the minimum parking requirements for retirement developments (e.g. warden assisted independent living accommodation) is one space per dwelling, including 0.25 visitor spaces per dwelling (unallocated), two cycle parking spaces per eight units (visitors); two powered-two-wheel

vehicle spaces; and one space per two dwellings for mobility scooters. On the premise that there are 41 dwellings, the calculated parking provision is as follows:

- Car parking spaces: 41 (25 provided)
- Visitor spaces: 10 (public car parking available)
- Cycle spaces: 10 (subject to condition)
- PTW spaces: 2
- Mobility scooter spaces: 20 (scooter store area measuring 34 sq. metres provided)
- Disabled parking: As visitor/unallocated.

9.45 This advisory residential parking guidance is the minimum required; however, a range of factors are taken into account including location and use. Despite the shortfall in the car parking provisions, the highways authority is satisfied by the justification put forward by the applicant that the level of spaces is appropriately calculated based on other schemes within similar locations.

9.46 A Residential Car Park Management Plan is to be secured by condition to help ensure that the car parking spaces allocated for the residential units are used to their maximum effectiveness and reduce the likelihood that service vehicles and motorist visitors, to the residential element of the development, might choose to, or need to, park elsewhere locally offsite.

#### Loss of car parking

9.47 The loss of car parking is a matter of concern raised by the highway authority, the parish council and numerous objectors, which is thought to result in additional on-street parking, particularly along Eagle Way. This issue is upheld by Policy MAR3 and Policy MAR15 of the neighbourhood plan, whereby proposals that would reduce the existing level of off-street parking provision will be resisted unless it can be satisfactorily demonstrated that the amount of overall provision is adequate.

9.48 As stated within the submitted Transport Assessment (by Dr Allan Burns, dated February 2020), the existing car park comprises a total of 69 spaces. This is the largest of the three existing car parks, with the northern car park comprising 56 spaces and the western car park comprising 59 spaces. The proposal includes the provision of 68 spaces (25 spaces associated with the residential development and 43 indicative spaces within the former runway area). As the spaces associated with the residential component are accounted for separately, the overall net loss is 25 car parking spaces.

9.49 However, due to the site's sustainable location within the village centre it is plausible to suggest that a higher density development would lead to reduced reliance on the use of cars, increased social cohesion and safety, and greater accessibility to the village amenities. Such sustainable ambitions have been addressed, in part, by a pedestrian/cycle led design approach, where such modes of transport take priority over vehicular movements. Furthermore, the retirement living model proposed for the site is unlikely to place additional parking demands beyond the on-site parking provision. This is a location where retirement car free living would be very possible with all services and facilities within walking distance or available via public transport.

- 9.50 The reliance on cars and the subsequent barrier of parking requirements often disrupts fundamental placemaking principles – creating liveable places/spaces where people want to spend time. In this instance, the greater concern is the displacement of parking onto the former runway (an informal plaza), rather than the loss of parking. However, it is understood that a balance needs to be achieved between the level of parking provision that supports the commercial viability of The Square (taking into account other car parks within the village centre) and the retention of the former runway as an important informal public open space. It is fundamental, that further design detail, including the approach to the overall use and management of the former runway area requires the direct involvement of the local community.
- 9.51 As noted by the highway authority, without a good estimate of the current parking demand in the village centre it is difficult to objectively ascertain as to whether the proposed overall provision is adequate. The applicant does not appear to have supplied such an estimate beyond two days of car parking surveys. However, with a combination of separate suitable management plans for the private and public car parks, and possible Traffic Regulation Order (TRO) control of parking on the adjacent public highway, it is possible that the car parking arrangements could prove successful - better management of the car parks use could offset the decrease in number of spaces. To prove successful the management of the private car parking spaces within the site's security railings may need to be unallocated, and the 'private' spaces currently proposed may need to be a kind of hybrid public/private car parking area.
- 9.52 The highway authority confirms that the provision of the former runway site as an area of 'accessible community parking for business needs and vitality of the local centre' would be acceptable as one of the provisions to mitigate the negative highways and transportation impact. Along with the provision of a frontage cycle track linking USRN38680534 (Cycle Track: Eagle Way to Valiant Road) and USRN38606516 (Cycle track Eagle Way to Gloster Road), and speed control features including a raised footway/cycleway crossing where the cycle and footpath routes cross Eagle Way.
- 9.53 The use of a planning obligation to provide improved cycle infrastructure to help mitigate the negative impacts of a development would help compensate for the negative impacts on the active travel use of the previously car free former runway area, and a returnable £15k bond to monitor local parking issues and progress any necessary TRO to prevent adjacent on-street parking (including on Eagle Way) would help address the harm risk from any localised on-street parking that might potentially arise out of the development.
- 9.54 Overall, although there will inevitably be a degree of impact resulting from the loss of parking and the nature of the former runway, such concerns can be minimised down to an acceptable level if accompanied by suitable mitigation measures, including the promotion of efficient use of both private car park and public car park spaces (via approved car park management plans).

#### Flood risk, sustainable urban drainage and holistic water management

- 9.55 Following review of the Flood Risk Assessment & Drainage Strategy (Version 3, dated 02 March 2021) and the Site Investigation Report (ref. CCL03241.CK21, dated November 2019), the lead local flood authority (Suffolk County Council) recommend approval subject to conditions. Broadly, the conditions will ensure that principles of sustainable drainage are



incorporated, clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage, and that the development does not cause increased flood risk, or pollution of watercourses or groundwater.

- 9.56 Indicative locations of the proposed rain gardens are outlined in the Flood Risk Assessment & Drainage Strategy, the details of which shall be submitted and included within the drainage strategy as part of detailed design.
- 9.57 The implementation of such conditions will ensure that the development is in accordance with Policy SCLP5.9 (Flood Risk), Policy SCLP9.6 (Sustainable Drainage Systems), and Policy SCLP9.7 (Holistic Water Management).

#### Landscaping

- 9.58 The proposed layout ensures that the area to the east comprising an 'area to be protected from development' is retained in its majority along with the associated protected trees. A substantive landscaping plan has been submitted which ensures there is no 'hard' boundary treatments that would detract from the openness of the existing space when viewed from the Eagle Way, with the exception of suitably placed railings/hedging alongside the highway that provides a form of screening for future residents. The planting proposals will provide a diverse and interesting range of new planting that will also make a useful contribution to the amenity of the neighbourhood and will be beneficial to observers outside of the proposed development.
- 9.59 A Tree Preservation Order was served on a number of trees on the open space to the east of this development site, it was noted at the time that these trees were not necessarily of prime quality, but the benefit of legal protection was considered appropriate. These trees are included in the submitted tree survey and the assessment of their condition is considered accurate and appropriate.
- 9.60 As stated within the submitted Tree Survey and Impact Assessment (by Keen Consultants, dated February 2020), the application necessitates the removal of 14 trees, one of which is covered by the TPO (T10) – a Category C Norway Maple. Of the remaining trees, five are Category B Silver Birch, and the rest are Category C trees being Birch, Sycamore, Pine and False Acacia. The Category C trees thus graded largely on account of their poor form through lack of management and formative pruning. Overall, Category C trees (BS5837:2012) are not considered to be a block to development, and the Category B trees, being Birch are not considered to be long lived trees. In order to mitigate these losses, the proposed landscape planting plan includes 19 new trees, of which 13 are considered to be usefully long-lived species (Hornbeam and Field Maple). On this basis, the proposed tree losses will be suitably mitigated by the described new tree planting, and the planting is considered to be a useful long-term contribution to local landscape amenity.
- 9.61 Although the proposed side planting area to the west of the site will intrude into the root protection areas of the adjacent trees, this can be mitigated by the use of appropriate construction methods (no-dig), which will be secured by condition.
- 9.62 Overall, there are no objections to the proposal from a landscaping or arboricultural perspective. Subject to the provision and implementation of appropriate tree protection measures, which can be confirmed by way of condition.

#### Biodiversity and geodiversity

- 9.63 An East Suffolk Council ecologist has reviewed the Low Impact Ecological Impact Assessment Report (by Ramm Sanderson, dated January 2020) and is satisfied with its conclusions. Overall, there is no objection to the proposal with regard biodiversity and geodiversity subject to the implementation of conditions, which collectively ensure ecological receptors are adequately protected and enhanced as part of the development, nesting birds are protected, impacts on ecological receptors from external lighting are prevented, and that the development delivers ecological enhancements.
- 9.64 As stipulated under Policy SCLP10.2, the Council has a duty to ensure that development proposals will not result in an increase in activity likely to have a significant effect upon sites designated as being of international importance for their nature conservation interest. The application site is located within 13km of a designated European Site. The Suffolk Recreation Avoidance Mitigation Strategy ("Suffolk Coast RAMS") identifies that new housing development within a 13km zone of influence ("ZOI") of any designated European site in Suffolk will have a likely significant effect on the interest features of those sites through increased recreational pressure, both alone and in-combination with other housing in the ZOI. To mitigate this, a per-dwelling financial contribution is required to fund the Suffolk RAMS (upon submission of an application) to ensure the scheme is in accordance with the objectives of Policy SCLP10.1 (Biodiversity and Geodiversity), which seeks to protect designated sites in accordance with The Conservation of Habitats and Species Regulations (2017). The financial contribution is to be secured by a planning obligation - this provision will be delivered via an agreed Section 106 (S106) legal agreement.

#### Environmental quality

- 9.65 The proposal has been reviewed by the East Suffolk Council Environmental Protection team, who confirm that based on the conclusions of the combined Phase 1 and Phase 2 contaminated land assessments, conditions requiring a Construction Management Plan and further reporting should unexpected confirmation be identified must apply. This is 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 – in accordance with Policy SCLP10.3 (Environmental Quality).
- 9.66 Is it important to note that the recommendations of the aforementioned report state that the separate UXO report must be taken into consideration during construction; and that there is likely to be a requirement for a multi-layer pipe for potable water depending on the water company requirements.
- 9.67 The inclusion of electric vehicle charging points are highlighted as a positive element of the proposal – it is recommended that additional ducting is to be installed to allow further EV charge points to be added with minimal upheaval as EV penetration rises.

#### Sustainable construction

- 9.68 The proposed development should achieve higher energy efficiency standards that result in a 20% reduction in CO2 emissions below the Target CO2 Emission Rate (TER) set out in the Building Regulations. Exceptions should only apply where they are expressed in the Building

Regulations or where applicants can demonstrate, to the satisfaction of the Council, that it is not viable or feasible to meet the standards. Optional technical standard in terms of water efficiency of 110 litres/person/day should also be achieved.

- 9.69 The use of locally sourced, reused and recycled materials, along with on-site renewable energy generation are encouraged in order to achieve environmental net gain in new build or conversion developments – with measures set out for minimising waste arising from the construction process.
- 9.70 Detail is to be submitted by way of a Sustainability Statement to address the requirements outlined under Policy SCLP9.2 (Sustainable Construction), which is to be secured by a pre-commencement condition.

#### Archaeology

- 9.71 Suffolk County Council archaeological service confirms that there would be no significant impact on known archaeological sites or areas with archaeological potential. As such, they have no objection to the development and do not believe any archaeological mitigation is required.

#### Unexploded ordnance

- 9.72 The Detailed Unexploded Ordnance (UXO) Risk Assessment (by 1st Line Defence Ltd, dated 28 October 2019) has assessed that there is a 'medium risk' from both Allied and German UXO across the site. A condition of consent is required to ensure the recommendations and measures as set out in the report shall be undertaken in full along with the implementation of other necessary mitigation required under Government guidance.

#### Secured by design

- 9.73 The Suffolk Constabulary's Designing Out Crime Officer raises a number of points with a design elements of the proposal, particularly the loss of car parking spaces and the subsequent increase in anti-social behaviour and the preference for a flush elevations, with no recesses. Considering the building is a securely gated retirement development it would seem reasonable to assume access to/around the site would be limited - the perimeter of this building is protected to reduce the risk of casual entry.
- 9.74 The applicant is advised to consider the recommendations outlined in the consultee's response to ensure the development is safe and secure without detriment to the design and aesthetic of the scheme. Matters noted in relation to car park security can be addressed within the required management strategy.

#### Key facility - GP surgery

- 9.75 Any future planning decisions made in the village centre should take account the need for future expansion of the healthcare facility and must demonstrate that the proposal will not prejudice the viability or potential for expansion of the existing healthcare facility, unless it is clearly evidenced that this is not necessary to support the growth proposed.
- 9.76 In accordance with criteria 'f' of Policy MAR4, the application has been reviewed by the Ipswich and East Suffolk Clinical Commissioning Group (CCG), who confirm that the proposal is likely to have an impact of the NHS funding programme for the delivery of primary

healthcare provision within this area and specifically within the health catchment of the development. The CCG expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

- 9.77 Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to expand surgery provision in the area. This would be combined with significant Section 106 funding for this purpose, which is secured as part of the 2000 home Brightwell Lakes development.
- 9.78 East Suffolk are currently working with the CCG to identify the long-term primary healthcare expansion opportunities for this area.

#### Infrastructure provision

- 9.79 Infrastructure requirements needed to support and service the proposed development must be considered in the proposed development, with the expectation that the scheme contributes towards infrastructure provision to meet the needs generated. Off-site infrastructure will generally be funded by the Community Infrastructure Levy (CIL), and on-site infrastructure will generally be secured and funded through Section 106 planning obligations. The CIL contribution will include a 25% proportion transferred to Martlesham Parish Council to spend on their identified local infrastructure needs within five years of receipt.
- 9.80 The development is expected to contribute to the delivery and enhancement of infrastructure that encourages active lifestyles and healthy communities. This has been achieved in part by the proposed cycleway that further establishes the strategic cycle network that runs along Eagle Way, linking Ipswich and Woodbridge (it forms part of the National Cycle Network Route 1 - a long-distance route in sections from Dover to the north of Scotland).
- 9.81 Fire hydrant requirement will be covered by appropriate planning conditions. Suffolk County Council strongly recommends the installation of automatic fire sprinklers and The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting.
- 9.82 As stated by Policy MAR20, all new residential development should be served by a superfast broadband (fibre-optic) connection. The only exception will be where it can be demonstrated, through consultation with Next Generation Access (NGA) Network providers, that this would not be either possible, practical or economically viable. In such circumstances sufficient and suitable ducting should be provided within the site and to the premises to facilitate ease of installation at a future date on an open access basis. A condition of consent will apply to ensure such requirement is allowed for within the development.
- 9.83 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

- 9.84 As wider pedestrian improvements have been requested by the Parish Council these may fall within works which the Parish Council could deliver through the Neighbourhood CIL it would receive from this development. The calculation below has therefore been provided as a guide and Neighbourhood CIL (not District CIL) is a benefit of development.
- 9.85 The site falls within the Mid Zone which is £90/sqm (currently £115.71sqm for permissions granted in 2021). The calculation will therefore be if permission is granted in 2021: 3399sqm x £90 x 333/259 = £393,312.86
- 9.86 Martlesham have a Neighbourhood Plan at this time and therefore if the permission is approved and the development commenced the Parish Council would receive 25% of the CIL receipts (uncapped). Based on the calculation above they would receive approx. £98,328.21 once receipts have been received from the developer.

### Section 106

- 9.87 A Section 106 legal agreement is to be formally agreed between interested parties. The draft Heads of Terms (received on 21 April 2021) include the following:

Requirement	Proposed sum	Phasing/Trigger
<b>S106 financial contributions</b>		
Public Art / Heritage Designation Plaque	The sum of £[TBC] to be applied towards public art / heritage plaque at the retained runway section.	Prior to 50% Occupation
Habitat Mitigation	The sum of £321.22 per dwelling to mitigate in-combination recreational disturbance impacts on habitat sites (European designated sites).	Prior to 50% Occupation
Section 106 Monitoring Fee	The sum of £412 payable to the County Council.	Prior to Commencement of Development
<b>Highway obligations</b>		
Bond (returnable)	Provision of a returnable bond in the sum of £15,000 to monitor local parking issues and progress any necessary TRO to prevent adjacent on-street parking (including on Eagle Way) to address any harm from any localised on-street parking that might potentially arise as a result of the development. Bond to be in place for period of 5 years	Bond to be provided prior to first Occupation

	from the date of first Occupation.	
Accessible Community Parking	To secure the provision of the former runway site as an area of 'accessible community parking' for business needs and vitality of the local centre.	To be provided prior to first Occupation
Cycle Track	Provision of frontage cycle track linking USRN38680534 (Cycle Track: Eagle Way to Valiant Road) and USRN38606516 (Cycle track Eagle Way to Gloster Road) to be delivered via Section 278 Agreement.	Section 278 Agreement (including adoption provisions under Section 38) to be entered into prior to first Occupation
Footway / Cycle Crossing	Provision of raised table footway/cycleway crossing where cycle and footpath routes cross Eagle Way to be delivered via Section 278 Agreement.	Section 278 Agreement (including adoption provisions under Section 38) to be entered into prior to first Occupation
<b>Transfer obligations</b>		
Car Park Transfer	Transfer of new car park area to the Parish Council	Transfer to be offered in writing to Parish Council prior to first Occupation
Public Open Space transfer	Transfer of public open space to the Parish Council	Transfer to be offered in writing to Parish Council prior to first Occupation

## 10 Conclusion

- 10.1 Overall, the proposed development for sheltered housing within the physical limits boundary of Martlesham Heath and within close proximity to the village centre, is a sustainable form of development that meets the growing demands of an ageing population.
- 10.2 The overall character of the proposed building in terms of varying scale and architectural materials is considered to be in keeping with the character of the individual hamlet in which the site is located and reflects the visual language within the area, whilst remaining proportionate to the wider street and from key vantage points, including Eagle Way and the village green.
- 10.3 Despite acknowledged concerns regarding the subsequent loss of parking, a high-quality

design led approach that allows for the continuation of cycle/pedestrian movement whilst enhancing the former runway takes precedent in this instance. This is a fundamental placemaking requirement that is supported by paragraph 110 of the NPPF, whereby proposals should “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas”. The proposal also delivers a beneficial improvement to the cycle route network, addressing a current ‘missing link’ on Eagle Way between the village centre and the pedestrian and cycle bridge.

