



Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Jocelyn Bond
Councillor Norman Brooks
Councillor Linda Coulam
Councillor Graham Elliott
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Craig Rivett

Members are invited to a **Meeting** of the **Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft,
on **Thursday, 19 December 2019 at 3.30pm**

PLEASE NOTE LATER START TIME

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3	Declarations of Lobbying and Responses to Lobbying To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.	
4	Minutes To confirm as a correct record the Minutes of the Meeting held on 12 November 2019	1 - 6
5	Enforcement Action Case Update ES/0225 Report of the Head of Planning and Coastal Management	7 - 23
6	DC/18/0789/FUL - Links Road, North Denes, Lowestoft ES/0226 Report of the Head of Planning and Coastal Management	24 - 38
7	DC/19/1831/FUL - St John's Hall, Ilketshall St John ES/0227 Report of the Head of Planning and Coastal Management	39 - 92
8	DC/19/3289/OUT - Land South of Leisure Way, Lowestoft ES/0228 Report of the Head of Planning and Coastal Management	93 - 114
9	DC/19/3317/FUL - 37-39 Field Lane, Kessingland ES/0229 Report of the Head of Planning and Coastal Management	115 - 128
10	DC/18/4469/FUL - Woods at Harmony, London Road, Weston ES/0230 Report of the Head of Planning and Coastal Management	129 - 138
11	DC/19/3546/FUL - Stables, Yarmouth Road, Lound ES/0231 Report of the Head of Planning and Coastal Management	139 - 151
12	DC/19/4154/LBC - 9 St Mary's Flats, Ballygate, Beccles ES/0232 Report of the Head of Planning and Coastal Management	152 - 157

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

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

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

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

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, Lowestoft, on **Tuesday, 12 November 2019 at 2.00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andree Gee, Councillor Craig Rivett

Other Members present:

Councillor Tony Cooper

Officers present:

Liz Beighton (Planning Development Manager), Sarah Carter (Democratic Services Officer), Mia Glass (Assistant Planning and Enforcement Officer), Chris Green (Senior Planning and Enforcement Officer), Matt Makin (Democratic Services Officer), Stephen Milligan (Area Planning and Enforcement Officer)

Change of Date of December 2019 Meeting

Prior to the commencement of the meeting, the Chairman announced that, due to unforeseen circumstances, the Conference Room was no longer available for the Committee to meet on 12 December 2019. As a result, the December Planning Committee North had been rescheduled and would now be held on **Thursday, 19 December 2019** and commence at the later time of **3.30pm**.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Brooks and Pitchers.

Councillors Goldson and Byatt substituted respectively.

2 Declarations of Interest

Councillor Bond declared a Local Non-Pecuniary Interest in Agenda Item 6 - DC/19/2333/ARM - Part Side Garden, 2 Abbey Road, Leiston, as being Ward Member.

Councillor Elliott declared a Local Non-Pecuniary Interest in Agenda Item 7 - DC/19/3285/FUL - Hungate Court, Beccles, as being Ward Member.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Bond declared that she had been extensively lobbied in relation to Agenda Item 6 - DC/19/2333/ARM - Part Side Garden, 2 Abbey Road, Leiston. She advised that

she would leave the meeting during the consideration of this item and take no part in the discussion and voting thereon.

Councillor Elliott declared that he had received communications in relation to Agenda Item 7 - DC/19/3285/FUL - Hungate Court, Beccles.

4 Minutes

RESOLVED

That the Minutes of the meeting held on 8 October 2019 be confirmed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report ES/0187 which summarised the outstanding enforcement cases sanctioned under delegated powers or through the Committee up to 28 October 2019.

The Planning Development Manager provided an update with regard to Pine Lodge Caravan Park in that the Council's Legal Services were going to the High Court in order to seek compliance. It was hoped to have further news later in the week and the Planning Development Manager confirmed she would email Members as soon as further information was to hand.

In response to a question relating to 25 Kessingland Cottages, the Assistant Planning and Enforcement Officer explained that further information was awaited from another Council, following which they would be seeking legal advice as to how the matter could be progressed.

RESOLVED

That the East Suffolk Enforcement Action update report be received and noted.

Councillor Bond left the meeting at 2.08pm.

6 DC/19/2333/ARM - Part Side Garden 2 Abbey Road Leiston

The Committee considered report ES/0188 which related to approval of Reserved Matters of DC/16/5035/OUT - Use of land for erection of two dwellings, access, appearance, landscaping, layout and scale.

The actual site, on the eastern side of Abbey Road, adjacent to the Sizewell railway line and crossing, had hedging and fencing on the boundary but it dropped quite significantly in level. The application proposed three storey three bedroomed semi-detached dwellings with a central vehicular access providing a single car parking space for each dwelling. Turntables were proposed to enable cars to enter and leave the site in forward gear.

The Area Planning and Enforcement Officer explained the scheme and gave Members a presentation showing photos of the site and its relation to the crossing, the host

dwelling and proposed design to match, views along Abbey Road, double yellow lines adjacent to the site, and the turntables enabling the cars to move forwards off site. Although three storey, the design of the dwellings would appear as two storey from the road. The ground and upper floor plans gave an indication of layout and the actual parking was above the basement area on the road frontage.

The Area Planning and Enforcement Officer further advised that the application was before Committee as the scheme was a departure from the Leiston Neighbourhood Plan Policy TM3. The proposal represented a shortfall of two parking spaces in total when considered against the Leiston parking standard and the Suffolk Guidance for Parking. However, given that there was no objection from the Highway Authority, it was considered appropriate, in this instance, to relax the policy requirement and recommend approval.

Members asked specific questions relating to the weight Leiston Neighbourhood Plan carried and why the advice of the Highways Authority would negate that Plan, the risks of additional noise as a result of the possible future use of the railway and if electric charging points would be provided.

The Planning Development Manager explained that the Plan was a material planning consideration but, on this occasion, relaxation on parking was considered appropriate in view of the whole application which was for two three-bedroomed units. With regard to a comparison of the Leiston Neighbourhood Plan and the Suffolk Parking Guidelines, the Planning Development Manager further clarified that the Leiston Neighbourhood Plan was a policy whereas the Suffolk Guidance for Parking had not been adopted but it was considered to be a material consideration. With regard to noise from the railway, it would be a buyer's responsibility to be aware of what was potentially on the horizon. The provision of electric charge points for vehicles would be up to each individual. Bike storage was being provided.

Some Members expressed concerns about what appeared to be ignoring the explicit policy in the Leiston Neighbourhood Plan even though the turntables would allow some parking to be accommodated. The substantial dwellings could be considered to be over development of the site and of such a scale not to allow the necessary parking. The Planning Development Manager advised that officers did not believe it was over development particularly as nowadays most people wanted small gardens, and the principle of developments near railway stations had already been established. Comment was made that outline planning permission had already been granted and the proposed turntable ensured that cars would not be reversing onto the road.

There being no further discussion, it was

RESOLVED

That permission be granted, subject to the following conditions:

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drg No NS-3942-50 Rev C received 09.08.2019 and Drg No NS-3942-200 Rev A received 10.06.2019 for which permission is hereby granted or which are

subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

2. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No DM03; with an entrance width of 4.5 metres and has been made available for use. Thereafter the access shall be retained in the specified form.

3. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. NS-3942-50 with an X dimension of 2.4 metres and a Y dimension of 43 metres (North) and 31 metres (South) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

5. The use shall not commence until the area(s) within the site shown on Drawing No. NS-3942-50 for the purposes of manoeuvring and parking of vehicles, and secure cycle storage, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

6. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number Drawing No. NS-3942-200 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Councillor Bond returned to the meeting room at 2.24pm.

7 DC/19/3285/FUL - Hungate Court Beccles

The Committee considered report ES/0189 which related to planning application DC/19/3285/FUL for the conversion of a Gymnasium (use class D2) into a shop (A1) and Nursery (D1) with an office on the first floor, with a flexible use of being for an office with visiting members of the public A2 or an office without visiting members of the public B1(a). The application was before Committee as it represented a minor departure from policy in that D1 Nursery did not fall within the uses prescribed in town centres.

Members were shown photographs and location plans of the site and its surrounds including views towards Hungate, elevations of the building, floor plans of the nursery and shop area. It was confirmed that Class A1 was for retail use but there was no control over the precise retail use of the shop.

The Senior Planning and Enforcement Officer explained that there was no parking on site but paid car parks were nearby. However, the proposal was not for a conventional

nursery with parents dropping off their children, but a nursery that would provide a structured play accompanied by adults. He explained the key issues which related to the town centre policy, the location of the site in the Conservation Area and highways considerations. Some noise would be generated and the air conditioning unit, recently installed without planning permission, had been objected to by neighbours. The required noise assessment had just been received and this would need to be assessed by the Head of Environmental Health. The Town Council had recommended approval while expressing some concerns. On planning balance and with the creation of jobs, approval was being recommended with conditions to restrict use style and for further work to be conducted to satisfy concerns over noise before use, subject to the noise assessment being approved by Environmental Health, as referred to in the update sheet.

The Chairman advised that no one had registered to speak on this application within the specified timescale for speaking at Planning Committee meetings.

Members asked specific questions relating to the provision of an outdoor play area, operating hours and parking on site. The Senior Planning and Enforcement Officer explained that there was no set requirement in the Council's policies to ensure the provision of outside space; that aspect and restrictions on numbers would be relevant to Ofsted rules. The permission would be for structured play with adults only and opening hours would be a rollover from the previous hours. Sound amplification was covered in the proposed conditions. The parking adjoining the site was private parking for the flats.

Concern was expressed over the type of shop being located next to a nursery, however it was noted that the shop would fall within A1 use. It was recognised that noise abatement issues would be dealt with and the Committee noted that drop off facilities/parking was not an issue because of the structured play with adults on site. There being no further discussion, it was unanimously

RESOLVED

That delegated authority be granted to approve the application, subject to the noise assessment being approved by Environment Health and the following conditions, with such modification to the noise condition as is necessary if the assessment and mitigation measures are approved by the Head of Environmental Services:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings 2505.19.1 and 2; received 20 August 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
3. The part of the premises identified as for office uses shall be used only for office uses falling within either Class A2 (office with visiting members of the public) or within Class B1(a) (Offices where there are no visiting members of the public); and for no

other purpose whatsoever, (including any other purpose in Class B1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

4. The parts of the premises identified as a nursery shall be used only for a nursery where children are accompanied to and from the site by an adult, and that adult remains on site for the duration of the play activity and for no other purpose whatsoever, (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

5. No sound amplifying equipment which is audible outside the premises shall be installed.

6. Before the air-conditioning plant already installed is first used, a noise assessment shall be provided to examine impact on nearest sensitive receptors and this shall be the Local Planning Authority and receive written approval. Any alterations, baffles or other mitigation measures proposed as part of the submitted assessment shall be put in place in accordance with the recommendations in the approved assessment and the equipment not used until any required measures are in place. These mitigation measures shall be retained for the duration of the operation of the equipment.

7. The use hereby permitted shall only take place between the hours of 07:30 and 21:30 Mondays to Friday, and between 07:30 and 16:30 on Saturdays and Sundays and bank holidays.

The meeting concluded at 2.40pm.

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Chairman



PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

19 December 2019

Report Author and Tel No

**Mia Glass
01502 523081**

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 2 December 2019. At present there are 15 such cases.

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

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

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 2 December 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. • Meeting with Legal 25th November 2019 advised that due to the time passed the Council will not take action on the notice, however the Notice will remain in place. 	Following Legal advice, the notice remains in force though due to the time that has passed a decision has been made not to take any action in respect of the notice.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN’s served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. 	