- 10.4 Displacing a level car parking onto the former runway area has been designed to appropriately reflect the historical significance of the non-designated heritage asset, whilst achieving a sympathetic design and allowing for the area to remain as a public and transient space. Detailed design elements, the overall aesthetic of the space, and future management is to be agreed via condition with direct involvement from the local community to ensure high a quality and coordinated development in accordance with Policy MAR3 (Development within Martlesham Heath); Policy MAR12 (Non-Designated Heritage Assets); Policy MAR13 (Cycling, Walking and Disability Access Routes; and Policy MAR15 (Parking Provision) of the Martlesham Neighbourhood Plan.
- 10.5 Subject to the imposition of the conditions set out below and the signing of a S106 legal agreement, the development is considered sustainable and in compliance with the local plan and national planning policy.

## **11 Recommendation**

- 11.1 Recommended for authority to approve subject to final Highways comments of no objection and conditions and S106 legal agreement to secure the TRO parking bond and RAMS contribution.

### **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 location plan (000 Rev. P00) [received 03 March 2020]
  - Proposed site layout (001 Rev. P11) [received 12 May 2021] – *layout and landscaping of the former runway is indicative only and subject to further design under Condition 23*
  - Landscape proposals (17688 Rev. C) [received 01 April 2021]
  - Proposed ground floor plan (002 Rev. P05) [received 15 March 2021]
  - Proposed first floor plan (003 Rev. P03) [received 21 September 2020]
  - Proposed second floor plan (004 Rev. P03) [received 21 September 2020]
  - Proposed roof plan (005 Rev. P02) [received 21 September 2020]

- Elevations (north and east) (006 Rev. P03) [received 08 April 2021]
- Elevations (south and west) (007 Rev. P04) [received 15 March 2021]

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 (Elevations (north and east) (006 Rev. P03) [received 08 April 2021] and Elevations (south and west) (007 Rev. P04) [received 15 March 2021]) and thereafter retained as such, unless otherwise agreed by the local planning authority.

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

4. The occupants of the development hereby permitted shall be over 55 years of age.

Reason: The development is specifically designed for the elderly and does not have the necessary parking or amenity space that would be required for a residential development occupied by people of pre-retirement age.

5. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Low Impact Ecological Impact Assessment report (by Ramm Sanderson, dated January 2020).

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

6. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

7. Prior to occupation, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the



strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

8. No development shall take place (including any demolition, ground works, site clearance) until a method statement for clearance of vegetation and hardstanding from the site has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant); and
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details.

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

9. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development delivers ecological enhancements.

10. Development must be undertaken in accordance with the measures identified within Tree Survey and Impact Assessment (by Keen Consultants, dated February 2020) and the Tree Protection Plan (by).

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

11. The approved landscaping scheme (excluding the former runway area) [17688 Rev. C] shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

12. No operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement (AMS) in accordance with 'BS5837:2012 Trees in relation to design, demolition and construction – Recommendations' has been submitted to and approved in writing by the local planning authority and the protective fencing is erected as required by the AMS.

Reason: To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

13. At no time during or after the construction of the hereby approved development, shall there be any materials, plant or equipment stored, or excavation works beneath the canopies of the trees which overhang the application site.

Reason: To protect the trees during the course of development in the interest of visual amenity.

14. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, 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 hedges 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 or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

15. No development shall commence until there has been a Landscape Management Plan for maintenance of the access drive/parking areas, the associated landscaped areas, and the open space submitted to and approved in writing by the local planning authority. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

16. In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. Where remediation is necessary a detailed remediation method

statement (RMS) must be prepared and is subject to the approval in writing of the local planning authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the local planning authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the 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. Recommendations and measures as set out in the Detailed Unexploded Ordnance Risk Assessment (by 1st Line Defence Ltd, dated 28 October 2019), shall be undertaken in full along with the implementation of other necessary mitigation required under Government guidance. If, at any time during development, high risk UXO not previously identified in the aforementioned report is encountered / found to be present on the site, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a revised and/or additional UXO risk management and mitigation programme / plan is submitted detailing how the high risk UXO not previously identified shall be dealt with and is approved in writing by the local planning authority. The revised and/or additional UXO risk management and mitigation programme / plan shall be implemented as approved and following completion of mitigation a completion verification report shall be prepared and submitted in writing to the local planning authority for approval confirming that all risks to (including the possible evacuation of) existing and proposed premises have been satisfactorily mitigated.

Reason: To ensure that the risks from site wide unexploded ordnance to future users of the land and existing neighbouring land are eliminated and or minimised to ensure that development can take place without unacceptable risk to workers, residents and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of the use associated use of the site.

18. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

19. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

20. Within 28 days of practical completion of the building, surface water drainage verification report shall be submitted to the local planning authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all sustainable drainage system components and piped networks, in an agreed form, for inclusion on the Lead Local Flood Authority's (LLFA) Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the sustainable drainage system has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

21. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- Temporary drainage systems.
- Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- Measures for managing any on or offsite flood risk associated with construction.

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

22. Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

23. No development shall commence until a Design, Usage, Heritage and Landscape Strategy for the former runway area has been submitted to and agreed by the local planning authority, in consultation with Martlesham Parish Council. The strategy shall include 'detailed design

elements' (layout; quantity of car parking spaces; surface materials; landscaping, lighting; cycle parking; street furniture and signage; appearance of all car parking features); and a funding strategy. It shall also address all pertinent matters associated with the overall vision and character of the area and its setting; the design approach to the public realm; measures to reflect and enhance the historic importance; and the principles of car park/public space hierarchy to address, movement and permeability.

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure the development will not harm the historic character of the non-designated heritage asset, to ensure the satisfactory appearance of the development in the interest of visual amenity, and to allow for a safely designed layout for the benefit of public use.

24. The approved Design, Heritage and Landscape Strategy under Condition 23 shall be implemented prior to occupation of the residential units and shall thereafter be retained and maintained.

Reason: To ensure the implementation of a well-laid out scheme in the interest of visual amenity, historic character and highway safety.

25. The landscaping scheme approved under Condition 23 shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

26. Prior to the use of the former runway car park, a Public Heritage Scheme shall be submitted to and agreed by the local planning authority, in consultation with Martlesham Parish Council. It shall set out a strategy of engagement and delivery of a heritage installation on the site. It shall include details of how the management body and community will influence the delivery of the installation and how, if possible, other on site and adjacent organisations could contribute to that delivery. This may include Martlesham Aviation Society and other occupiers of Martlesham Heath. The heritage installation shall be agreed and delivered within a timeframe set out in that document.

Reason: To ensure that the proposed heritage installation makes the appropriate provision of community led involvement whilst ensuring the feature suitably represents the historical importance of the non-designated heritage asset.

27. Prior to commencement of development, a sustainability statement shall be submitted to and approved in writing by the local planning authority. The statement shall detail how the dwellings hereby permitted achieve best practice sustainability standards with regard to water, materials, energy, ecology and adaptation to climate change. The statement must demonstrate how the optional technical standard in terms of water efficiency of 110

litres/person/day unless it can be demonstrated that it is not viable or feasible to do so. Development shall be undertaken in accordance with the approved statement, unless otherwise approved in writing by the local planning authority.

Reason: To ensure a sustainable standard of design interest of addressing climate change to secure sustainable development.

28. Confirmation shall be provided to the local planning authority prior to occupation of the proposed residential development that the residential premises should be served by a superfast broadband (fibre-optic) connection.

Reason: To ensure that all new housing, community and commercial development in the neighbourhood area is connected to superfast broadband, in accordance with Policy MAR20.

29. No part of the development shall be commenced until details of the proposed Eagle Way access junction shown indicatively on 'SITE PLAN – PROPOSED Drawing No 9158-001-REV-P09' (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the local planning authority. The approved access shall be laid out and constructed in its entirety prior to the first occupation of any residential unit. Thereafter the access shall be retained in its approved form.

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

30. No part of the development shall be commenced until details of the new Eagle Way frontage shared use cycle track linking USRN: 38680534 to USRN Detail: 38606516, including details of how the cycle track will safely cross Eagle Way to the A12 bridge link, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be laid out and constructed in its entirety prior to the first occupation of any residential unit.

Reason: In the interests of highway safety and to encourage the sustainable transport benefits of active travel, as per National and Local Planning Policies and to allow for residents' mobility scooter access to the attractor services and amenities north of the A12.

*Comment: The provision of the cycle track would help compensate for the negative impacts of the development (including negative impact on pedestrians and cyclists using the currently car free former runway area; the reduction in quantity and quality of car parking; landscaping loss of green open space and mature vegetation) as outlined in LTN 1/20 14.3.*

31. The highway element of the development shall not commence until the Road Safety Audit (Stages 1 and 2) process has been carried out in accordance with current Road Safety Audit Practice and Guidance and any necessary amendments or changes undertaken. The development shall not be [occupied / open for public access] until any requirements under Stage 3 of the Road Safety Audit have been completed or a programme of remedial works has been agreed.

Reason: In the interests of highway safety to ensure the approved layout is properly designed.

32. No part of the development shall be commenced until the initial Residential Car Park Management Plan (RCPMP) and timescales for later ongoing reviews of the RCPMP, have been submitted to and approved in writing by the local planning authority.

Reason: A Residential Car Park Management Plan (RCPMP) is to be employed to help ensure that the 25 spaces (for the 41 residential units) are used to their maximum effectiveness and reduce the likelihood that service vehicles and motorist visitors, to the residential element of the development, might choose to, or need to, park elsewhere locally offsite.

*Comment: A pre-commencement condition is required to ensure any changes to layout, identified during the preparation of the RCPMP, would not require expensive remedial action making such layout changes unviable.*

33. No part of the development shall be commenced until the initial Public Car Park Management Plan (PCPMP) and timescales for later ongoing reviews of the PCPMP, have been submitted to and approved in writing by the local planning authority.

Reason: A Public Car Park Management Plan is to be employed to help ensure that the public spaces are used to their maximum effectiveness and reduce the likelihood that motorist visitors to the Village Centre services and amenities, might choose to, or need to, park elsewhere locally outside of the public car parks.

34. Before the development is commenced details of the areas and infrastructure to be provided for the [loading, unloading,] manoeuvring and parking of vehicles including electric vehicle charging points, and secure covered lit cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of highway safety and sustainable travel, to ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring could be detrimental to highway safety.

35. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

36. Before the development is commenced details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

37. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. Thereafter, the approved construction statement shall be adhered to throughout the construction of the development. The Construction Management Plan shall include the following matters:

- parking and turning for vehicles of site personnel, operatives and visitors
- provision of public car parking during construction
- loading and unloading of plant and materials
- piling technique
- storage of plant and materials
- provision and use of wheel washing facilities
- programme of site and all associated works such as utilities including details of traffic
- management necessary to undertake these works
- site working and delivery times
- a communications plan to inform local residents of the program of works
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- haul routes for construction traffic on the highway network and
- monitoring and review mechanisms.
- details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway, to ensure minimal adverse impact on the public highway during the construction phase, and to reduce the potential impacts of noise pollution and additional vehicular movements in this area during the construction phase of the development

#### **Informatives:**

1. The local planning authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework (2019) and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. A number of trees within the boundary of the application site are protected by Tree Preservation Order 267/2018. It is an offense to undertake works to the trees without prior written consent from the local planning authority. Consent is required prior to the trees being lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed, damaged or removed.
3. It is recommended that a check of the buildings and vegetation for nesting birds is undertaken prior to work commencing. Nesting birds are protected by the Wildlife and Countryside Act (1981). It is therefore recommended that any works take place outside the nesting season. If



birds are encountered advice should be sought from a suitably qualified ecologist on how best to proceed.

4. The applicant is advised that the proposed development will require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved by the local planning authority in order that any planning implications arising from those amendments may be properly considered.
5. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.
6. The applicant is advised that the proposed development is likely to require the naming of new street(s) and numbering of new properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. Contact the Property Information Team (01394 444261), which is responsible on behalf of the Council for the statutory street naming and numbering function.
7. This consent is also the subject of a Section 106 legal agreement which must be adhered to.
8. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the highway authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the county council or its agents at the applicant's expense. A fee is payable to the highway authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
9. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit: [www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence)
10. The works within the public highway will be required to be designed and constructed in accordance with Suffolk County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, Traffic Management Act notice (3 months), safety audit procedures, construction and supervision and inspection of the contract, bonding arrangements, indemnity of Suffolk County Council regarding noise insulation and land compensation claims, commuted sums regarding the

provision of new electrical equipment and energy, and changes to the existing street lighting and signing.

11. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.
12. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

Please note: the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

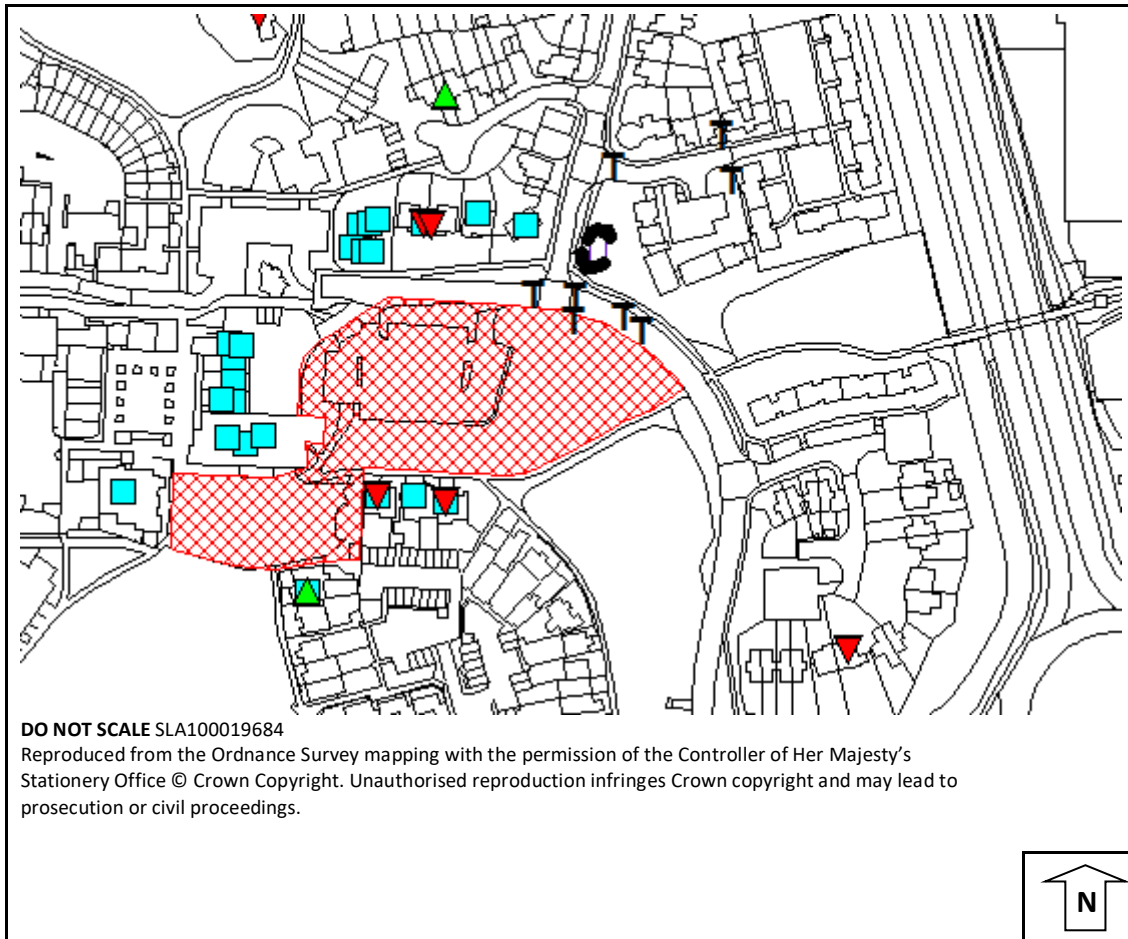
13. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.
14. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.
15. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).
16. Consultation should be made with the Water Authorities to determine flow rates in all cases.
17. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

18. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
19. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
20. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
21. that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
22. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
23. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.