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"> • Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. • 27/06/2018 – Compliance visit conducted to check on whether the 2010. • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. 	April 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"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement 	29/02/2020

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

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

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> • 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action. • Court date arranged for 28/11/2019 • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020. 	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. 	17/02/2020 13/04/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with 	29/02/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> • Breach of Condition Notice served • Application received to Discharge Conditions • Application pending decision 	31/12/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> Listed Building Enforcement Notice served on 17/05/2019. Notice takes effect on 20/06/2019. Three months for compliance Appeal has been submitted, awaiting a start date. Start date now received by the Council, Statements due by 12/12/2019 	29/02/2020
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 Stop Notice Served 25/05/2019 comes into effect 28/05/2019. Appeal has been submitted. Awaiting Start date. 	29/02/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> Breach of Condition Notice served 01/08/2019. 	01/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> Enforcement Notice served 16/08/2019. Appeal submitted, awaiting start letter. 	29/02/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> Notice served 26/11/2019 	27/03/2019

Committee Report

Planning Committee - 19 December 2019

Application no DC/18/0789/FUL

Location

Car Park and Adjacent Land At
Links Road
North Denes
Lowestoft
Suffolk
NR32 4PQ

Expiry date 16 April 2018
Application type Full Application
Applicant Peter Colby Commercials Ltd

Parish Lowestoft
Proposal Construction of a restaurant/cafe with public toilets and play area
Case Officer Melanie Pieterman
01502 523023
Melanie.VandePieterman@eastsoffolk.gov.uk

1. Summary

- 1.1. The submitted application has been subject to significant discussions between a number of parties including the Environmental Protection Officer, SCC Highways and Lowestoft Town Council as landowner.
- 1.2. The application seeks planning permission for a single storey café, with play area and toilet facilities to be located adjacent to the car park on Links Road. Links Road is a popular area within the town serving dog walkers and nature enthusiasts who visit the adjacent nature reserve. Links Road is accessed via Gunton Cliff, the southern portion of which is partially within the North Lowestoft Conservation Area, however this does not include the Denes area subject to this application although the land is designated as public open space within the adopted East Suffolk (Waveney) Local Plan 2019.

- 1.3. There are a number of issues surrounding this site including the civil covenant, which although not a material planning consideration, but a civil matter, remains an area of concern particularly given the 'Note of Implementation' (NOI) that was instigated by the then Waveney District Council in 2012. This 'NOI' followed issues arising from the extension of the North Denes Caravan Park to the south of this site and associated problems therein. The 'NOI' confirms the use of the land as public open space, and the Denes area was transferred fully into the ownership of Lowestoft Town Council, from the Waveney District Council, upon the creation of the Town Council in 2017. As landowners they have the final agreement as to consents to use the land, however they have, and continue to object to the proposed café for a number of reasons and have stated that if planning permission is granted it does not necessarily follow that landowner consent will be granted; however this is not a planning matter. Nevertheless, this information has been included to help outline the current situation and some of the issues therein. All other issues will be addressed further in the report.
- 1.4. Whilst the broad principles of a café of in this area are not without merit, as the area is lacking any such facilities, and the proposal is supported by officers, there have been concerns raised by consultees around how it would impact on the successful implementation of the East of England Park which is located a kilometre to the south of this site (to the immediate north of the Birds Eye factory). Whilst this park does not have a café facility itself there is a café within the Sparrows Nest Gardens and the Lighthouse Café is approximately 500 metres to the south of the new park along Whapload Road. However, consent cannot be withheld on the grounds of competition and the potential impact on the new park is unlikely to be significant.
- 1.5. Construction on the park is due to be completed by the end of 2019 or early 2020 and will include improved access to the sea wall; renovated net drying racks; and a performance area, and it is intended to increase visitors to the area as a whole in conjunction with improved access along the sea wall from Ness Point along the coastal path which will also potentially increase visitors to the North Denes and adjacent County Wildlife Site. As such, a café style facility, with publicly accessible toilets in this location is seen as a potential gain to the wider area.
- 1.6. It is clear that there are significant economic benefits to the construction of a café in this area and there will be local employment opportunities. Although the impact will be modest there will be a meaningful benefit to the local economy through three full time equivalent staff and five part time, with the potential for increased use of seasonal staff.
- 1.7. The application was presented to the referral panel who requested it be presented to committee members given the level of interest the application has generated and the sensitive nature of the site, however the café/restaurant facility is being supported at officer level and the application is recommended for approval in recognition of the economic and tourism benefits that would accrue therein.

2. Site description

- 2.1. The site is located to the west of the Links Road car park, which is accessed via Links Road, which in turn is accessed off Gunton Cliff to the west. The North Denes is a predominantly undeveloped, un-landscaped parcel of land which stretches some 1.2km in length from the Birds Eye factory in the south to Links Road and it is popular location for local people

accessing the adjacent County wildlife site/local nature site or beach for dog walking and other leisure purposes. The East of England park is to the south, adjacent to the factory and there is a caravan park on the eastern side of the Denes. Alongside this there is currently a fenced off area adjacent to the caravan park that is subject to an ongoing enforcement appeal. The last part of the built environment which characterises this area is the Denes Oval cricket ground and tennis courts.

- 2.2. The land to the south of the site which forms the current open area has been used for camping and caravanning (touring) in the past, along with leisure purposes generally associated with open space, with the land to the north of Links Road forming the Gunton Denes and a County Wildlife Site/local nature site as defined on the adopted proposals map.
- 2.3. Gunton Cliff, which is the residential area, runs from north to south along the western side of the Denes in an elevated position with views over the Denes and beach with direct views out to sea. The dwellings vary in scale, age and design from very grand and imposing Victorian Villas to mid to late 20th century properties, many of which have been previously altered and extended.
- 2.4. The whole Denes area measures approximately 33 acres (13.3 hectares) with the site area of this application measuring a little over 1.5ha including the car park which represents an area of just under 0.2% of the whole site.
- 2.5. Finally, the site is adjacent to but is outside the physical limits boundaries of the town as defined in the adopted local plan and is therefore classed as open countryside despite its relationship to the town.

3. Proposal

- 3.1. The submitted application seeks approval for the construction of a single storey octagonally shaped restaurant/café with spurs or arms to either side which accommodate the service areas and toilets and there is a play area also proposed. The building would be constructed from wooden (possibly cedar) shingles which would be tarred/charred or painted black to give it a 'boat shed' type of appearance. The café would have ramps and steps from the car park and a decking area facing east to the sea. The play area would be sited on open land between Gunton Cliff to the west and the café.
- 3.2. The applicant's intention is to create an iconic and attractive building in the area to reflect the seaside nature and setting of the building and the Denes. The building would give 215m² of internal floor space and would include public toilets that would be accessible without going into the café. It is also suggested that there would be employment for three full-time and five part-time staff. The proposed opening hours are 08:00 to 21:15 Monday to Saturday and 08:00 to 17:00 on Sundays and Bank Holidays.

4. Consultations/comments

- 4.1. Twenty letters of objection have been received in relation to this application. Comments have been précised below with the key concerns identified:

- The application site is in/next to a former landfill site;
- Granting consent will be in breach of the Note of Implementation which states that the area shall be used exclusively for public open space;
- No assessment has been carried out showing the open space is surplus to requirements;
- No equivalent or replacement space has been provided in a suitable location;
- Unsustainable location due to isolated position, no streetlights and double yellow lines on Links Road;
- Café would block access to the Denes from Links Road;
- Inappropriate design;
- Inadequate reinstatement of landscaping;
- Lack of public consultation;
- In contradiction to the local authorities own adopted local plan;
- the current application fails to minimise its impact on the landscape which it seeks to serve, it interrupts an existing green wildlife/landscape corridor and fails to address the problems of the existing carpark;
- If the people of Lowestoft want a cafe on the Denes, then let's have something exciting;
- Inappropriate in a Conservation Area;
- Landscape impact;
- Wildlife and proximity to wildlife site;
- Over development;
- Contrary to covenants of 1891 and 1875 covering the land in question and which passed it to the citizens of the Lowestoft town with the following stipulation "the purchased land should be forever kept and used as and for a public recreation or pleasure ground".
- Mains gas pipe runs under the proposed site;
- Two sewer pipes are also near this site which affects air quality;
- The site itself on the northern edge of Links Road is a piecemeal proposal, as the North Denes needs to have an overall strategy re its future use and plonking a restaurant and toilets on this site could affect future plans for amenities and block off access from Links Road;
- Potential for anti-social behaviour;
- Loss of outlook;
- Loss of open space;
- Noise and smells generated by the café;
- Poorly laid out development and the proposal does not meet the standards of design excellence that one would expect for such a significant building in a public open space;
- The provision of public toilets is minimal and appears to be a token gesture; and
- Proposed café wouldn't fit into this neighbourhood.

Consultees

Lowestoft Town Council

Consultee	Date consulted	Date reply received
Town Council	22 February 2018	8 March 2018
Summary of comments: The Planning Committee of Lowestoft Town Council considered this application at a meeting on 6		

March 2018. It was unanimously agreed to recommend refusal of the application. The Council noted that the application was not in line with the development of the East of England Park and had not been considered as part of the wider plans for the area (WDC Policy WLP2.5). The Council felt that the generic design and style of building were not appropriate for the unique area and had many concerns regarding the environmental impact of the development; building on previous landfill site, contamination, noise pollution, smells and increased traffic. (WDC Policies WLP8.22 and 8.164 refer).

It was also to be noted that the Town Council were the owners of the site proposed for development and no consultation had been undertaken with them by the developer and no permissions had been granted for use of land.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 February 2018	5 March 2018
Summary of comments: Suffolk County Highways: Holding refusal, further information required regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity.		

Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - Contaminated Land	22 February 2018	No response
Summary of comments: Object to the granting of permission (conditional or otherwise) until such time as it can be demonstrated that the site is or can be made suitable for the proposed development.		

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	9 March 2018
Summary of comments: No objection, standard comments received.		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	N/A	31 October 2018
Summary of comments: The idea of a café is not without merit and will bring economic benefits to the area however it appears premature and lacking in detail as to how it will fit in with the wider vision for the area.		

However, officers are keen to see this underutilised area brought back into use as a priority for the both community and visitors.

5. Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 February 2018

Expiry date: 15 March 2018

6. Planning policy

WLP8.22 - Built Community Services and Facilities (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.23 - Protection of Open Space (East Suffolk Council - Waveney Local Plan (March 2019))

WLP2.5 - East of England Park (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

Policy and Principle

- 7.1. 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 consideration indicates otherwise.
- 7.2. All submitted planning applications will be determined in accordance with the planning policies set out by East Suffolk District Council. A list of all planning policies can be found in full on the council's website at <http://www.eastsuffolk.gov.uk/planning/local-plans/suffolkcoastal-local-plan>
- 7.3. The site is situated within the East Suffolk (Waveney) Local Plan area, which was adopted in March 2019, and submitted applications will be considered against the policies noted below.
- 7.4. Policy WLP8.22 relates to the built community services and facilities which states that proposals for new community services will be supported if the proposal meets the needs of the local community, it is of a proportionate scale, is well related to the settlement which it will serve and will not adversely affect the existing facilities that are easily accessible and available to the local community. However, policy WLP8.22 also

states that proposals to use or redevelop (for non-community use) a facility registered as an asset of community value will not be permitted.

- 7.5. There are some finely balanced considerations required in relation to this policy insofar as the café is a private venture, although there are appreciable community benefits insofar as increasing footfall and visitors to an area where there are currently no facilities. The Denes are already popular with dog walkers with the area heavily used by this section of the community, however the café would have the potential to attract other visitors to the area, to walk to the coastal path or visit the adjacent wildlife site. The proposed play area would be open to public use and the toilets would also be available to non-patrons and would be compliant with DDA regulations.
- 7.6. Furthermore, whilst the North Denes have not been registered as an asset of community value there can be no doubt that this is valuable and cherished open space within the local community and it also has the benefit of being designated as public open space in the adopted East Suffolk (Waveney) Local Plan 2019. Nevertheless, whilst the café would be located on this designated space, it would be representative of a small portion of land with the remainder of the Denes remaining available for public use and officers are of the opinion that the proposed café would not have a significant or detrimental impact on the existing facilities of the larger area and it would create an attraction that would be widely available for the local community and visitors alike thereby increasing the public accessibility and appreciation of the Denes.
- 7.7. Notwithstanding the constraints surrounding policy WLP8.22, officers consider that policy WLP8.23 is perhaps more pertinent in relation to this application as it relates to the protection of open space and the presumption against any development that involves the loss of open space and that proposals for development of open spaces will only be permitted in exceptional circumstances where:
- The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;
 - An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or
 - The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.
- 7.8. However, given the number of objections received from the Town Council and local residents, the issues surrounding the covenant and the 'Notice of Implementation' along with ongoing concerns and issues surrounding the Denes, this application requires very careful consideration. However, as noted above, officers are of the opinion that the proposed café and associated play area represent a very small portion of the Denes as a whole and although there are local concerns about the gradual enclosure of the Denes, the café would not have a significant impact on the available space overall, and the use of the land as a whole can be controlled via the need for a planning application for any form of future development either of the café, outside seating areas and the play area; thereby retaining the general openness and space available whilst providing a public facility thereby increasing the amenity value of the land.