## **Background information**

See application reference DC/20/1036/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South – 25 May 2021**

**Application no** DC/21/0541/FUL

**Location**

Former Deben High School  
Garrison Lane  
Felixstowe  
Suffolk  
IP11 7RF

**Expiry date** 6 May 2021  
**Application type** Full Application  
**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Hybrid Application - Full Application for the construction of 45 apartments and maisonettes and 16 houses in buildings ranging in height from 2 to 3 storeys, conversion of retained assembly hall to provide 250m<sup>2</sup> community space, 16 residential car parking spaces, 1 car park space for community hall, 137 cycle parking spaces, highways and public realm works, hard and soft landscaping, access and associated works and Outline application (with all matters reserved except for access, use and scale) for redevelopment and extension of retained sports hall to provide indoor bowls facility and cricket pitch with pavillion, 32 car parking spaces, 24 cycle spaces, landscaping and associated works. All matters reserved except for access, use and building heights.

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### 1 Summary

- 1.1 The proposal is a hybrid planning application for the redevelopment of the former Deben High School on Garrison Lane in Felixstowe. The application is made in two parts. The FUL aspect deals with the residential element of the proposal and the OUT submission relates

to the sports provision. Section 2 of the report provides further clarification on the nature of the proposal.

- 1.2 The proposed development is considered to be an innovative, high quality design introducing a wide mix of properties, high level of affordable housing and high sustainability credentials, with the properties designed to Passivhaus standards, on a vacant brownfield site in a highly sustainable location. Whilst noting the objections received, the benefits of the scheme, as contained in Section 2 of this report, outweigh the limited perceived harm in this instance. It is also important to acknowledge the support received, including that from Suffolk Preservation Society

#### Reason for Committee

- 1.3 The application is referred to the South Planning Committee as East Suffolk Council is both the applicant and landowner and therefore in accordance with the Scheme of Delegation (as laid out in the Constitution) there is a requirement for all such applications to be determined by elected members.
- 1.4 Members attention is drawn to the consultation responses contained in section 4 of this report highlighting the significant level of public interest in the application. The comments of all responders (with the exception of the Town Council) are summarised with the full transcripts being available on the Council's Public Access system.

#### Recommendation

- 1.5 The application is recommended for approval subject to the imposition of appropriate conditions. Members should note that as East Suffolk Council is landowner it is not possible to enter into a Section 106 Agreement (S106) with itself, and therefore matters which would under normal circumstances be dealt with via a legal agreement are in lieu dealt with by planning condition. Where S106 requests have been sought, the assessment of these is contained in the relevant section of the report.

## **2 Site description**

- 2.1 The 3.98 hectare application site is located within the settlement boundary of Felixstowe and within a sustainable location close to services and facilities to support additional residential development.
- 2.2 The proposed development site consists of an existing school building and its associated car park, sports hall, and ancillary buildings. The use of the site is currently vacant with the school use (Deben High School and latterly Felixstowe International College - FIC) having been abandoned and re-homed in alternative locations.
- 2.3 Primary vehicular, pedestrian and cyclist access to the site is provided off Garrison Lane to the east of the site, with further pedestrian and cyclist access provided via Valley Walk to the north. There is currently no public access to the site.
- 2.4 The site is well connected to transport links and sits within close proximity to Felixstowe National Rail Station to the north-east.

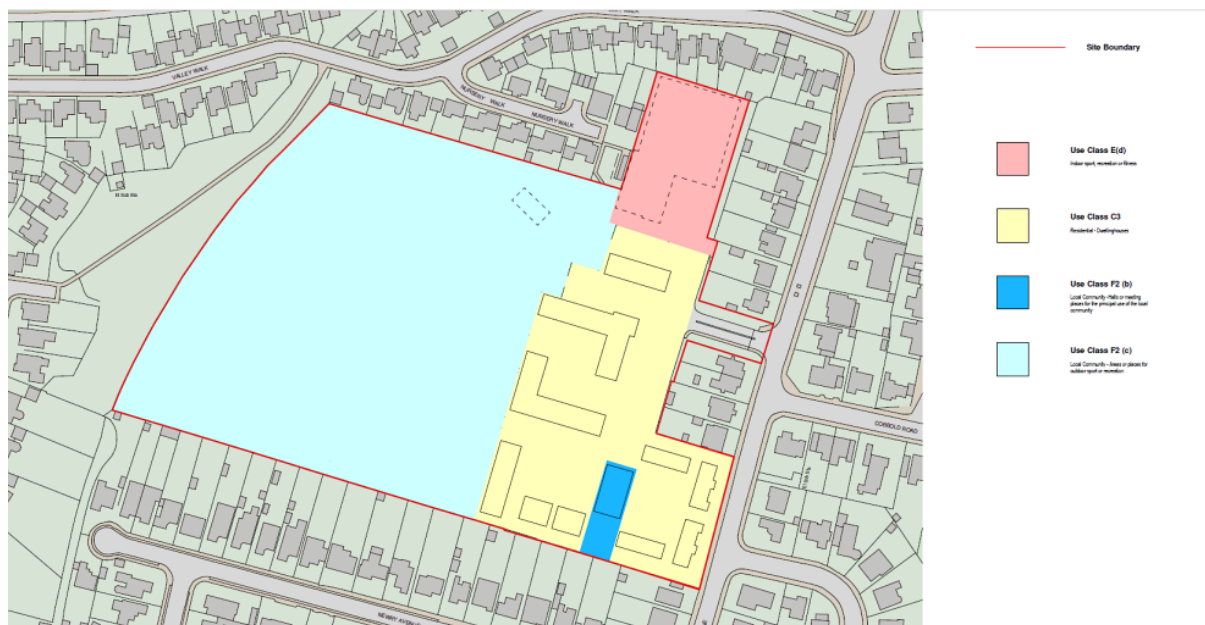
- 2.5 Bus services run along Garrison Lane directly adjacent to the eastern boundary with links to Woodbridge and Ipswich. Local amenities are a approximately a six minute walk from the site and it is a 12 minute walk to the seafront.
- 2.6 The site is bound by predominately residential buildings of between 2 and 2.5 storeys in height with large pitched roofs. The site comprises a number of school buildings including a sports hall in the north east corner, which will be re-purposed to provide an indoor bowls facility and assembly hall which will be retained for community use.
- 2.7 Along the eastern edge, part of the site fronts onto Garrison Lane, with the remainder backing onto the rear gardens of existing houses at 107-113 and 117-127 Garrison Lane.
- 2.8 To the north and south the site is bound by the rear gardens of houses along Valley Walk, Nursery Walk and Newry Avenue. To the west is the existing school playing field which will be re-purposed as a cricket pitch.
- 2.9 The primary vehicular access is along the eastern boundary, off Garrison Lane. The topography of the site is generally flat.
- 2.10 There are a number of mature trees which bound the back gardens to residential properties, none of which are protected. To the west of the site there is a park separated from the site by a band of trees and a secure metal wire fence. None of the trees are protected.

### **3 Proposal**

- 3.1 Planning permission is sought for the entire site including the access and public realm for the proposed leisure facilities which are submitted in outline, with the proposals for residential development and the conversion of the existing school hall building submitted in detail:
- Full application for the construction of 45 apartments and maisonettes and 16 houses in buildings ranging in height from two to three storeys, conversion of retained assembly hall to provide 250m<sup>2</sup> community space, 61 residential car parking spaces, 1 car parking space for community hall, 137 cycle parking spaces, highways and public realm works, hard and soft landscaping, access and associated works.
  - Outline application (with all matters reserved except for access, use and scale) for redevelopment and extension of retained sports hall to provide indoor bowls facility and cricket pitch with pavilion, 31 car parking spaces, 24 cycle spaces, landscaping and associated works. All matters reserved except for access, use and building heights.
- 3.2 A hybrid planning application is one where it seeks outline planning permission for one part of the submission and full planning permission for another part of the same site. The term 'hybrid' is not set out in statute and is at the discretion of a local authority as to whether to accept such a submission. The application is therefore seeking approval for the detail for the residential element. A further reserved matters submission will be required to be submitted for the outline element in due course, and upon receipt will be subject to

appropriate consultation in accordance with the Council's Statement of Community Involvement (SCI).

- 3.3 The plan below (reference A-PL-X (03)-135 Revision 00 sets out the parameters of the proposal. As can be seen the majority of the development is on a small portion of the site and only on land currently occupied by built form. The remainder is to be within use classes E and F of the Use Classes Order, for community use.



- 3.4 The redevelopment of this brownfield site will retain and refurbish two existing buildings and provide 61 new homes (at a density of 53 dwellings per hectare) designed to Passivhaus standards, including 16 houses, 45 apartments and maisonettes, a new indoor bowls facility, a community hall, 93 parking spaces, 163 cycle parking spaces, cricket pitch and landscaped courtyards. Vehicular access to the site would be secured via the current access off Garrison Lane.
- 3.5 The proposed dwellings to nationally described space standards plus 5% to enable home working, a particular benefit arising from the Covid-19 pandemic. In addition, all homes are to be dual aspect to ensure that rooms receive good daylight and natural ventilation and constructed in manner which ensures they are fully accessible, and in their broadest sense, lifetime homes.

#### 4 Consultations/comments

- 4.1 There have been sixty letters of representation received. Of those letters, fifty make representations of objection; two are representations of support; and eight are neutral representations offering comments on the scheme.
- 4.2 In the letters/emails of objection received, the key planning issues raised (inter alia) include:
- There has not been appropriate consultation as the national lockdown has meant that usual practices have not been followed.



- The applicant has not followed Paragraph 128 of the National Planning Policy Framework which expects applicants to work closely with those directly affected by the proposals.
- Design & detrimental effect upon residential amenities.
- Landscape Impact.
- Parking/Traffic generation.
- There are already new housing developments in Trimley St Martin consisting of 640 properties, 150 in Trimley St Mary, 1800 in Felixstowe and 2000 more as a result of the Felixstowe Garden Neighbourhood.
- Overlooking and potential loss of light to the rear garden of properties on Garrison Lane.
- Object to the removal of the existing fence as it provides a boundary that works both ways, e.g., keeping dogs and small children within Valley Walk, and keeps sports field activities within the field.
- Design concept is inappropriate and unsympathetic to the existing and established developments surrounding the Deben School site.
- Existing properties are predominantly of a pitched roof design and the flat roof green space proposal is ugly and unwelcome.
- If residents have access to the green roof space, there are serious concerns regarding privacy and unsociable behaviour.
- The three storey buildings exceed the height of the current two storey school buildings backing onto Newry avenue. This proposal for the whole site should be of two storey dwellings with pitched roofs.
- The balance of private to social housing is unacceptable and will eventually lead to the deterioration of the site over time and possibly unwanted anti-social behaviour.
- Inadequate parking provision for the development, including both housing and leisure elements.
- Concern that development will impact protected trees and area of habitat.
- Open plan nature of the proposals could cause anti-social behaviour.
- Poor housing mix contrary to policy.
- The height of the three-storey accommodation is unacceptable and is only four metres away from the existing Newry Avenue property fence line.
- Unclear who will maintain the village green.
- Inadequate parking provision of only 16 parking spaces will lead to unsafe parking on local roads where there is already congestion.
- Electric car charging points should be provided.
- Only one blue badge (disabled) space provided for the community centre.
- Development will destroy the area that is a haven for wildlife, such as Herons, Bats, Woodpeckers, Squirrels, Monk Jack Deer, Lizards, Newts and Badgers plus many species of other Fauna and Flora.
- Noise and vibration damage to residents with either 60plus underground heating pump units or a massive single pump house continually vibrating and humming to provide circulated heating.
- Density of development far too high and therefore out of character.
- The vehicle access onto Garrison Lane will be unsafe.
- Current building to be demolished is full of asbestos.
- The increase in traffic will worsen existing congestion problems in surrounding roads.
- Three-storey block will have an overbearing impact on property at Newry Avenue.

- 137 cycle spaces will not solve the parking issue.
- Lack of detail in the outline element of the proposals is a concern.
- Balconies and high-level windows will overlook residential property.
- Use of the sporting facilities would see football and cricket balls sailing over the boundary into private gardens.
- Further information needed on flood risk and surface water drainage.
- The proposal does not adequately reduce conflicts between pedestrians and cyclists at the road junctions.
- The existing building is of historic value and therefore its loss is a negative.
- Allowing access to the small park area enables easier access to the end of Valley Walk and will increase crime opportunities and greater unsociable behaviour.
- Three storey buildings will be considerably taller than buildings they replace.
- Accessible roof space on three-storey buildings will act as a fourth storey in respect of the overlooking of gardens.
- Design is lacking a designated pedestrian walkway to the gate of Colneis Division HQ building.
- The proposed placement of trees so close to the existing Colneis Division Headquarters affect the light foundations of the headquarters being an impermanent building.
- The stand of trees behind the proposed pavilion to the west of the CDCHQ would block the light to the building, as the side which faces the sports field has the majority of the windows.

#### 4.3 The key planning issues raised in letters of support include (inter alia):

- Development on a brown field site.
- The retention of the playing field supporting sport, health and well - being.
- The commitment to reducing carbon emissions and protecting the environment in the design.
- The range of dwellings which include a good proportion of affordable homes.
- Shared green spaces with an emphasis on biodiversity should also help support a sense of well - being and community.

#### Consultees

Consultee	Date consulted	Date reply received
Felixstowe Town Council	17 February 2021	25 February 2021
<p>The Town Council welcomes the overall concept and principle of development and housing on this site. However, we have carefully considered the wide range of issues raised by this development and certain aspects are of great concern. We therefore recommended REFUSAL unless the following can be addressed:</p> <p>i) we are concerned about the height, massing, and intrusion – with the consequential increasing in overlooking - arising from the south-western elevation of Block D (some 12.5m high) on the amenity of residents at Newry Avenue, in contravention of SCLP11.1 (c)iii where it relates to height</p>		

and massing and SCLP11.2(a) in respect of privacy and overlooking. We would seek a modification to reduce that elevation to two storeys.

ii) the parking does not accord with SCC parking standards. The applicant asserts that this is mitigated by being a “town centre” development. We do not think this is appropriate analysis and believe that usual standards should be adhered to.

With reference to the outline element of this hybrid application, relating to the sports facilities, Committee recommended APPROVAL subject to there being no overall increase to height and massing of the elements adjacent to Valley Walk and Nursery Walk.

### Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency	17 February 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Natural England	11 March 2021	1 April 2021
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	17 February 2021	25 February 2021
Summary of comments: No objection and no mitigation required		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	17 February 2021	10 March 2021
Summary of comments: Holding objection on insufficient information (see report for details)		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	17 February 2021	2 March 2021
Summary of comments: Holding objection due to lack of parking		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	17 February 2021	8 March 2021
Summary of comments: Would look for funding through CIL		

### Non-Statutory Consultees

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	17 February 2021	25 February 2021
Summary of comments: Recommend conditions		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	17 February 2021	9 March 2021
Summary of comments: No objection – make the following comments: Recommend that swift nest bricks be incorporated into the scheme The permission should be subject to a lighting strategy A biodiversity Enhancement Strategy should be produced		

Consultee	Date consulted	Date reply received
Ecology (Internal)	17 February 2021	No response
Summary of comments: Internal Planning Services Consultee, comments included within Planning Considerations section of this report.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	17 February 2021	No response
Summary of comments: Internal Planning Services Consultee, comments included within Planning Considerations section of this report.		

Consultee	Date consulted	Date reply received
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Head of Housing (Internal)	17 February 2021	26 February 2021
Summary of comments: Support the proposal – the comments are embodied within the report		

Consultee	Date consulted	Date reply received
Disability Forum	17 February 2021	26 February 2021
<p>Summary of comments:</p> <p>Welcome the intention that all dwellings will meet Part M4(2) of the building regulations and will therefore be accessible and adaptable. We also note that 3 dwellings will meet Part M4(3) and be fully accessible to wheelchair users.</p> <p>The hall should include a disabled toilet.</p> <p>All footpaths should be wide enough for wheelchair users, with a minimum width of 1500mm, and any dropped kerbs should be absolutely level with the road for ease of access. Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used. It is important that the setts are laid so that they are level with the grouting.</p> <p>The intention to provide Play Streets is interesting and these should also be inclusive in their design.</p> <p>Note that that the planning application in relation to the indoor bowls and cricket pitch pavilion seems to be outline. We would simply say at this stage that the pavilion needs to be fully accessible as a reminder for when a full planning application is made. There is no information that we can see that refers to the layout of the pavilion though we did find a reference to the provision of three blue badge parking spaces.</p>		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	17 February 2021	19 February 2021
Summary of comments: No additional water supply is required		

Consultee	Date consulted	Date reply received
Network Rail Property (Eastern Region - Anglia)	17 February 2021	26 February 2021
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
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Police – Design out Crime	17 February 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	17 February 2021	5 March 2021
Summary of comments: Funding to be secured via CIL and S106		

Consultee	Date consulted	Date reply received
CIL (Internal)	17 February 2021	No response
Summary of comments: Internal Planning Services Consultee, comments included within Planning Considerations section of this report.		

Consultee	Date consulted	Date reply received
Sustrans (East Of England)	17 February 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Head of Economic Development (Internal)	17 February 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	17 February 2021	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	17 February 2021	11 March 2021

Summary of comments:  
Internal Planning Services Consultee, comments included within Planning Considerations section of this report.