- 7.9. Nevertheless, whilst the open space cannot, and should not, be considered surplus to requirements the potential loss of land would be minimal and with the exception of the café (which would of course have permitted opening times) the area would remain open to members of the public at all times thereby retaining the open space aspect of the Denes and therefore the proposed development is considered to comply with policy WLP8.23 in this particular instance.
- 7.10. Policy WLP2.5, which relates to the East of England Park, does mention the creation/use of a café within the park however at the time of writing this report there do not appear to be any intentions for the creation of a café on the park area, although this may or may not change in the future. However, planning permission cannot be reasonably withheld on the possible future development of the park. Additionally, it is a significant distance away from this site and any such applications would be assessed on its own merits and therefore officers do not consider that this application would prejudice the implementation of policy WLP2.5 either now or in the future.
- 7.11. Policy WLP8.29 also requires consideration in respect of design, and development proposals will be expected to demonstrate a high quality design which reflects local distinctiveness, demonstrates a clear understanding of the form and character of the area, the historic and natural environment and finally the development should complement local character and distinctiveness.
- 7.12. The café building has been designed in an octagonal form with two wings accommodating toilets and kitchen and service areas respectively, and it is to be clad in charred/tarred timbers to reflect a boat house or beach hut appearance to embrace its seaside location and the use of the area for fishing purposes historically when it formed part of the larger North Denes area and associated beach village. There are to be large glazed openings facing the sea to make the most use of the views along with a decking seating area and access ramps from the car park.
- 7.13. The overall design is unusual in form; however this unusual design does not make it unacceptable, with the design intended to reflect, and take inspiration, from the history of the area by using 'traditional' beachside materials, but with modern glazed elements along with the form of the building. The café would represent a new feature in an area where people are, perhaps, used to seeing open spaces but nevertheless it is of an interesting form that would add to, and not detract from, the overall appearance and visual amenities of the North Denes and surrounding areas as a whole and therefore it is considered that the café would be compliant with policy WLP8.29.
- 7.14. Policy 8.34 relates to biodiversity and geodiversity where developments will be supported where it can be demonstrated that it maintains, restores or enhances existing green infrastructure, however consideration needs to be given to developments that directly or indirectly impact on County wildlife Sites need to demonstrate that new opportunities to enhance the area will be provided. As already noted, this site is close to a County Wildlife Site which is on the opposite side of Links Road however whilst the structure itself is unlikely to have any significant or detrimental impact on the designated site, there is the issue of potential importation of soil to resolve the contaminated land concerns.

- 7.15. The councils Ecologist has commented on the scheme and has confirmed that ecology needs to be a consideration given the location of the site and the potential habitats therein. Importing soil to cover the site is effectively going to have the same impact on the habitats and species present as stripping the site back to bare ground and so the impacts need to be assessed and mitigation identified prior to the determination of the application. However, precise ground construction details are currently unknown, and the applicants have agreed that they will submit the requisite assessments once the application has been determined by committee and prior to issuing of a decision. Whilst this is not ideal, and it would be preferable to have these details submitted prior to committee to allow for full consideration, this route would still allow the council to fully consider ecological implications on the County Wildlife Site prior to the issuing of a decision and mitigation measures can be conditioned should members be amendable to this suggested route. If, however such harms are found to be present terms of in ecological impact then the application would be re-presented to members for further determination.
- 7.16. Policy 8.35 relates to landscape character and this policy requires development proposals to consider the special qualities and distinctiveness of the area and the visual and historical relationship between settlements and their landscape settings. In this instance the proposed café building would not have an unacceptable or demonstrably negative impact on the landscape. It would be sited in a location and is of a form designed to give reference to the use of the land in the past, although it is appreciated that this portion of the Denes is unlikely to have had permanent structures on it and would have been used for more temporary fishing uses and later leisure use and the harms to the landscape would be less than substantial. As such the proposed development is considered to accord with policy WLP8.35.
- 7.17. Finally, consideration must be given to the Historic Environment and policy 8.37. It has been raised within representations that the development is inappropriate in a Conservation Area; however, the North Denes is not located within a Conservation Area as this stops on Gunton Cliff at Heather Avenue. Nevertheless, whilst the land does not have a historic designation it is clear that there is historic importance associated with the area, first via the fishing industry on which the town was built and then as pleasure grounds for local residents. Nevertheless, the café would not have such a significant and detrimental impact on the area to warrant refusal on historic impact and is therefore compliant with policy WLP8.37.

Flooding and Coastal Change

- 7.18. Although the site is in close proximity to the North Sea it is located within Flood Zone 1 as shown on EA flood Map for Planning and is outside the defined Coastal Change Management Area. Furthermore, it is outside of the flood zone identified in the 2018 Strategic Flood Risk Assessment and therefore there are no issues or concerns surrounding flooding or coastal change arising from this proposed development.

Contaminated Land

- 7.19. With regards to the issue of contaminated land, this has been subject to considerable discussions and the most suitable way to deal with it. The land is known as a former landfill site, amongst its previous uses, and therefore contamination is an overriding issue, however despite ongoing discussions no agreement has been reached.