Consultee	Date consulted	Date reply received
Waste Management Services - East Suffolk Norse	17 February 2021	No response

Summary of comments:  
No response received

Consultee	Date consulted	Date reply received
Major Sites (Internal)	17 February 2021	16 April 2021

Summary of comments:  
Internal Planning Services Consultee, comments included within Planning Considerations section of this report.

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A	19 March 2021

Summary of comments:  
Object to the application in that it is out of keeping with the character of the area. The proposal is over-development leading to inadequate space around buildings, insufficient parking and loss of privacy to neighbouring proposals.

Consultee	Date consulted	Date reply received
East Suffolk Drainage Board	N/A	22 March 2021

Summary of comments:  
Recommend that ground investigation be carried out to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

Consultee	Date consulted	Date reply received
Suffolk Preservation Society	N/A	19 April 2021

Summary of comments:  
Support the proposal

## Publicity

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

Category	Published	Expiry	Publication
Major Application	25 February 2021	18 March 2021	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 26 February 2021 Expiry date: 19 March 2021
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## 5 Planning policy

- 5.1 National Planning Policy Framework 2019
- 5.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:
  - SCLP10.1 - Biodiversity and Geodiversity
  - SCLP11.1 - Design Quality
  - SCLP11.2 - Residential Amenity
  - SCLP11.3 - Historic Environment
  - SCLP11.6 - Non-Designated Heritage Assets
  - SCLP11.7 - Archaeology
  - SCLP10.1 - Biodiversity and Geodiversity
  - SCLP5.8 - Housing Mix
  - SCLP5.10 - Affordable Housing on Residential Developments
  - SCLP7.1 - Sustainable Transport
  - SCLP7.2 - Parking Proposals and Standards
  - SCLP8.1 - Community Facilities and Assets
  - SCLP8.2 - Open Space
  - SCLP9.1 - Low Carbon & Renewable Energy
  - SCLP9.2 - Sustainable Construction
  - SCLP9.6 - Sustainable Drainage Systems
  - SCLP10.3 - Environmental Quality

## 6 Planning considerations

### Planning Considerations

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the purposes of this application, the



Development Plan comprises the Suffolk Coastal (East Suffolk) Local Plan (adopted September 2020).

- 6.2 The NPPF (2019) is a material planning consideration and also states in paragraph 47 that

*"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".*

- 6.3 Paragraph 38 of the NPPF further states that:

*"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

#### Principle of development

- 6.4 The application site is located within the defined settlement boundary of Felixstowe and is in a sustainable location close to services and facilities required to support additional residential development.
- 6.5 The site is considered to be part brownfield/part greenfield with the existing school buildings (dating from around 1930) vacant and surplus to education requirements. Deben High School was subsumed within the new Felixstowe Academy site on a new campus in Walton in 2011 and more recently the buildings were occupied by Felixstowe International College who have since moved to new premises in Maybush Lane in Felixstowe. The educational provision therefore has remained in the town and there is accordingly no net loss in education facilities. As will be noted later, however, there is a net gain in public access to the site.
- 6.6 The proposed development is considered to be a suitable location for additional residential development, subject to matters of detail, and would be a compatible land use with the prevailing character of the surrounding area being residential in nature. The development would also seek to utilise an existing vacant brownfield site, which accords with paragraph 118 (c) of the NPPF which states that *"planning decision should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"*.
- 6.7 Development of the site would constitute a windfall site for the purposes of housing delivery by virtue of its location within the settlement boundary. The Council's five year housing land supply (HLS) includes a windfall provision within its calculation. Paragraph 70 of the NPPF states that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. In respect of this application, it is prudent to note that the application has been made in detail with specific design criteria with a commitment that East Suffolk

Council will deliver the development itself. This, in the opinion of officers, provides sufficient comfort that there is a real intent to deliver this housing within a meaningful time period

- 6.8 The western and northern parts of the site are to be retained in community use to provide a new bowls facility and cricket pitch. The existing assembly hall is also proposed to be retained to provide a 25sqm community hall. This element of the proposal was as a direct result of initial discussions with ward members and will not only secure the retention of the most historic and important aspect of the school, but also provide a modern community facility which can be easily accessed by a large geographical area.
- 6.9 It is the opinion therefore of officers that the mix of uses on the site is a sustainable, well considered balance of a number of uses which provide significant benefit to Felixstowe as a whole. The increased access of the site to the public is a benefit for the local and wider community.

#### Mix of housing and Density

- 6.10 The proposed application provides for the following mix of housing:

	<b>1 bedroom</b>	<b>2 bedrooms</b>	<b>3 bedrooms</b>	<b>4+ bedrooms</b>	<b>Total</b>
<b>Market</b>	2	9	2	6	19
<b>Affordable</b>	18	18	4	2	42
<b>Total</b>	<b>20</b>	<b>27</b>	<b>7</b>	<b>8</b>	<b>61</b>

- 6.11 The proposed development will provide for 69% of all dwellings to be affordable, set against the requirement as set out in Policy SCLP5.10 which seeks one in three units to be affordable. There is therefore an over-provision of affordable dwellings when testing against policy. Of the affordable homes, 32 are proposed as affordable rent with the balance of ten units being shared ownership for local people.
- 6.12 It is acknowledged that this is a concern of a number of local residents (but notably not the Town Council) as can be seen in the third-party consultation responses who perceive there to be an imbalance within the wider community and therefore would like to see a reduction in the level of affordable provision. Conversely, the Council's Head of Housing considers the scheme (including this mix) to be an exemplar scheme and supports accordingly.
- 6.13 The East Suffolk Housing Strategy (2017 - 2023) identifies the affordability of housing as a key challenge and includes an area of focus around having a more proactive role towards supporting the delivery of affordable housing in East Suffolk. The provision of affordable housing through the development of market housing is an integral part of the delivery of the East Suffolk Housing Strategy, including through investing commuted sums into additional affordable homes and achieving on-site affordable homes which provide the right mix of sizes and tenures to meet local need. Whilst noting the concerns of local residents, officers consider that the over-provision of affordable housing is a significant benefit weighing in support of the scheme and should not be considered as a negative aspect when weighted up against the benefits of the scheme.

- 6.14 In terms of the mix of unit sizes, Policy SCLP5.8 sets out the policy requirement for all sites being promoted for residential development. The policy states that new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (one and two bedrooms). Referring back to the table above, it is evident that the scheme is looking to focus on smaller units of accommodation, namely the one and two bedrooms, which accords with the thrust of this policy.
- 6.15 Turning to the justification for the policy (reference made to paragraph 5.38 of the Local Plan), the Strategic Housing Market Assessment (SHMA) provides conclusions on the size of property needed in each tenure for the former Suffolk Coastal District as a whole. Evidence shows that whilst there is a variation between tenure, overall, there is a need for all sizes of property and that across all tenures there is a need for at least 40% to be one- or two-bedroom properties. Consultation feedback on this document suggests a relatively high level of demand for smaller properties, particularly those to meet the needs of first-time buyers or those looking to downsize. At present, around 30% of all properties in the plan area are one or two bedrooms, and therefore the need for 40% of new dwellings over the Plan period should not be underestimated. To ensure that smaller properties are delivered, and in particular recognising the issues around affordability and the potential demand for properties for downsizing due to the ageing population, a particular focus on smaller properties has been identified. It is acknowledged by the Council that, depending on the character of the surrounding area, some sites may present a greater opportunity to secure smaller properties and consideration will therefore be given to surrounding densities and character in this respect.
- 6.16 The table below identifies the Plan wide housing need (updated in 2019):

Number of Bedrooms	Percentage of District Wide
1	12%
2	29%
3	25%
4+	33%

- 6.17 Looking at density, as noted in the section 3 of this report, the scheme proposes a density of 53 dwellings per hectare. There are no policies in the Local Plan relating to set densities, rather policy SCLP11.1 seeks to ensure high quality design which seeks to ensure that new developments (regardless of scale) respond positively to the local context with criteria c) seeking the following criteria is respected:
- the overall scale and character should clearly demonstrate consideration of the component parts of the buildings and the development as a whole in relation to its surroundings;
  - the layout should fit in well with the existing neighbourhood layout and respond to the ways people and vehicles move around both internal and external to existing and proposed buildings;
  - the height and massing of developments should be well related to that of their surroundings;

- iv. there should be a clear relationship between buildings and spaces and the wider street scene or townscape; and v. high quality materials appropriate to the local context should be used.

- 6.18 Turing to national guidance as laid out in the NPPF, paragraph 122 states that decisions should support the efficient use of land which includes maintaining an area's prevailing character and setting and secure well-designed, attractive and healthy places. It is not the case that just because the density is high, and indeed higher than the surrounding traditional residential area, it is wrong or over-development, but that consideration has to be had to how efficient the use of the land is and the quality of the design in terms of layout and appearance. The design elements are considered further in the report, as are the impacts in residential amenity
- 6.19 It is the view of officers that given the significant number of smaller units of accommodation on site and noting that the existing buildings occupy a large built footprint this level of density is something that should be supported as efficient use of land in a location which delivers a large number of smaller units of accommodation in a highly sustainable location.

#### Open space, community and sports provision

- 6.20 The proposed development, as noted earlier in the report, provides a significant level of community facilities. Within the residential element of the proposal, a community space amounting to 250sqm is set aside for a community space (use class F2(c )) following proactive dialogue with Ward Members. The space is intended to be flexible and to be managed by East Suffolk Council, as responsible landowner, which will ensure control over bookings and nature of use in the interest of residential amenity. This element is included in full within the application.
- 6.21 Outside of the residential element (reference drawn back to the parameter plan in this report), it shows that a significant proportion of the site is to be set aside for indoor and outdoor sport. This is the outline element of the proposal. Felixstowe Town Council recommend approval of part of the application. The existing sports hall is to be extended and adapted as an indoor bowls facility and the existing sports field to become a cricket pitch, which will also be open to the public with new footpaths around the pitch providing pedestrian links to Valley Walk and the adjacent park.
- 6.22 Policy SCLP8.1 advises that proposals for new community facilities and assets will be supported insofar that it meets the needs of the community, is of a proportionate scale, well related to the settlement to which it serves and would not adversely affect existing facilities. It is important to note that when discussing the community, it is not the immediate geographical area but the wider Felixstowe community and it is considered that the publicly accessible open space, cricket pitch and bowls facility will be an asset for the community as a whole. This element of the proposal accords with the aforementioned policy and also SCLP8.2 which seeks to ensure the provision of open space. It is also important to note that the site as existing offers no public use and therefore this scheme offers betterment of accessible open space.

- 6.23 Additional open space is included within the residential element of the scheme in the form of courtyard gardens and spaces which are intended to be communal in their use which helps create inclusive communities.

Sustainability credentials of the residential element

- 6.24 Policy SCLP9.2 seeks to promote the use of sustainable construction on all residential development in excess of ten units. This ethos is again picked up in the NPPF with particular reference drawn to paragraphs 153 and 154 which strongly promote the use of renewable or low carb energy when considering planning applications.
- 6.25 The planning application has been supported by a detailed Design and Access Statement prepared by Tate Hindle. Section 4.9 details the sustainability approach for the site. A further energy and sustainability statement (prepared by CBG consultants) accompanies the application and describes the calculations and design strategies used to address the relevant planning requirements regarding sustainability, energy efficiency and carbon emissions. The report makes the following statements:
- Construction Waste & Materials - In addition to considering the environmental impact during operation, the scheme intends to address the impact of the materials selected and construction process. Further details will be developed during the detailed design stage when the construction type and method is finalised.
  - Water Efficiency - Sample calculations have been performed to show that the water efficiency meets the planning target of 110 litres/person/day for the flats. The inclusion of rainwater harvesting to the houses results in a water efficiency target of 89 litres/person/day. This is below the requirement as per Part G.
  - Energy & Carbon - Passivhaus calculations have been performed to show the scheme can achieve the Passivhaus Classic target. However, with house types 1 & 3 the pass is only by a small margin, so careful consideration to heat losses will need to be given during their detailed design.
  - Building Regulations & Planning - The Standard Assessment Procedure (SAP) calculations have shown that the dwellings are capable of comfortably exceeding the planning target for a 20% improvement over building regulations.
- 6.26 In respect of this application all dwellings are to be designed to Passivhaus standard, which is the standard for design and construction of environmentally comfortable buildings that are highly energy efficient, which results in reduced running costs for tenants and occupiers. The principles behind Passivhaus are:
- Orientation of blocks to maximise passive solar gain
  - Simplification of the building form, reduction of thermal bridges and an airtight building envelope
  - Allowance in walls for higher levels of insulation
  - Allowance for background mechanical ventilation with heat recovery (MVHR) in dwelling layouts
  - High performance triple glazed windows with appropriate natural purge ventilation. Consideration of window placement and sizing to benefit from free heat in winter and cross ventilation

- Reference to the Passive House Planning Package
- (PHPP) and engagement with a Passivhaus consultant
- Allowance for Air source heat pumps, photovoltaic panels and green roof's is also included in the developing layout.

6.27 The proposed development incorporates sustainability in a holistic way, considering environmental, economic and social issues such as:

- Improved well-being for occupants/users
- Pedestrian and child-friendly design
- Passive design principles including orientation
- Natural ventilation and daylighting;
- Reduced construction costs and waste through efficient use of materials
- Monitoring for ease of building/estate management
- Reduced embodied carbon by re-using existing buildings
- Lower operational costs for occupants and landlords
- 'Fabric first' approach to minimise energy use and address fuel poverty
- Allowances for future sustainability requirements
- Renewable energy in the form of solar panels to power common areas
- Opportunities for social interaction such as food growing and play spaces

6.28 The proposal as designed shows a strong commitment to the highest levels of sustainable development, exceeding requirements laid out in policy. This is a significant benefit of the proposal which should not be underestimated.

#### Highways Considerations

- Access and Internal Layout

6.29 Vehicular access to the site is via the existing access point off Garrison Lane. When the school was operational (particularly in its guise as Deben High School) this access point was heavily utilised by school traffic, both in connection with members of staff but also parents dropping off and collecting. Whilst this activity would have decreased with the use by Felixstowe International College, when considering its use class as an educational establishment, any fall back would have the potential to generate significantly greater levels of vehicular activity than the proposed residential and community use. This is a material consideration.

6.30 It is noted that the Highways Authority are seeking additional information regarding the access as below:

*"It is noted that the main development access is being retained but no details are provided on the footway provision or the transition to the proposed shared surface roads. This information is necessary to ensure that the proposal provides suitable pedestrian facilities in accordance with NPPF 108 and 110. Similarly, no details of the access arrangements for the four no. dwellings that would front Garrison Lane or the proposed separate pedestrian/cycle have been provided. As these would be located adjacent to a existing Zebra Crossing, some may not be feasible so details of this is required to ensure that the proposed access arrangements are acceptable. It is also noted that the SCHOOL KEEP CLEAR and zig-zag*

*markings next to the main access remain and these will need to be removed as part of the highway works required to complete the access works within the highway".*

6.31 Given that this is an existing situation and has a reduced impact than the previous lawful use, it is not considered that the requests from the Highways Authority are reasonable in this regard or meet the tests of condition imposition. The removal of the existing school signage is a matter which can be resolved outside of the planning application and would be under the remit of the Highways Authority. The relevant sections of the NPPF are paragraphs 108 and 110 which seek to ensure that highways impacts can be appropriately mitigated and priority should be given to cycle and pedestrian permeability and reduce conflict with the private car. It is the assessment of officers that the proposed development complies with these provisions.

6.32 It is accepted that the internal layout of roads within the site would not be adopted by the Highways Authority and this is a deliberate design of the scheme to encourage and facilitate shared space and a more communal, fluid way of living rather than conforming to rigid highways guidelines which would disrupt the design ethos of the site. These areas would however come under the control of a management company to ensure that their maintenance can be secured in perpetuity in the interest of visual amenity and so as not to dilute the design principles.

- Parking Provision

6.33 For the residential element of the scheme, it is proposed to provide parking at a level of one space per dwelling, i.e. providing 61 spaces including three blue badge spaces (5% provision). An additional 31 spaces are to be provided for the indoor bowls facility, including a further three blue badge spaces.

6.34 In addition to the vehicle parking, covered secure cycle parking has been provided for Covered, secure cycle parking has been provided for each of the 61 homes, a total of 122 spaces. An additional fifteen spaces for visitors have also been provided making a total of 137 spaces. 24 cycle parking spaces have been provided for the indoor bowls facility.

6.35 In respect of this, Felixstowe Town Council comment as follows:

*"the parking does not accord with SCC parking standards. The applicant asserts that this is mitigated by being a "town centre" development. We do not think this is appropriate analysis and believe that usual standards should be adhered to".*

6.36 The perceived insufficient provision of parking has also been raised by a number of third parties, as can be seen in section 4 of this report (the full transcripts of these comments are available on the Council's public access system). The County Council, as Highways Authority, have raised similar concerns in their holding objection noting that whilst they support a reduction in their standards in highly sustainable locations, and they would do so in this case, they are of the view that a single parking space for the four-bedroom dwellings, of which there are only eight, is insufficient. The County Council further state:

*"For dwelling parking (that we regard as origin parking), we do not accept that on-street parking on neighbouring roads (particularly A class roads such as Garrison Lane) should be considered as overflow parking for any shortfalls in on-site parking provision. It is likely*

*that the dwellings and to a greater extent the other proposed facilities will result in an increase in the likelihood of parking on the surrounding highway network."*

- 6.37 Firstly, it is important to acknowledge that the parking guidance referred to in the Town Council response has not been adopted by East Suffolk Council, although remains a material planning consideration. As noted elsewhere in the report, the ethos behind this proposal is to instigate the highest possible sustainability credentials and act as a vanguard for other proposals across the district. High levels of suitability include designing schemes which are not predicated on parking or cars and look to encourage alternative modes of transport. Paragraph 108 of the NPPF acknowledges this by stating that applications should ensure that there have been appropriate opportunities to promote sustainable modes of transport.
- 6.38 The site is in a highly sustainable location (approximately 0.25 miles to the town centre) where there is ease of access to public transport, education, community facilities, employment and retail to meet the needs of any future occupier. The Highways Authority have accepted that the site can support a reduction in parking standards but are concerned over the four-bedroom units (which amount to only eight dwellings across the site). All dwellings do have a parking space (with vehicle charging points) and in addition have secure cycle storage. There is also a public car park (Garrison Lane) in close vicinity of the site which can be used by residents and visitors alike. It must also be acknowledged that many town centre properties do not benefit from on-plot parking and rely solely on street parking and use of public car parks.
- 6.39 The parking provision associated with properties will be clear to any prospective occupier and there is an argument of caveat emptor on this matter.
- 6.40 Policy SCLP7.2 deals with parking and states the following:
- "Proposals will be expected to have regard to the parking standards contained in the Suffolk Guidance for Parking (including subsequent revisions), excluding the elements of the Guidance related to 'Residential Parking Design', unless other local planning considerations indicate otherwise."*
- 6.41 It is considered in this instance that the increase in parking within the development would conflict with the high sustainability criteria set for the development and also create a distraction from the design approach of minimal private hardstanding and incorporation of communal spaces which are devoid from vehicular activity as far as possible, whilst accepting that properties will require a level of provision.
- 6.42 East Suffolk Council has around 4,500 homes across the District. Just over 50% of the Council's housing stock offers allocated or designated parking. Parking statistics taken from the Office for National Statistics shows Felixstowe to have a dwelling to parking ratio of 1:1.12 (including cars and vans). The Office for National Statistics also conducted a sample survey which identified 36% of social rented tenants had access to one vehicle, this reduced to 7% for access to two vehicles.
- 6.43 Noting the national and local statistics and sustainability aspirations for the scheme the proposal for 1:1 parking is believed to be sufficient.



- Funding requests from Suffolk County Council

6.44 Suffolk County Council have sought S106 contributions in relation to the following:

- £20,000 towards RTPI (real time passenger information) screens at two bus stops in the vicinity
- £25,000 for investigation, consultation, legal order and physical road marking and signage works relating to reducing on-street parking provision in the vicinity.

6.45 As a starting point, as East Suffolk Council is both landowner, applicant and local planning authority, it is not as such possible to engage in a S106 agreement with itself and therefore all such matters need to be considered by means of planning conditions. It is therefore pertinent to consider the reasonableness of the requests.

6.46 In respect of the RTPI screens, no supporting evidence has been provided to justify how these meet the six tests of planning conditions, and paragraph 55 of the NPPF makes it clear that conditions should be kept to a minimum and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

6.47 It is unclear from the lack of information supporting the request from the Highways Authority how the need for this is evidenced given the bus stop is already in situ and was used more extensively when the site was operational as a high school. It would need to be demonstrated that without these screens the development would be unacceptable. Officers do not believe this to be the case in this instance and any funding should be secured through an appropriate CIL request to the Local Planning Authority

6.48 A similar view is reached in relation to the on-street parking. This has not been identified as a project or indeed a definite proposal and therefore would not meet the tests of condition application in officers opinions. It is considered that if there is an existing issue with on-road parking that this is a matter to be explored through the highways authority separately. It is not considered to be reasonable or relevant to the development to be determined

#### Design, appearance and layout of residential element (including residential amenity)

- Retention of Heritage Asset

6.49 The proposed development includes the retention of the hall which is to be converted into community use. The remainder of the buildings are proposed for demolition.

6.50 The buildings are not listed, but the submitted Heritage Assessment concludes that the frontage building, hall and boundary wall can be considered as Non-Designated Heritage Assets (NDHA) due to its communal and historic value.

- 6.51 Statutory duties are reflected in national and local planning policy. The NPPF identifies conservation and enhancement of the historic environment as an important element of sustainable development. Paragraph 184 of the NPPF makes clear that heritage assets are *“an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”*
- 6.52 Paragraph 189 says that when determining planning applications, *“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*
- 6.53 In the case of non-designated heritage assets (NDHAs), paragraph 197 of the NPPF says that the effect of a proposed development on their significance should be taken into account, and that where a development would affect a non-designated heritage asset either directly or non-directly, *“a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 6.54 The NPPF at Paragraph 200 highlights the opportunity for local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that therefore preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.55 The statutory duties of The Act, and heritage objectives of the NPPF, are also reflected policy SCLP11.6 of the Local Plan.
- 6.56 Members should understand that, in determining the applications, properly applying the relevant paragraphs of the NPPF and the historic environment policies of the Local Plan means that the statutory duties of The Act will have been complied with in respect of designated heritage assets.
- 6.57 The retention of the hall and its re-use within the scheme is a welcome addition to the proposal. Consideration was had with regards to the re-use of the main frontage building. Following an internal and external inspection of this building it was concluded that the poor state of the structure (single skin) and its narrow plan form would make it inappropriate to convert into a non-educational use. Accordingly, having due regard to (a) of SCLP11.1 it is considered on balance acceptable to demolish the frontage building but retain the hall.
- Design of Dwellings
- 6.58 Three wheelchair units are to be provided within the new buildings at ground floor level - one two-bedroom and two three-bedroom apartments. This meets the requirements of East Suffolk Council for 5% of the dwellings to be for wheelchair users. These homes are designed to the requirements set out in Approved Document Part M(4)3.

6.59 All homes in the development are designed, as a minimum, to the requirements of Approved Document Part M(4)2.

- Layout and Appearance

6.60 Policy SCP11.1 of the Local Plan deals with design quality and states that the Council will support locally distinctive and high-quality design. Paragraph 131 of the NPPF further states:

*“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*

6.61 The application has been supported by a Design and Access Statement which sets out the design principles behind the scheme. The proposed development at the Deben High School site is to provide an exemplar affordable housing scheme to set the standards for future housing development in East Suffolk.

6.62 The layout proposes to repair the street scene along Garrison Lane by locating semi-detached houses between 113 and 117 Garrison Lane. A series of green courtyards have been introduced, that link Garrison Lane to the existing playing fields and Valley Walk park to the west, maximising permeability and views over the green open space.

6.63 The layout is arranged to allow for pedestrian connections across the site and designed for pedestrian priority with shared surface streets linking the courtyards. Apartment buildings and houses are generally orientated north-south to maximise solar gain. Building heights are between two and three storeys in keeping with surrounding residential properties.

6.64 The proposed material palette at the former Deben High School site reflects the local vernacular and is predominantly brick. Detailing takes a modern approach to key architectural details found within the Felixstowe area, with arched entrance details, framing to balconies and terraces and brick patterned details. A variety of brick tones and details are provided within the development to aid wayfinding and offer variation.

6.65 Cycle storage has been incorporated into the entrance design, with brick enclosures that form part of front garden boundary walls. Materials are robust, durable and low maintenance. Material specification will consider embodied carbon and potential for future re-use and recycling including use of lime mortar for brickwork and use of locally produced materials

6.66 The ethos is for shared neighbourhood streets with a central tree lined and shared pedestrian and vehicle route connecting the north and south. This will create a safe and playful neighbourhood environment by blurring the boundary between pedestrian and vehicular, private and public spaces and will introduce planting bands to create a green and ecological rich streetscape. Pockets of playable spaces at the end of the streets to foster fun and adventure for kids of all ages.

- 6.67 A new multi-purpose social space is proposed at the heart of the community. This will improve and enhance the connecting route between the Assembly Hall and Garrison Lane to create a better pedestrian arrival experience.
- 6.68 The public realm of the site is envisaged to be a people first environment with low traffic movement. Here vehicular access is limited to residential vehicles and refuse vehicles. The use of bold, vibrant colours in the paving surface define the play streets within the public realm. Incidental play and seating elements dominate the end of the streets for all residents.
- 6.69 The streetscape character is a nod to the site's history as a school, utilising playful paving patterns and informal play elements to create playable streets where children and young adults will feel safe and encouraged to play in. The garden space around the Assembly Hall is envisioned to be the 'heart' of the community, providing a sociable and flexible space for residents and the wider community.
- 6.70 The proposed layout and design is unashamedly different when compared to the prevailing character of the immediate residential area and is in itself bold and striking. It is noted that there are objections from local residents to the modern design approach. The contrast to the surrounding area is not in itself unacceptable. The area is not within a conservation area or is sensitive in terms of any designations and contains an eclectic mix of sizes and designs of residential properties.
- 6.71 It is considered by officers that the design is forward thinking and innovative and is of high quality which is designed around high levels of sustainability and inclusive spaces. It will, once constructed, represent a new focal point and set a high bar of design standards for the District. Attention is also drawn to the comprehensive response from Suffolk Preservation Society who state:

*"SPS supports the redevelopment of this highly sustainable site for a residential/mixed use and welcomes the high proportion of affordable homes proposed. SPS also welcomes East Suffolk Council's commitment to high quality contemporary design that demonstrates nature first principles and adopts many sustainable features.*

*Whilst we recognise that the contemporary design approach is a departure from the surrounding existing residential streets, we consider that the proposal demonstrates a high level of design that has the potential to introduce an exemplar residential development to Felixstowe. The heights of the houses closest to the existing dwellings on Garrison Lane are modest and the detailing and choice of materials, although contemporary, reflect aspects of the retained Assembly Hall and other nearby buildings.*

*The aspiration for all the dwellings to achieve Passivhaus Classic standard is welcomed, as are measures to reduce energy consumption, increase energy efficiency, the inclusion of solar panels on the roofs of dwellings, ground source heat pumps and electric charging points. This approach contributes towards Suffolk County Council's goal of being carbon neutral by 2030 and, in the opinion of the Society, should be required in all new developments.*

*We also welcome the layout and proposed landscaping approach of the site which will result in the dwellings being oriented around a number of open and communal spaces,*

*encouraging a sense of community. The ability to move through the landscaped areas of the site to the cricket ground and other facilities in and around the site will also integrate the development within the surrounding residential area.*

- Residential Amenity

- 6.72 As can be seen from the extract below, six dwellings are proposed on the southern edge of the site creating a relationship to established residential properties in Newry Avenue. Local residents have raised concern resulting loss of amenity from overlooking from these properties, and the matter has also raised concern from the Town Council who state:

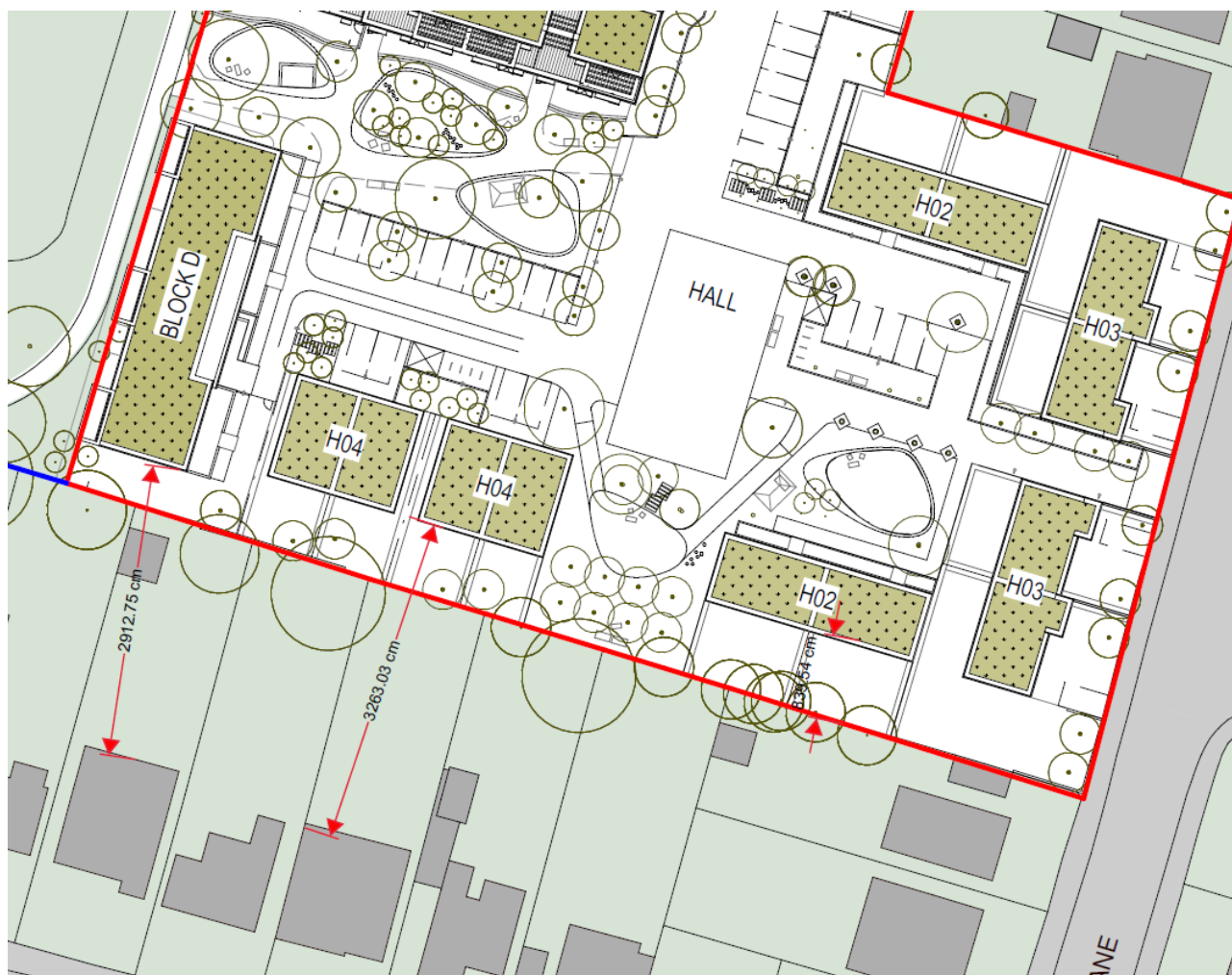
*“i) we are concerned about the height, massing, and intrusion – with the consequential increasing in overlooking - arising from the south-western elevation of Block D (some 12.5m high) on the amenity of residents at Newry Avenue, in contravention of SCLP11.1 (c)iii where it relates to height and massing and SCLP11.2(a) in respect of privacy and overlooking. We would seek a modification to reduce that elevation to two storeys.”*

- 6.73 These six properties are three and bedroom dwellings with the accommodation provided over two floors with a flat roof to accommodate solar panels.
- 6.74 In terms of block D, whilst noting it is three storeys in nature, there are no windows proposed on its southern elevation and therefore there is no direct overlooking to properties in Newry Avenue. Given the separation distances of 29m between both the proposed and existing dwellings, and the fact that large buildings already occupy the site (see below plan), this is considered a satisfactory relationship.



- 6.75 Regarding the relationship of H02 to the rear gardens of neighbouring properties, it is important to note from the floor plans that the two windows on the southern elevation at first floor level serve a bathroom and en-suite and therefore these windows would be obscured glazed and would be conditioned as such. Accordingly, this relationship is considered acceptable.
- 6.76 With regards to H04, these again are two-storey dwellings with a flat roof. There are two windows on the southern elevations serving two bedrooms. These properties are positioned 8.3m from the site boundary and maintain a back-to-back separation of 32.6m. Neither the Local Plan or the NPPF provide set distances for new development. The Council does have guidance for extensions in the form of Supplementary Planning Guidance 16 (2003). In respect of back-to-back distances where extensions are proposed it states the following (paragraph 53 refers):

*“In order to maintain a reasonable level of privacy, 1st floor windows on extensions to the rear of houses should, ideally, be at least 24 metres from the back of homes directly opposite. Where this separation cannot be achieved overlooking should be avoided by the use of high level windows or opaque glazing. In dense urban areas where there is already excessive mutual overlooking a lesser standard may be acceptable.”*



- 6.77 The extract from the block plan above, demonstrates the critical distances between these properties. When looking at these distances it is important to recognise that the more

private areas of a garden are those closely associated with the properties themselves where it is likely people would be more likely to have patio furniture etc.