- 7.20. The Council's Environmental Protection Officer maintains his objection until such time as it has been proven that the land can be made safe, however the applicants are unwilling to finance this until they have a consent as it will be expensive to carry out the tests required. However, without evidence that the land can be made safe, the Environmental Protection officer will not suggest conditions as he feels that this needs to be addressed up-front. However, in order to find a way forwards it is suggested that a similar method to the ecological issues are considered and that should members be minded to approve the application, then it is with a caveat that contaminated land is addressed prior to the decision being issued and to allow for conditions to be attached if appropriate.
- 7.21. The applicants have suggested that it is possible to import soil to counteract the need to disturb the existing soil levels, however there are implications to the wildlife and flora of the area which is adjacent to a county wildlife site and is in close proximity to the Gunton Cliffs SSSI as noted above. However, the Environmental Protection Officer has stated that he cannot recommend conditional approval in this instance. The land in question is part of a former landfill site and there are obvious contamination questions from this application, however a way forwards and sensible, balanced solution to these issues does need to be found.

Highways

- 7.22. Suffolk County Highways have lodged a holding objection to the proposed development and have requested further information regarding access for vehicles and pedestrians, width of current access, servicing and impact on parking in the vicinity. Whilst this view is understood, it remains that the café would be located adjacent to a very large public car park where there is existing access for cars and pedestrians and is an area used by dog walkers and other local residents as well as visitors to the area and there would be a limited increase above and beyond the existing levels of use and there remains sufficient parking in the existing parking area and it is unlikely to have a significant impact on the highways network. The remainder of the issues can be dealt with via highways conditions.

Economy

- 7.23. As an A3 café/restaurant use the proposal will introduce public activity and groups of people socialising. The proposal will add substantially to the regeneration of this part Lowestoft Denes and associated access to the coastal path and Ness Point which requires public investment for economic growth. It will help to make Lowestoft a more attractive destination for visitors and will add to the resort's visitor economy. The proposal will also generate jobs (as listed earlier in the report) with a direct economic benefit and it will also provide indirect benefits to the area through greater footfall along the Denes by acting as a destination complementing the Gunton Wildlife Site and Coastal Path.
- 7.24. The proposal will provide a substantial social benefit through job creation and its ability to deliver a space which can be used for community events and groups. This will support the community's health, social and cultural well-being. In addition, this facility will include a small play area and will be adjacent to significant open space will enhance the use of that area by families, encouraging healthy activities and access to open space, including the sea wall and wider beach.

Third party Representations

7.25. With regards to the letters of objection received these have been addressed in the main body of the report, however it is important to reiterate that should planning permission be granted, subject to the satisfactory resolution of land contamination and ecology, the consent of Lowestoft Town Council as the landlords will be required. The covenant is a civil issue and is not a material planning consideration, although officers are fully aware of this and the associated Note of Implementation. Conditions can be attached to ensure that details of extraction equipment are submitted for agreement and that all extraction equipment is turned off when not in use to ensure the noise levels are not intrusive particularly overnight. Anti-Social behaviour has also been raised and whilst furniture can be taken indoors overnight, there will be access to the proposed play area and outside seating, which could encourage out of hours use, however the Denes is quite isolated and is not, historically, a popular spot for gatherings of this type. Nevertheless, the fears of local residents are understood and if anti-social behaviour arises then this can be addressed via the council's Community Team and Suffolk Constabulary. Ecology, highways and contaminated land can all be dealt with as noted above and if consent is granted and reports submitted as suggested, appropriate conditions will be attached.

8. Conclusion

8.1. Whilst officers appreciate that the decision is balanced, and there remain some concerns with certain aspects of the scheme such as ecology and contaminated land, these issues can be properly dealt with via conditions. Officers are of the opinion that the proposed café would offer an attraction to this part of the town where facilities are limited but is popular with locals and visitors alike, and the café would offer an enhancement of the Denes area. Furthermore, there are considerable public benefits associated with a café/restaurant building in terms of local economy and employment opportunities, and the creation of an attraction in this otherwise under-provided for location. The proposal is considered to represent sustainable development and officers are seeking authority to approve.

9. Recommendation

9.1. Authority to approve with conditions, subject to submission of further ecological and contaminated land assessments to officer agreement with relevant internal consultees.

10. Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with plans numbered 1610.138.02A received 20 February 2018;, 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. Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

4. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation,

unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

6. The application site is within 250m of a former landfill site and the development could be at risk from ground gas ingress. Prior to the commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the Local Planning Authority. Either of:

(A) An appropriate study assessing the risk posed from landfill gas migration to be conducted in accordance with BS 8485 and CIRIA 665. The findings and proposed mitigation methods shall be agreed in writing prior to the commencement of development.

or (B) Details showing a high level of gas protection by way of mitigation. The minimum standard of gas protection required (should no study be submitted) shall accord with the Amber level of the NHBC standard or CS level from BS 8485 and plans of intended measures should be submitted for approval. Installation should be conducted in accordance with BRE 212 and 414 and a post development validation report should be submitted verifying this.

With each option, the development shall be carried out in accordance with the approved details.

Reason: In accordance with PPS23 and because of the unknown characteristics of local former landfill sites.

7. The use hereby permitted shall only take place between the hours of 08:00 and 21:15 Mondays to Saturdays and between 08:30 and 17:00 on Sundays or bank holidays.

Reason: To protect the amenities of the surrounding area by minimising disturbance from the use of the cafe

8. No sound amplifying equipment which is audible outside the premises shall be installed without the written consent of the Local Planning Authority.

Reason: to protect the amenities of the occupiers of nearby premises.

9. Precise details of any equipment to be installed must be submitted to, and approved by, the Local Planning Authority prior to installation. The equipment must be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the

commencement of use. The equipment must be effectively operated for so long as the use continues; unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that unsatisfactory cooking odours and noise outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

10. No deliveries shall be taken at or despatched from the site outside the hours of 09:00 to 17:00 Monday to Friday 09:00 to 13:00 Saturday; nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: where the resident's amenities of the surrounding area require protection by minimising disturbance from delivery vehicles

11. The materials to be used in the construction of the external surfaces of the cafe hereby permitted shall be as annotated on the drawing hereby approved.