- 6.78 It is accepted that there will be some overlooking to the rear section of the garden at a distance of approximately 8m but the area more likely need to be protected and from window to window are sufficient to mitigate against any significant loss of amenity and is an acceptable relationship in an urban area. The distances also exceed those in the SPG on extensions.
- 6.79 The houses bordering the southern boundary are to the north of existing houses on Newry Avenue and approximately 40m away, with minimal impact on daylight / sunlight to the gardens of those properties.
- 6.80 Similarly, the houses backing onto 107-113 Garrison Lane are 6m from the existing houses. These houses will create some minor overshadowing at the western ends of the back gardens of those properties, a maximum of 25% at 12 o'clock on 21 March, in line with BRE guidance.
- 6.81 The two houses to the south of 107 Garrison Lane will create some overshadowing the rear garden of that property at some times of the year. However, this is within the recommendations of the BRE Daylight/Sunlight guidance - Site Layout Planning for Daylight and Sunlight - A guide to good practice which recommends that at least half of the affected amenity should receive a minimum of two hours sunlight on 21st March. The application is therefore acceptable in this regard.

#### Biodiversity

- 6.82 A baseline ecology report has been undertaken to identify ways in which the scheme will deliver biodiversity net gain (see accompanying ecology report). There is an opportunity to make a significant contribution to improving the ecology of the site. The applicant has sought to plan the site in a manner that maximises 'greening' balanced with the requirement for housing.
- 6.83 The plan looks at maximising communal amenity space which offers an opportunity for native planting and SUDS that will benefit nature and the community. The applicant has sought to ensure that shared surface streets within the plan have ample space for trees, planting and rain gardens. Green roofs have been specified on the roofs of buildings to further enhance biodiversity
- 6.84 The dwellings are required to make the appropriate RAMS contribution for each dwelling.

#### Matters from Consultation Responses

- 6.85 The County Council's drainage team has recorded a holding objection to the application until further information has been received. Policy SCLP9.6 of the Local Plan states that sustainable drainage should be integrated into the landscaping scheme and green infrastructure of the development and contribute to the design quality of the scheme. Open SuDS should be delivered wherever possible, and if early consideration is given to the overall surface water drainage strategy associated with this development, it is considered that this is achievable.

- 6.86 Officers have considered this matter, and engaged with the County Council prior to submission, and consider that this matter can be addressed by means of planning condition. The built form is on the existing brownfield site which is hard surfaced and no additional hardstanding is proposed. Across the site as a whole there is sufficient space to accommodate a drainage scheme
- 6.87 In addition to highways contributions, Suffolk County Council are also seeking the following S106 contributions as they would not be covered by CIL as per the Infrastructure Delivery Plan.
- Pre-school new build £123,048
  - Primary school new build £184,572
- 6.88 The request is considered reasonable insofar it is included within the Infrastructure Delivery Plan and therefore is included as a condition as noting a S106 legal agreement is not an option.

## **7 Conclusion**

- 7.1 The application is considered to be a dynamic, well considered proposal that will yield exemplary sustainable credentials, public open space and community uses and a high proportion of affordable housing on what is a brownfield site in a highly sustainable location. The reduction of parking levels is appropriate in this location given the strong desire to create a pedestrian friendly development with reduced conflict with cars.
- 7.2 The comments from objectors are noted and understood. Responses to the comments made are contained in the report and whilst it is accepted there will be a change of relationship to those neighbouring residential properties, the impacts are not in the opinion of officers so significant as to warrant refusal of the planning permission in this instance. The significant benefits outweigh those limited objections received and lay in favour of granting planning permission.
- 7.3 The impacts of the development can be appropriately controlled by planning condition noting that it is not possible to engage in legal agreements.
- 7.4 It is noted that the appropriate RAMS payment has been paid (made on the 12 May 2021).

## **8 Recommendation**

The application be approved subject to the following conditions:

- 1 The development hereby permitted through the full application 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 subject of the outline planning permission hereby approved shall be begun within the time limits specified on the outline permission and is subject to any conditions imposed thereon.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

- 3 a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then  
b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, and as amended by the Planning and Compulsory Purchase Act 2004 (applicable since 24th August 2005)

- 4 Samples of all external facing and roofing materials of the dwellings hereby approved shall be submitted to the Local Planning Authority before development commences. The development shall be carried out in its entirety in accordance with the approved samples.

Reason: To ensure the satisfactory external appearance of the development.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no building, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.

Reason: To secure the properly planned nature of the development.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order) (with or without modification), no windows shall be constructed at first floor level or above in any of the dwellings hereby approved/

Reason: to preserve the amenity of existing and proposed residential properties and in the interests of preserving the quality of the design.

- 8 The windows serving bathrooms or en-suites at first floor or above on all the dwellings hereby approved shall be fitted with obscure glazing [glazed with opaque glass, or other

appropriate screening] and shall be retained in that condition and retained as such in perpetuity.

Reason: To preserve the amenity of existing and proposed residential properties.

- 9 The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with the following plans received on the 2 February 2021 ;, 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.

15410-A-PL-X-(03)-001 - Site Existing Plan

15410-A-PL-X-(03)-002 - Site Ground Floor Plan

15410-A-PL-X-(03)-003 - Site First Floor Plan

15410-A-PL-X-(03)-004 - Site Second Floor Plan

15410-A-PL-X-(03)-005 - Site Roof Plan

15410-A-PL-X-(05)-006 - Existing Site Elevations

15410-A-PL-X-(05)-007 - Site Elevations

15410-A-PL-X-(05)-008 - Site Sections

15410-A-PL-X-(03)-100 - Block A - ground and first floor plans

15410-A-PL-X-(03)-101 - Block A - second floor plan and roof plan

15410-A-PL-X-(05)-102 - Block A - sections

15410-A-PL-X-(05)-103 - Block A - Bay Sections and Elevations

15410-A-PL-X-(03)-104 - Block B&C A - ground floor plans

15410-A-PL-X-(03)-105 - Block B&C - first floor plans

15410-A-PL-X-(03)-106 - Block B&C - second floor plans

15410-A-PL-X-(03)-107 - Block B&C - roof plan

15410-A-PL-X-(05)-108 - Block B elevations

15410-A-PL-X-(05)-109 - Block Belevations

15410-A-PL-X-(05)-110 - Block Bbay sections and elevations

15410-A-PL-X-(05)-111 - Block Cbay sections and elevations

15410-A-PL-X-(03)-112 - Block D ground and first floor plans

15410-A-PL-X-(03)-113 - Block D second floor plan and roof plan

15410-A-PL-X-(05)-114 - Block D elevations

15410-A-PL-X-(05)-115 - Block D sections

15410-A-PL-X-(05)-116 - Housetype bay elevations

15410-A-PL-X-(03)-117 - Housetype 1 floor plans

15410-A-PL-X-(05)-118 - Housetype 1 elevations

15410-A-PL-X-(03)-119 - Housetype 2 ground floor plans

15410-A-PL-X-(03)-120 - Housetype 2 first floor plan

15410-A-PL-X-(03)-121 - Housetype 2 roof plan

15410-A-PL-X-(05)-122 - Housetype 2 elevations

15410-A-PL-X-(03)-123 - Housetype 3 floor plans

15410-A-PL-X-(03)-124 - Housetype 3 elevations

15410-A-PL-X-(03)-125 - Housetype 4 roof plan

15410-A-PL-X-(03)-126 - Housetype 4 elevations

15410-A-PL-X-(03)-130 - Assembly Hall Plans

15410-A-PL-X-(03)-131 - Assembly Hall sections and elevations

15410-A-PL-X-(03)-133 - Site Location Plan - outline

15410-A-PL-X-(03)-134 - Site Location Plan - full planning application

15410-A-PL-X-(03)-135 - Parameter Plan - Land Use

15410-A-PL-X-(03)-136 - Parameter Plan - Heights

15410-A-PL-X-(03)-137 - Parameter Plan - Access

774-FH-XX-00-DP-L-201 - General arrangement

774-FH-XX-00-DP-L-301 - Edges and boundaries

774-FH-XX-00-DP-L-401 - Softworks

Reason: To secure a properly planned development

- 10 The areas to be provided for storage of Refuse/Recycling bins as shown the approved plans shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 11 The areas to be provided for storage of Refuse/Recycling bins as shown the approved plans shall be provided in their entirety before the development to which they are associated is brought into use and shall be retained thereafter for no other purpose.

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

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

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk  
<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

- 13 No development of the full application hereby approved shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed by the local planning authority. The

CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

- 14 No development of the full application hereby approved shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

- 15 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing.

The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 42 affordable dwellings. The details to include a mechanism for delivering an alternative method of providing affordable housing at the same level as approved in the event that no affordable housing provider acquires some or all of the affordable housing within a reasonable timescale.

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing,

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In accordance with Policy SCLLP5.10 of the Suffolk Coastal Local Plan (2020) to secure the appropriate provision of affordable housing on the site

- 16 No external lighting shall be installed within the site unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan.

- 17 No external lighting shall be installed within the site unless details have first been submitted to the Local Planning Authority. The approved lighting shall be maintained in its approved form in perpetuity.

Reason: To ensure any external lighting is designed in a manner having regard to visual amenity and residential amenity in accordance with Policy SCLP11.1 of the Local Plan and in the interest of protecting biodiversity

- 18 The hours of operation for all construction activities on site shall be limited to - Monday to Friday 07:30 until 18:00 Saturday 08:00 until 13:00 Sunday & Bank Holidays none Unless otherwise agreed in writing with the Local Planning Authority. Deliveries to and collection from the construction site shall be undertaken between - Monday to Friday 07:30 until 18:00 Saturday 08:00 until 13:00 Sunday & Bank Holidays.

Reason: In the interest of residential amenity

- 19 No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

- 20 Within three months of the commencement of development, a noise assessment should be submitted to consider the likely impact of noise from the development both on existing residential properties in the area and on properties to be built as part of the development. This should consider all potential sources of noise including but not restricted to use of the community hall and sports facilities and any plant to be installed as part of the development. This assessment should be carried out by a competent person.

Reason: In the interest of residential amenity

- 21 Prior to commencement of the development hereby approved through the full application, an air quality assessment is required. The assessment shall be in accordance with the following document: 'EPUK & IAQM Land-Use Planning & Development Control: Planning for Air Quality January 2017'. The assessment should be proportionate to the nature and scale of development proposed and the level of concern about air quality. The scope and content of supporting information is therefore best discussed and agreed between the local planning authority and applicant before it is commissioned.

Reason: To ensure air quality is appropriately controlled

- 22 Prior to first operational use of the site, at least 5% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraphs 105 and 110.

- 23 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at safe, accessible and convenient locations. Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be retained thereafter.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraphs 105 and 110.

- 24 No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to the local planning authority:
- a) A desk study and site reconnaissance, including:
    - a detailed appraisal of the history of the site;
    - an inspection and assessment of current site conditions;
    - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
    - a conceptual site model indicating sources, pathways and receptors; and
    - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
  - b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:
    - the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;

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

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

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

- 25 No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to the LPA. The RMS must include, but is not limited to:
- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - proposed remediation objectives and remediation criteria; and
  - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.
- The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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

- 26 Prior to any occupation or use of the approved development the RMS approved under condition 25 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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

- 27 A validation report must be submitted to the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
  - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and

- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

- 28 Within three month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

- 29 No development shall commence until there has been a management plan for maintenance of all the communal areas within the approved application site. The maintenance plan should include, long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

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

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

- 31 The development shall not begin until a scheme for provision improvements to pre-school and primary school education has been submitted to the local planning authority.

Reason: To ensure that sufficient provision is made for education facilities as a direct result of additional residential development.

- 32 Within three months of the date of the development hereby approved a biodiversity enhancement scheme shall be submitted to the local planning authority and implemented in accordance with this strategy before the beneficial occupation of the dwellings hereby



approved. This strategy shall include the provision of integral swift nest bricks with the buildings hereby approved. The improvements shall be retained in perpetuity.

Reason: In the interest of providing enhanced biodiversity across the site.

#### **Informatives:**

- 1 East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

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

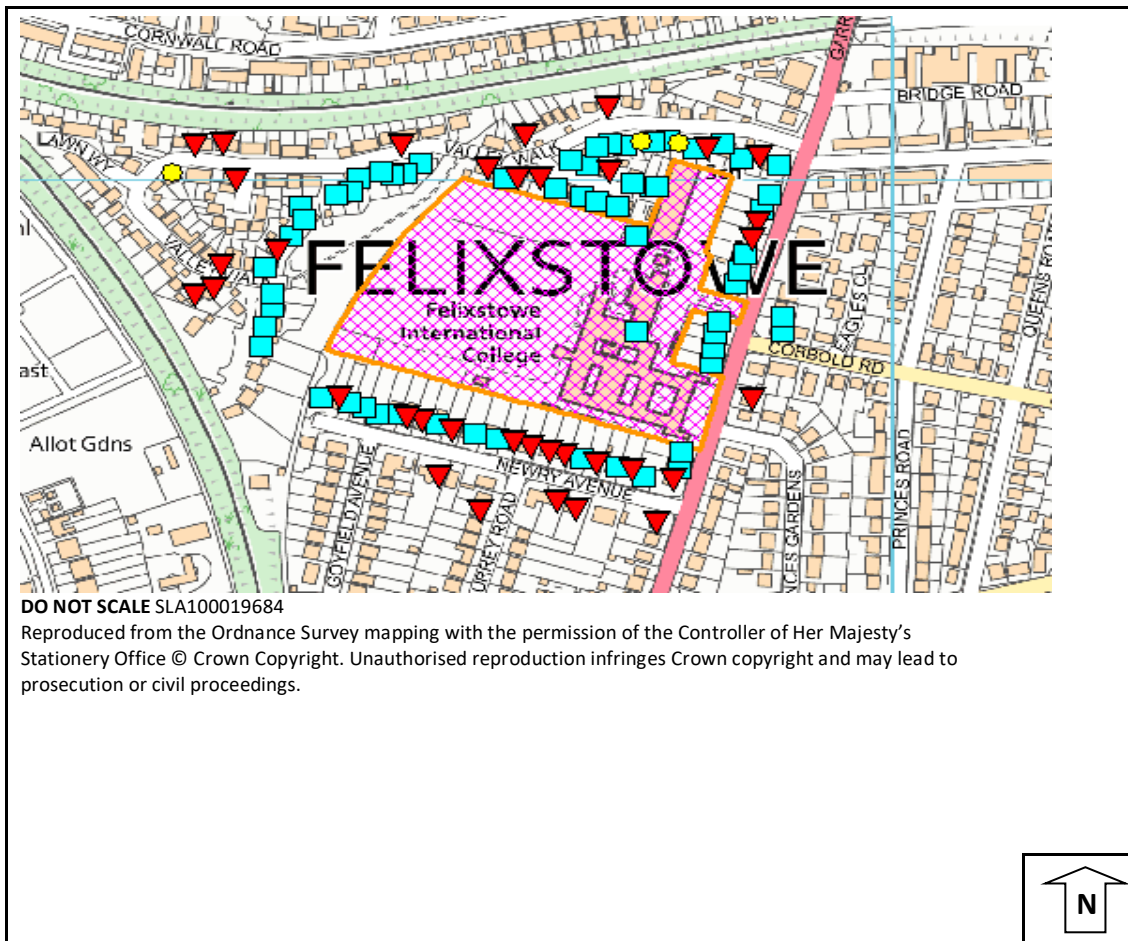
- 2 The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)
- 3 The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
- 4 Noise from fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90)

should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

### **Background information**

See application reference DC/21/0541/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning Committee South** - 25 May 2021

**Application no** DC/21/0808/FUL

**Location**

Land East of Bent Hill  
Undercliff Road West  
Felixstowe  
Suffolk

**Expiry date** 28 May 2021

**Application type** Full Application

**Applicant** East Suffolk Council

**Parish** Felixstowe

**Proposal** Temporary change of use for one year to allow adjacent businesses use of public open space temporarily whilst ESC seeks further application for planning and ground works. The land will be used for tables and chairs for the consumption of food & drink outside.

**Case Officer** Grant Heal  
07833 403193  
[grant.heal@eastsuffolk.gov.uk](mailto:grant.heal@eastsuffolk.gov.uk)

### 1. Summary

- 1.1 Full planning permission is sought for the temporary use (one calendar year) of public recreation land for purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the adopted development plan.
- 1.3 Reviewed against the Council's adopted scheme of delegation, the application must however proceed to planning committee because East Suffolk Council is the applicant and landowner.

## **2. Site description**

- 2.1 The application site comprises two linear parcels of land laid to grass and separated by a public footway linking the southern side of Under Cliff Road West with the promenade and beach.
- 2.2 The Bent Hill junction lies adjacent to the north, while a number of restaurants, bars and cafes front the opposite side of Under Cliff Road West.
- 2.3 The site lies within the Felixstowe (South) Conservation Area and the Conservation Area Appraisal (CAA) (2020) identifies the site as 'important open/green space'. Further, the site falls within 'Character Area 1' of the Conservation Area, which is generally described as follows:

*'The Sea Front Gardens and Promenade Character Area has a linear character, running parallel with the shore, with steep road connections to the town centre at Convalescent Hill, Bent Hill, and Bath Hill. Between these are pedestrian connections in the form of steps, integrated into the design of the Sea Front Gardens, which form the backdrop to the character area.'*

*The Character Area has seen considerable public and private investment in recent years, with the restoration of the Grade II-registered seafront gardens, including repair and reinstatement of shelters and other features, and public realm improvements, including new road and footpath surfaces, new lighting, and removal of street clutter'.*

- 2.4 The CAA subsequently describes the character of the site and its surroundings in more specific terms on page 31, as follows:

*'The wide, straight Undercliff Road West has benefitted from urban realm improvements, with new paving, street lighting and decluttering. The road is lined on the beach side with a series of open lawns, divided by evergreen hedges, some of the lawns planted with simple bedding schemes. Of note here is the War Memorial, a fluted Corinthian stone column surmounted by a dove, unveiled in 1920. Otherwise, built development is on the landward side'.*

## **3. Proposal**

- 3.1 The application seeks full planning permission for the temporary use (one calendar year) of public recreation land for purposes associated with adjacent hospitality businesses on land adjacent Bent Hill, Undercliff Road West, Felixstowe.
- 3.2 The proposal seeks to use the land for the siting of tables and chairs between the hours of 09:00 and 23:00 daily to allow open-air dining and drinking by patrons of adjacent restaurants, cafes and bars (including 'The Alex', 'One 29', 'The Cork' and 'Steak Lobster & Co'); all with existing frontage seating area's onto the northern side of Undercliff Road West.