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

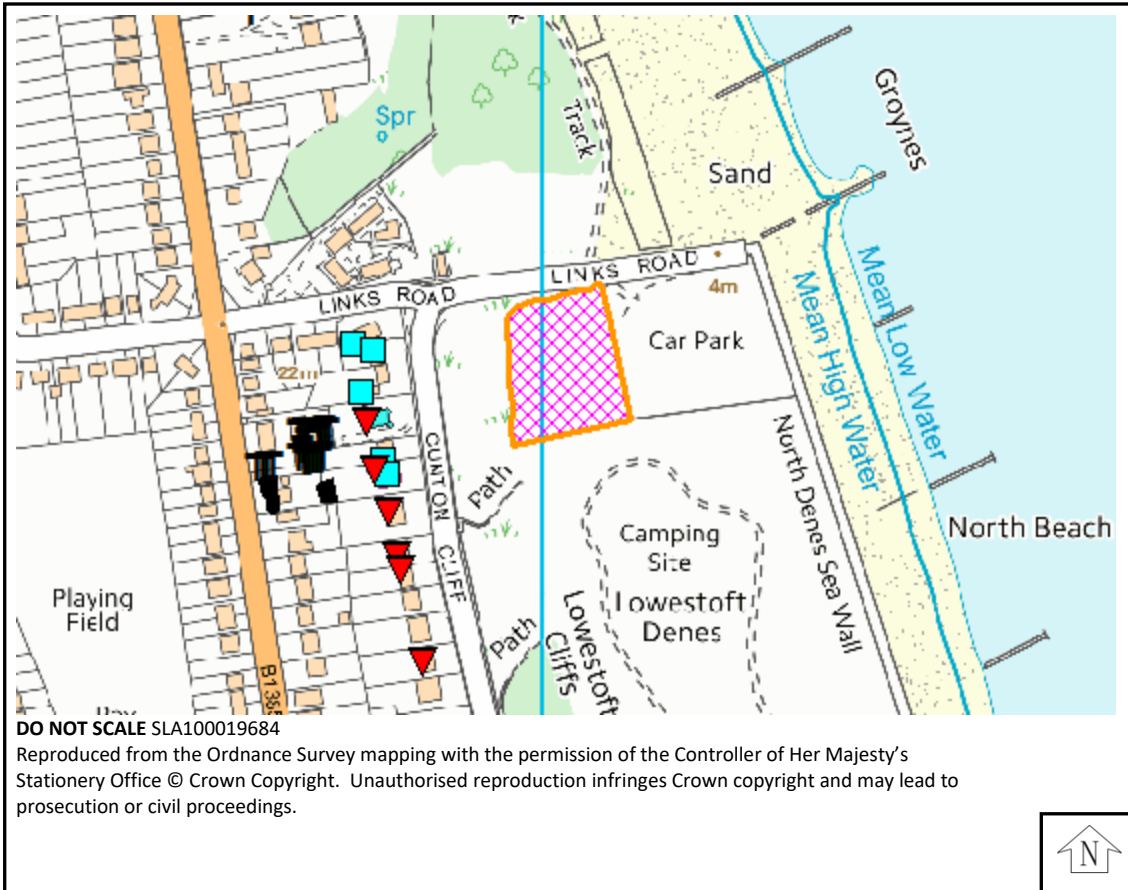
Informatives:

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/18/0789/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4HQA6QX06000>

Map



Key

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



Committee Report

Planning Committee - 19 December 2019

Application no DC/19/1831/FUL

Location

St Johns Hall
Halesworth Road
Ilketshall St John
Beccles
Suffolk
NR34 8JQ

Expiry date 8 August 2019
Application type Full Application
Applicant Mr Tim Basey-Fisher

Parish Ilketshall St John

Proposal Erection of new steel frame building to act as a new pallet storage unit for the storage element of existing storage and farm business.

Case Officer Joe Blackmore
01394 444733
Joe.Blackmore@eastssuffolk.gov.uk

1. Summary

- 1.1. St John's Hall Storage is a farm diversification enterprise located in the countryside within the rural parish of Ilketshall St John. The application seeks full planning permission for a new storage building in order to expand the storage enterprise to meet local demand.
- 1.2. A planning application for a new storage building was submitted to the Council in 2017 (ref. DC/17/0410/FUL). Planning permission for the development was refused and the subsequent appeal to the Planning Inspectorate dismissed. Of note in that appeal decision was that the Planning Inspector determined the proposal was not unacceptable, in principle, and that there was a strong economic case for the development; however, it was judged that the visual impact of the proposal would be unacceptable and outweighed the benefits.

- 1.3. The current application seeks to overcome the dismissed appeal. The building has been reduced in size and re-positioned to better relate to the existing complex of commercial and agricultural buildings. The application is also supported by a comprehensive mitigation landscaping strategy that will, once established, effectively screen the building offering some landscape character benefits through well-designed planting proposals. The landscape and visual impact assessment provided demonstrates that the impact of the development in the long term would be acceptable in accordance with Local Plan policy WLP8.35 (Landscape Character).
- 1.4. Since the appeal was determined the Local Plan has been adopted (March 2019) and the spatial strategy for employment growth in the plan does not support the principle of the proposed building, as the site is not within: a settlement boundary; an allocated employment site; or a policy-defined existing employment area. Because of that conflict with the Local Plan, the application has been brought direct to committee for determination to enable the main issues and policies to be fully considered by the planning committee.
- 1.5. Notwithstanding the policy conflict, officers consider that this is a unique proposal and development site where the benefits to the rural economy would be substantial and in accordance with the objectives of the National Planning Policy Framework and the Council's Business Plan and East Suffolk Growth Plan. Those economic benefits go beyond job creation as St John's Hall Storage plays an important role in meeting the operational requirements of a number of businesses within the district; the proposed expansion of the site would enable that to continue, supporting further growth in the area. It is considered that the proposal cannot realistically be delivered on a separate, allocated site or existing employment area in accordance with the Local Plan.
- 1.6. Officers consider that this is a finely balanced decision but that there are material considerations, most notably the economic benefits arising from the development proposal, that would outweigh any harm arising including the identified conflict with the Local Plan. Officers are seeking authority to approve the application.