#### 4. Consultations/comments

- 4.1 Three third-party representations of objection have been received which raise concerns relating to anti-social behaviour, noise, litter, vermin infestation and heritage impact.
- 4.2 Two neutral third-party representations have been received which raise concerns relating to anti-social behaviour, noise, litter, vermin infestation and heritage impact.
- 4.3 118 third-party representations of support have been received which recognise the proposal's potential to benefit the local economy, as well as support the long-term vitality of adjacent hospitality businesses and the wider resort during a period of unforeseen economic downturn resulting from the global pandemic. Supporters also recognised the proposal's positive benefit for public health and wellbeing from increased opportunities to socialise safely in-light of current social distancing restrictions.

#### 5. Consultees

##### Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	2 March 2021	12 March 2021
<i>"Committee support the temporary use of this site as proposed and recommended APPROVAL, subject to; the hours of operation being limited to 10pm; retention of the green area and Phormium plant; appropriate enhancement of the area to mitigate the loss of the flower bed; and public access to the site being preserved."</i>		

##### Non statutory consultees

Consultee	Date consulted	Date reply received
Disability Forum	N/A	15 March 2021
Summary of comments: Concerns raised regarding accessibility to mobility and sight impaired users.		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	N/A	23 March 2021
Summary of comments: The Economic Development team is supportive of this application.  The proposals will enable local businesses to maximise their use of outside space to support social distancing during the holiday season, and allow businesses to maximise their opportunity to trade.		

## Publicity

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

Category	Published	Expiry	Publication
Conservation Area	4 March 2021	25 March 2021	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 5 March 2021 Expiry date: 26 March 2021
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## 6. Planning policy

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.
- 6.2 The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:
- SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.2 - Strategy for Felixstowe (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP12.14 - Spa Pavilion to Manor End (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.9 - Development in Town Centres (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP4.10 - Town Centre Environments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP8.2 - Open Space (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)
- SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

## **7. Planning considerations**

### Planning principle:

- 7.1 With relevance to the proposal, The NPPF (paragraph 80-81) makes clear that planning decisions should help to create the conditions in which businesses can adapt through an approach that allows each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 7.2 Further, paragraph 85 sets out that decisions should support the role that Town Centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 7.3 Paragraph 92 also encourages decisions to ensure the provision of social, recreational and cultural facilities, while providing shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities.
- 7.4 Importantly, paragraph 92 c) and d) emphasises the need to guard against the unnecessary loss of valued facilities and services and ensure that established shops, facilities and services are able to develop, modernise, and are retained for the benefit of the community.
- 7.5 Considered within the context of the adopted Local Plan, the site falls within the 'Settlement Boundary' (SCLP3.3) of Felixstowe, which is categorised as a 'Major Centre' within the 'Settlement Hierarchy' (SCLP3.2).
- 7.6 With relevance to the proposal, SCLP12.2 (Strategy for Felixstowe) seeks to ensure that the town retains its role as a thriving coastal resort with a comprehensive range of services and facilities that supports the community through, amongst other things, maintaining successful retail and leisure opportunities and enhancing links between the Town Centre and seaside.



- 7.7 The site is also affected by policy SCLP12.14 (Spa Pavilion to Manor End) which aims to support, amongst other things, high intensity tourist uses and encourages new resort experiences and the retention of commercial frontages. Moreover, SCLP12.14 states that:
- 'Between the Pier and the Spa Pavilion, activities which promote cultural attractions including cafes, restaurants and shops on the ground floor will be supported where they make a positive contribution to the significance of the two Conservation Areas, and respect the Registered Gardens and the Victorian and Edwardian architectural heritage of the resort. Proposals which provide a link between the resort and the town centre will also be supported'.*
- 7.8 The existing restaurant business's which would utilise the land subject to this application lie on the edge of Felixstowe's Town Centre where Policy SCLP4.9 (Development in Town Centres) requires that town centres develop in ways that support healthy lifestyles, social interaction, overnight stays, culture and the arts.
- 7.9 Further, Policy SCLP4.10 (Town Centre Environments) states that development will encourage people to spend more time, enjoy and participate in town centres. It will achieve this by, amongst other things, supporting opportunities for social interaction.
- 7.10 Following consideration of the above, both national and local planning policy both clearly emphasise the need to support businesses towards equipping them with the means to adapt to a fast-changing economic landscape and/or circumstances that might challenge their future vitality or ability to meet the needs of the communities they serve. As such, due regard must be given to the impact that recent events have had on the viability of the hospitality sector, including social distancing measures which have restricted premises capacity and constrained turnover/investment.
- 7.11 While both policies SCLP12.2 and SCLP8.2 (Open Space) principally resist the loss of open space, it is otherwise judged that circumstances imposed by the global pandemic represent exceptional circumstances which attracts moderate weight in the determination of this application. Indeed, the proposal would provide a significant benefit to local businesses and the vitality of the Town Centre and seaside resort more generally. Fundamentally, the temporary nature of the proposal would not result in the loss of open space and thus SCLP12.2 and SCLP8.2 would not be undermined.
- 7.12 In-line with the above assessment, it is therefore judged that, on balance, the planning principle could be considered acceptable, subject to a satisfactory assessment of other material planning matters, as set out below.

Visual amenity and heritage:

- 7.13 The proposal includes the temporary placement of chairs, tables and parasols across the site for use during the opening hours of adjacent hospitality businesses. It is understood that all furniture would be removed between the 23:00 and 09:00 for security purposes while businesses are closed.

- 7.14 Given the temporary nature of the proposal and the fact that no permanent development would be erected on the site, the application is considered to represent a low impact on the prevailing street scene and character of the Felixstowe Conservation area.
- 7.15 As such, the proposal would not undermine the relevant provisions of the NPPF, nor policies SCLP11.1 (Design quality), SCLP11.3 (Historic environment) and SCLP11.5 (Conservation Areas) of the adopted development plan.

Highway safety and parking:

- 7.16 While no additional vehicular parking provision is proposed as part of this application, the site is sustainably located close to Felixstowe's Town Centre and within its seaside resort where there are a number of dedicated public car parks. The site also has good access to alternative transport links, including bus and train services. On-street parking is also available within the streets surrounding the development.
- 7.17 The nature of the proposal is otherwise unlikely to present the potential to impact negatively upon existing highway safety or restrict parking provision unduly, when judged against the provisions of the NPPF, or policies SCLP7.1 (Sustainable Transport) and SCLP7.2 (Parking proposals and Standards) of the adopted development plan.

Flood risk:

- 7.18 Notwithstanding the proposal site's susceptibility to the risks of tidal flooding, given its established recreational use, the temporary nature of development and the existence of protective flood defences, this application is not considered to hold the potential to undermine the provisions the NPPF or policy SCLP9.5 (Flood Risk) of the adopted development plan.

Residential amenity:

- 7.19 In essence, this application seeks to provide an area of overspill from external seating areas already present on the opposite side of Undercliff Road West. While it is appreciated that the proposal would effectively increase seating capacity and, as a result, the potential for increased noise, it is otherwise considered that the increased distance and separation between the site and neighbouring residential properties could provide a suitable buffer towards mitigating any perceived increase in noise that may arise.
- 7.20 As licence holders, the hospitality businesses, whose patrons would occupy the site during its use, would also be responsible for upholding a duty care towards managing any excess noise and antisocial behaviour. It is also the responsibly of the license holders to ensure that the site is kept in a clean and tidy state. Nevertheless, suitably worded planning conditions could also be used to ensure appropriate conduct is enforceable.
- 7.21 As such, this application is not considered to hold the potential to undermine the relevant provisions of the NPPF or SCLP11.2 (Residential amenity) to a level that could be considered unacceptable.

## **8. Conclusion**

- 8.1 As per the above assessment, this application accords with the NPPF and all relevant policies of the adopted development plan.

## **9. Recommendation**

- 9.1 The application is recommended for approval with appropriate conditions and there are no contrary views from statutory consultees.

### **Conditions:**

1. The hereby permitted use shall expire on the first day following one calendar year from the date of this consent, following which the land shall be reinstated to its former condition unless prior to that date planning permission is renewed.

Reason: The development is unsuitable for permanent consent by virtue of its character/impact upon the locality.

2. The development hereby permitted relates to the land identified within the submitted 'Site location plan' received by application on 22 February 2021.

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

3. The hereby approved development permits the use of the subject land for the siting of chairs, tables and parasols associated with adjacent hospitality business only. No other furniture or apparatus shall be placed or erected on the site at any time unless otherwise agreed by the Local Planning Authority.

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

4. The hereby approved development site shall at all times be maintained in a clean and tidy state as free from litter and waste.

Reason: In the interest of public health and visual amenity.

5. At no time shall there be allowed any display of recorded or live music or performances on the hereby approved development site.

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

6. The hereby approved development site shall only be open to the public for dining and drinking purposes between the hours of 09:00 and 23:00 Monday to Sunday.

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

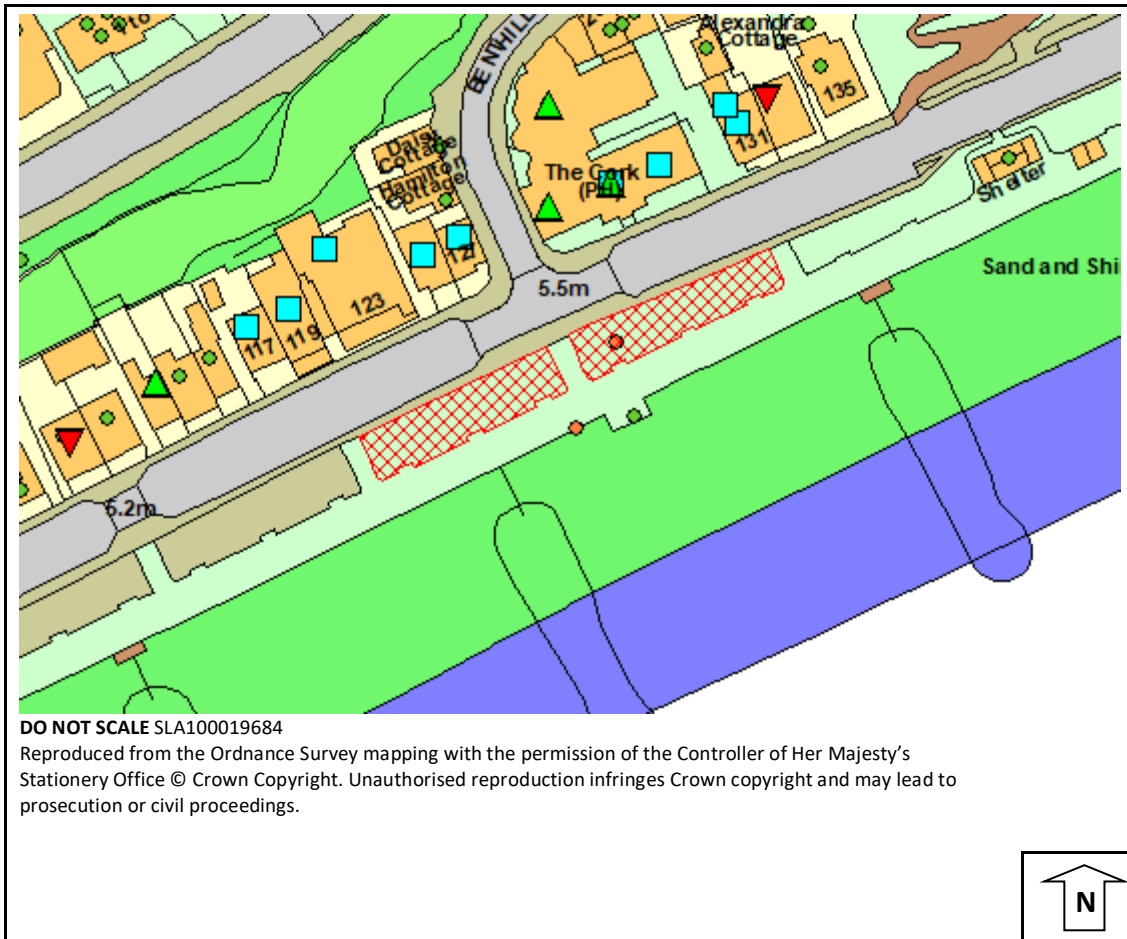
**Informatives:**

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





**Background information**

See application reference DC/21/0808/FUL on [Public Access](#)

## Map



## Key

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

## Committee Report

**Planning committee** - 25 May 2021

**Application no** DC/21/0615/FUL

**Location**

Water Tower  
Tuddenham Lane  
Rushmere St Andrew  
Suffolk

**Expiry date** 6 April 2021

**Application type** Full Application

**Applicant** Ben Willis

**Parish** Rushmere St Andrew

**Proposal** Change of Use from former water tower to dwelling and extension

**Case Officer** Rachel Smith

07887 452719

[rachel.smith@eastsuffolk.gov.uk](mailto:rachel.smith@eastsuffolk.gov.uk)

### 1. Summary

- 1.1 The application proposes the conversion and extension of a redundant water tower in Rushmere St Andrew to a residential dwelling. The site is located in the countryside where the principle of new residential accommodation is not normally permitted other than in exceptional circumstances. While the proposal is considered to be contrary to Policy SCLP5.5 of the local plan, in that the proposed size of extension is considered to result in more than just a conversion, in this case the proposed design quality and the retention of the building, which is a non-designated heritage asset, is considered to be justification to depart from the policy in this case.

#### Reason for Committee

- 1.2 The application is therefore being presented to the Planning Committee (South) as a departure from the Local Plan.

## Recommendation

- 1.3 The application is considered an appropriate justification to depart from policy and is therefore recommended for approval.

### **2. Site description**

- 2.1 The application site comprises a modest, rectangular area of land off Tuddenham Lane in the Parish of Rushmere St. Andrew. The site is just over 400 metres to the east of Ipswich however has a very rural character and is accessed by narrow lanes. Tuddenham Lane itself is a dead-end, single-width lane which is in a poor condition with numerous cracks and potholes. It is bordered by a mature hedgerow on either side.
- 2.2 The application site lies on a bend on the western side of the lane and forms part of a small cluster of buildings. There are three residential properties opposite the site and a further residential dwelling directly to the north-west of the site. This property, Tower House, has a more modern water tower within its curtilage.
- 2.3 The water tower is located towards the rear of the site. It is a brick-built building, three storeys in height, with circular tower and square shaped tank enclosure at the top. There is an existing access from Tuddenham Lane onto the site however it is currently overgrown and does not appear to have been used for some time. The site is well vegetated and as such the water tower is screened from the sides. The tower is visible from Humber Doucy Lane, across the neighbouring agricultural field to the west of the site however it is of a similar height to the surrounding trees and isn't prominent in the landscape, particularly compared to the modern tower on the adjacent land which is of a larger size and scale.

### **3. Proposal**

- 3.1 The application seeks to convert and extend an existing brick water tower in Rushmere St Andrew to a residential dwelling. The existing water tower is located to the rear of the site. It is proposed that a two-storey extension be added to the northern side of the tower. The proposed extension would have a brick link with the main extension being clad in Corten steel. The top level of the water tower itself would be clad in zinc.
- 3.2 There is an existing access off Tuddenham Lane at the front of the site. This would be enhanced and a parking and turning area provided at the front of the site.

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

- 4.1 Thirteen letters have been received from interested third parties. Eight of these letters support the proposal; four object to it; and one makes comments neither supporting or objecting.
- 4.2 The objections raise the following key concerns (inter alia):
- increase in development and therefore traffic thereby adding danger for walkers, cyclists, horse riders etc.
  - would make a good heritage site for community use.
  - lane is very narrow and in poor condition.
  - design is modern and not in keeping with the countryside.

- surface water drainage issues.

4.3 The letters of support raise the following key points (inter alia):

- retention of the historic structure.
- high standard of design, modest extension.
- one dwelling will not significantly change character of the lane.
- add character to the area.
- retain heritage.
- close to amenities.

5. **Consultees**

**Parish/Town Council**

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	15 February 2021	4 March 2021
Rushmere St Andrew Parish Council recommends approval.		

**Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	15 February 2021	No response
Summary of comments: None received.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	15 February 2021	24 February 2021
Summary of comments: Incorrect assessment for contaminated land. (Officer note: refer to final response received 29 March 2021)		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	23 February 2021	16 February 2021
Summary of comments: Insufficient information supplied to assess land contamination. (Officer note: refer to final response received 29 March 2021)		



Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	29 March 2021	29 March 2021
Summary of comments: No objection - suggest standard condition regarding if further contamination is found.		

#### Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	15 February 2021	No response
Summary of comments: None received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 February 2021	No response
Summary of comments: None received.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	18 February 2021	25 February 2021
Summary of comments: Comments included in report.		

## 6. Publicity

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

Category	Published	Expiry	Publication
Departure	18 March 2021	8 April 2021	East Anglian Daily Times

#### Site notices

General Site Notice  
Reason for site notice: Contrary to Development Plan  
Date posted: 16 March 2021  
Expiry date: 6 April 2021

General Site Notice  
Reason for site notice: New Dwelling

## 7. Planning policy

### 7.1 National Planning Policy Framework 2019 (NPPF)

### 7.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020

SCLP3.2 - Settlement Hierarchy

SCLP3.3 - Settlement Boundaries

SCLP5.3 - Housing Development in the Countryside

SCLP5.5 - Conversions of Buildings in the Countryside for Housing

SCLP7.2 - Parking Proposals and Standards

SCLP10.1 - Biodiversity and Geodiversity

SCLP10.4 - Landscape Character

SCLP11.1 - Design Quality

SCLP11.2 - Residential Amenity

SCLP11.6 - Non-Designated Heritage Assets

## 8. Planning considerations

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* This is reflected in paragraph 12 of the NPPF which affirms the statutory status of the development plan as the starting point for decision-making.

### Principle of Development

- 8.2 The application site lies in the countryside where the principle of new residential development is not generally supported due to the unsustainable location. There are, however, some exceptions to this rule as set out in Policy SCLP5.3. This includes the conversion of an existing building where it is in accordance with Policy SCLP5.5.
- 8.3 Policy SCLP5.5 relates to the conversion of redundant buildings in the countryside where a proposal meets a number of criteria. These are as follows:
- a) The building is redundant;
  - b) The building provides a positive contribution to the landscape;
  - c) The conversion does not require significant alteration;
  - d) The design maintains or enhances the structure, form and character of the rural building;
  - e) The design of the conversion, including any necessary works to the curtilage, does not have a harmful effect on the character of the landscape;
  - f) Any impacts on the natural environment are adequately mitigated for;
  - g) The conversion enhances the immediate setting of the area; and
  - h) The site is served by an appropriate existing access.

- 8.4 The building, as a former water tower, now no longer has any functional purposes and is therefore redundant from its former use. It is worth noting a more modern, larger water tower lies adjacent to the site, within the curtilage of Tower House. The building is also considered to make a positive contribution due to its character and appearance and it has been identified by the local planning authority as a non-designated heritage asset (NDHA). Parts b), d), e) and g) of the policy relate to its design and visual impact which are discussed further below. More details regarding the building and the design of the proposed extension are discussed below.
- 8.5 Part c) of the policy requires that the conversion does not require significant alteration. Given the scale of the proposed extension, it is considered that the proposal does not comply with this element of the policy. Having said this, in this case it is considered justified to depart from the policy in this respect, the reasons for which are again, set out in detail below and relate to the preservation of the structure which has been identified as a non-designated heritage asset.
- 8.6 The landscape impact of the proposal is limited to the addition of the proposed extension given the existence of the water tower. The site is currently overgrown and there are a number of trees on and around the site which provide some screening. A tree survey and arboricultural method statement has been submitted with the application which details protection measures to be undertaken during construction. Although five trees are proposed for removal, these are category 'C' trees and their loss is not considered to overall adversely affect the character or appearance of the site. The protection and retention of other trees on the site will help to retain the rural character and landscape setting of the site.

#### Design and Heritage Considerations

- 8.7 Map regression has confirmed the building's origin as early 20th century, although it was not apparent for what reason it had been built (it is not a very large water tower). The building is considered to hold some historic and architectural interest and a heritage assessment (HIA) has been carried out and submitted with the application. This assessment meets the requirements of paragraph 189 of the NPPF. The HIA forms a useful record of this historic structure in its present state, and it is considered appropriate to condition, should permission be granted, that the HIA is submitted to the Suffolk County Council's Historic Environment Record.
- 8.8 From the HIA, we learn that the significance of the water tower is derived from:
- Its date origin of 1903/1905
  - Its association with Robert Lacey Everett, Liberal MP for East Suffolk, who caused the tower to be built
  - Its purpose of construction to serve the surrounding associated farmsteads in Robert Everett's ownership
  - Its interest as an early example of a small privately funded water tower
  - Its unusual small size, circular form and brick construction
- 8.9 The tower (including the water tank superstructure) appears to be intact and unaltered from its original phase of construction which adds to its interest and value. The HIA suggests that this state of preservation arises from the fact that it was superseded not too long after construction.

- 8.10 It is considered that the following four of our published and adopted criteria have been met which allows us to identify the water tower as a Non-Designated Heritage Asset:
- Aesthetic value: the tower has an intrinsic design value derived from its locally distinctive origins as an historic water tower and this allows it to exhibit a positive external appearance in the local streetscene and landscape.
  - Integrity: the tower retains a high degree of intactness and is free from any harmful external alteration
  - Association: the tower has an historical association of local noteworthiness with Robert Everett Lacey, an important local figure
  - Representativeness: the tower survives as a good quality example of a typical East Anglian typology of water towers, water mills and wind pumps and is important, thereby.
- 8.11 The more criteria that are met, the greater the significance of the Non-Designated Heritage Asset.
- 8.12 With respect to the application proposal, paragraph 192 of the NPPF should be considered. This states that, in determining applications that affect heritage assets, the local planning authority should take account of, amongst other criteria, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is considered that the application proposal fulfils this purpose in that it:
- Provides a new use for the redundant building when its original use is very unlikely to be reinstated.
  - Provides a viable use as part of a new dwelling, the design of which respects the character and integrity of the tower.
  - Provides for the sustainable conservation of the tower into the future where, currently there are no prospects of such and where alternative viable uses are strictly limited.
- 8.13 On these bases, therefore, it is considered that the principle of the conversion of the water tower and its extension to create a dwelling is acceptable and one that is supported for its Heritage benefits.
- 8.14 In terms of the detail of the application, it is accepted that where a heritage asset cannot be retained in its original use, conservation through conversion can be acceptable. Such conversion will always involve a degree of adaptation of the asset's fabric/layout/setting to facilitate a new use - one that should be judged to be a 'best fit'. Such adaptation will involve some element of compromise or harm, but the best fit new use will be one that involves the least amount of compromise/harm. In the case of the current application, the compromise proposed is the loss of the original cast iron water tank and supporting structure. The water tank is a defining feature of the building, of course, and contributes importantly to its distinctive and unusual form. It could either be retained as found as simply an empty and unusable 'object' (it is not capable of conversion); or, as here, it can be substituted with a built element that closely mirrors the form, position and effect of the existing tank, but which is integrated into the re-use of the tower as part of a dwelling. The building is not a listed building and there is no need to pay special regard to its preservation.

It is therefore considered that the approach taken here is one that is valid and acceptable, particularly where it is as well-designed, as here. The bold zinc-clad box sitting atop the tower is an unusual domestic form and space, but mirrors well the effect of the existing tank: on viewing this on completion, therefore, it will be apparent that this element is new, but which will not appear incongruous or alien in comparison with the appearance of the original water tower.

- 8.15 Internally, the tower will be subdivided to provide a utility room and w.c. at ground floor level with a rising staircase that connects to the new studio box atop the tower. An intermediate floor not connected to this stair, will provide an en-suite bathroom. These layouts provide pragmatic uses for the tower's unusual plan and sectional form. Attached to the tower is, in effect, a new dwelling which connects via a canted flat-roofed link block that ensures that the majority of the tower's conical form is retained to be read externally. The link block and the design of the addition are complementary in character, scale and appearance to the water tower, employing a language of well-judged stripped utilitarianism and industrially-derived materials. If there is only one way to convert the water tower into a dwelling, it is considered that this is the way, and the overall result is a good example of both design and conservation.
- 8.16 Although this proposal will involve replacement of a main feature of the building, it is considered that by doing so, as part of a general re-purposing and reuse of the water tower, a set of wider conservation benefits is accrued which outweigh any potential adverse effects. This building is a heritage asset that is worthy of conservation through conversion, adaptation and re-use. It is not a listed building that must be preserved as found; and, as such, it is at long term risk of loss through continued redundancy and neglect. It is this argument, therefore, that leads to the conclusion that, on balance, the effect of this application on the significance of the water tower will be positive in sustaining and enhancing a Non-Designated Heritage Asset.

#### Residential Amenity

- 8.17 The nearest neighbour to the application site is Tower House, just over 50 metres to the north of the tower. Given this separation and the location of the more modern water tower in between the two properties, as well as the lack of fenestration on the north western elevation, it is not considered that there would be any adverse impact on residential amenity as a result of overbearing impact, loss of light, outlook or privacy as a result of the proposed development. Similarly, the proposed dwelling is considered to benefit from an adequate level of residential amenity. The proposal therefore accords with Policy SCLP11.2.

#### Highways

- 8.18 Access to the site is off Tuddenham Lane, a single width, no through road which is a poor state of repair. There is an existing access which is located on the outside of a sharp bend in the road. The Highways Authority did not receive the first consultation on the application and therefore they have been re-consulted. Any comments received from them will be reported in the updates sheet.
- 8.19 The proposed site layout plan shows sufficient space at the front of the site for the parking and turning of vehicles without causing an adverse impact on traffic flow within the highway. Access to the site is via an existing track which also serves Tower House. Although

the site has not been used recently and therefore the proposed development would result in an increase in use of both Tuddenham Lane itself and of the access onto the site, it is not considered that the proposed use would result in a significant intensification of this due to the modest nature of the development, a two-bedroom residential dwelling.

- 8.20 Whilst the full length of visibility as required by Manual for Streets may not be achievable, the access is existing and given the nature of the lane, vehicle speeds in this location are likely to be low. It is therefore not considered that the modest increase in use would result in a danger to highway users.

#### Habitats Sites: RAMS

- 8.21 Any new residential development within the 13km Zone of Influence of protected European sites requires consideration of the potential recreational pressure on these sites as a result of increased visitor disturbance. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Local policy SCLP10.1 seeks to support Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development. As such, the Council will require a proportionate financial contribution of £321.22 per dwelling to RAMS. This contribution was made on 5 May 2021 and therefore it can be concluded that there would be no adverse impact on the integrity of protected sites through increased recreational disturbance as a result of the development.

#### Ecology

- 8.22 A Preliminary Ecological Survey and Bat Survey have been submitted with the application. The bat surveys that have been carried out have used just enough survey effort (based on the published best practice guidance) to be able to determine the impact of the proposal and the necessary mitigation measures (within the limitations identified in the report), the third survey, as recommended in the report would be needed for obtaining the required Natural England licence. A number of conditions in relation to ecology are suggested as part of the recommendation to ensure there would be no adverse impact on any species or their habitats as a result of the development.

### **9. Conclusion**

- 9.1 Although it is considered that the proposal would be contrary to SCLP5.5 in so far as the proposed conversion would result in a significant alteration given the size of the proposed extension relative to the size of the existing structure, in this case, as the design approach is supported and that the proposal would ensure the long-term retention and maintenance of the water tower which is a non-designated heritage asset, the proposal is considered to be acceptable.

## 10. Recommendation

- 10.1 Authority to Determine with approval being granted subject to no objections being raised by the Highways Authority that have not been previously considered. Otherwise, to refuse as necessary on highway safety grounds. Approval to be subject to controlling conditions including those listed below.

### Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing nos. 20-061A-PL01, PL02, PL03 and Arboriculture Method Statement and Arboriculture Impact Assessment received 10 February 2021, Design and Access and Heritage Statement, Preliminary Ecological Appraisal and Bat Survey received 8 February for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.  
Reason: For the avoidance of doubt as to what has been considered and approved.
3. No development shall commence until a comprehensive schedule of all repairs to the fabric of the water tower has been submitted to and approved in writing by the local planning authority. The conversion to residential use shall not begin until all repairs have been completed in full accordance with the approved schedule and all amendments to the schedule must first be agreed in writing with the local planning authority before that work takes place.  
Reason: In the interests of the conservation of the historic structure and fabric of the building.
4. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:
  - (i) full specification of all external materials for the new build addition and extension to the tower,
  - (ii) details of the junction of the newbuild elements with the existing tower,
  - (iii) landscaping, surfacing and boundary treatment.Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.  
Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.
5. Within three months of the commencement of development, a copy of the Heritage Impact Assessment shall be deposited with the Suffolk County Council Historic Environment Record. Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

Reason: In order that the Historic Environment Record can be updated to identify the tower and its site as of historic interest.

6. The actions as set out in the Phase 1 Report reference: IE21/024/report from JPC Environmental Services shall be undertaken in full as per the Recommendations contained within the report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

7. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

8. All works shall be carried out entirely in accordance with the phasing plan and protection measures as set out in the Arboricultural Method Statement.

Reason: To protect the remaining trees on the site and the rural character of the area.

9. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, February 2021) and the Bat Survey Report (Practical Ecology, February 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

10. No removal of hedgerows, trees, shrubs, brambles, ivy or other climbing plants, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the



vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

11. No external lighting shall be installed unless a “lighting design strategy for biodiversity” for the site has been submitted to and approved in writing by the local planning authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

12. No development shall take place (including any demolition, ground works, site clearance) until a method statement for great crested newts and for barn owls has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

13. The development shall not in any circumstances commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.

#### **Informatives:**

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

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

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

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

CIL forms can be downloaded direct from the planning portal:

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

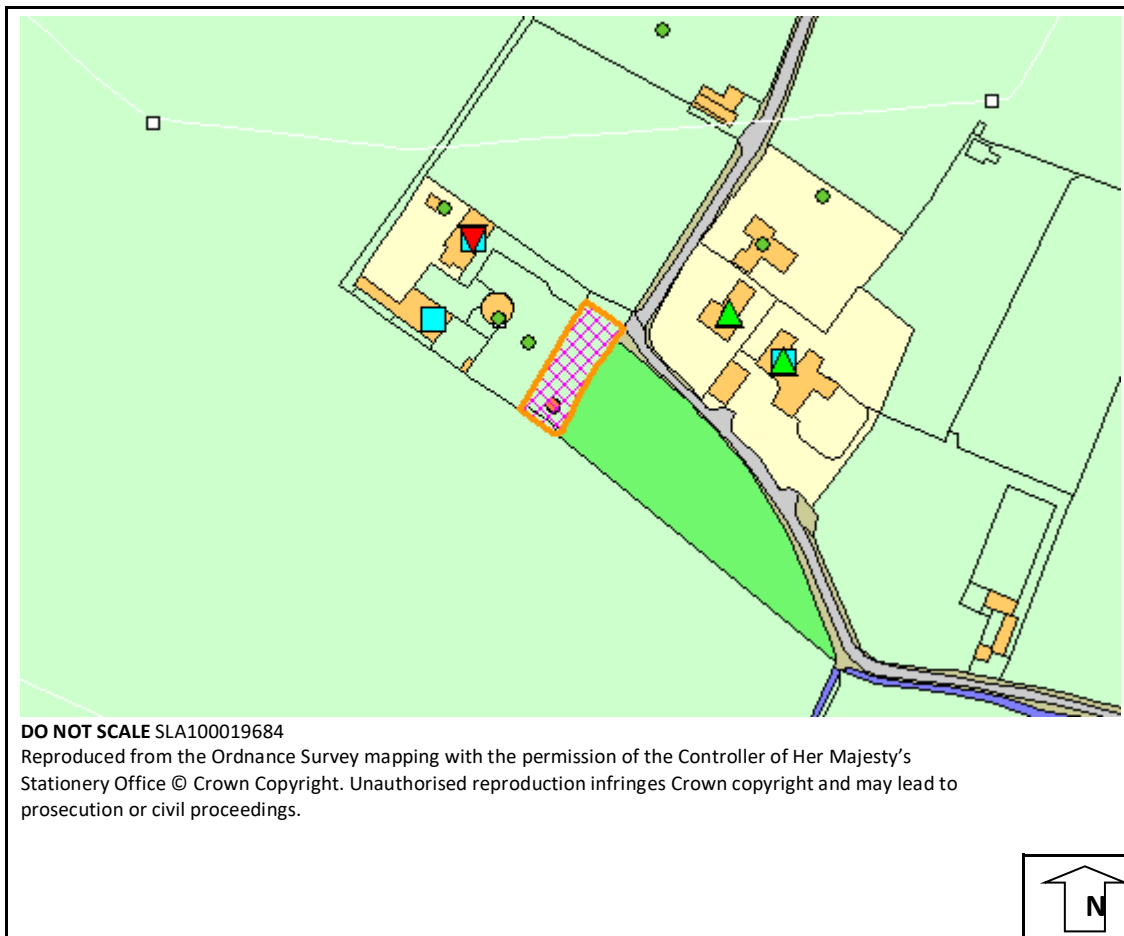
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)





## Background Papers

See application reference DC/21/0615/FUL on [Public Access](#)

## Map



## Key

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