2. Site description

- 2.1. The application site is located in the countryside within the rural parish of Ilketshall St John approximately 1.5 miles from the settlement boundary of Bungay, to the northwest. The site lies to the eastern side of the A144 which connects Bungay to the A12 trunk road at Darsham. St Johns Hall farmstead currently comprises a historic farmhouse (St Johns Hall), large storage units and surrounding arable farmland. St John's Hall Farm began operating in the 1950s and has since diversified to provide domestic and commercial storage at St John's Hall Storage. The farming and storage businesses are interconnected with St John's Hall being the operational centre for both.
- 2.2. The application site is rectangular in shape and covers some 0.55 hectares of greenfield, former farmland located immediately to the east and north of the farmstead and storage centre complex at St John's Hall. There is a slight fall across the site from south to north from approximately 30m to 25m AOD.

- 2.3. The existing farmhouse at St John's Hall lies to the south side of the complex and is a grade II listed building. Some 250 metres north-west of the complex is the Church of St. John the Baptist, listed grade II*. A greater distance southeast of the site is the Church of St Lawrence, listed grade II*; farther to the east is St Andrew's Church, listed grade I.
- 2.4. The site does not fall within a designated conservation area or area of outstanding natural beauty. In terms of flood risk, the site is in flood zone 1 which is the lowest risk area.

Planning History

- 2.5. Due to the gradual diversification at the farmstead and expansion of the storage business over the last 30 years, there is a detailed planning history for the site. That history is listed below and, where applicable, key decisions are discussed in greater detail within the planning considerations section of this report.

W4444/1 - permitted 02 May 1985.
'General purpose farm buildings (2232sq m)'.

W4444/2 - permitted 02 July 1985.
'New Access onto A1444'.

W/444/3 - permitted 14 Feb 1995.
'Change of use for commercial storage'.

W4444/4 - permitted 07 March 1997.
'2 Grain stores' - Full Planning permission.

W4444/4 - permitted 20 May 1999.
Amendments to above approved by decision notice of same reference 'Substitution of 2 portal framed grain stores totalling 16000 square feet with one single portal framed general purpose store totalling 14000 square feet'.

W4444/4 - permitted 20 Sept 1999.
Amendments to above approved by decision notice of the same reference 'Increase in length of portal framed building from 48 metres to 54.85 metres.'

W4444/5 - permitted 07 April 2004.
'Side extension to existing storage building'.

DC/07/1696/FUL - refused. 13th November 2007 - Appeal dismissed.
'Construction of an agricultural workshop with associated store and office facilities'

DC/12/0136/FUL - permitted 30 March 2012
'Installation of solar panels on shed roof'.

DC/12/0872/FUL - permitted 06 Dec 2012.
Construction of an agricultural grain store and agricultural chemical store.

DC/13/0083/FUL - permitted 20 March 2013.

Revisions to previously approved scheme - DC/12/0872/FUL - Increase size of agricultural grain store with drying floor.

DC/14/1080/FUL - permitted 30 June 2014.

'Construction of a building to house two biomass boilers with associated equipment and storage Area'.

DC/17/0410/FUL - Refused. Appeal Ref APP/T3535/W/17/3188362 dismissed on 6th April 2018; "(The 2018 Appeal Decision)".

'Erection of new steel frame building to act as new pallet storage unit for existing storage business'

A copy of the appeal decision can be found at appendix B.

3. Proposal

- 3.1. This application seeks full planning permission for a new steel framed warehouse building on land at St John's Hall. The new building would measure 61.73m by 52.77m. It would have an eaves height of 9.15m and an apex height of 12.68m. Its floor area would be 3257sqm. The building would be clad with profiled metal to match existing buildings surrounding the site.
- 3.2. In terms of its use, the building would be a new pallet storage unit for the existing storage business. This is a B8 - Storage and Distribution Centre - use under the Town and Country Planning (Use Classes) Order 1987, as amended.
- 3.3. The development proposal includes a site landscaping strategy and a surface water drainage strategy inclusive of an attenuation basin. The development proposal also includes an area of hardstanding to the north and west of the building. This provides for HGV access to the building and for loading/unloading.

4. Consultations/comments

- 4.1. 30 local residents have objected to the application raising the following matters:
 - The proposal is contrary to the Local Plan.
 - The application is not materially different from the scheme refused and dismissed at appeal.
 - Other sites in the area are designated in the Local Plan for this kind of development.
 - The applicant owns other development sites in the vicinity that could be utilised.
 - The expansion will bring about more traffic including HGV's.
 - The level of growth at St John's Hall is not compatible with its rural location.
 - Approval contrary to the Local Plan will set an undesirable precedent.
 - Road network is not suitable for increase in traffic, particularly HGV's.
 - The building will be an eyesore and harm the character of the countryside.
 - The site has grown consistently; when will it stop?
 - The proposal will cause noise and light pollution.
 - The site will appear more industrial than agricultural.

- Loss of views from nearby residential properties.
- Mitigation planting will take too long to establish and will only partly mitigate the visual impact.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	13 May 2019	14 June 2019
Summary of comments: OBJECT to the application because it is contrary to the Local Plan and would cause demonstrable harm to interests of acknowledged importance. Please see appendix A for a full copy of the Parish Council response.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	16 May 2019	22 May 2019
Summary of comments: Holding objection due to insufficient information.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	21 June 2019	13 June 2019
Summary of comments: No objections; conditions recommended.		

Consultee	Date consulted	Date reply received
Historic England	21 June 2019	24 June 2019
Summary of comments: No comments on the application.		

Non statutory consultees

Consultee	Date consulted	Date reply received
WDC Environmental Health - General	17 May 2019	12 June 2019
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
SCC Lighting Engineer	30 May 2019	4 June 2019
Summary of comments: Further information on external lighting required.		

Consultee	Date consulted	Date reply received
Economic Regeneration (Internal)	19 July 2019	9 August 2019
Summary of comments: Support the application; full comments viewable on public access page.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	2 September 2019	19 September 2019
Summary of comments: No objections; conditions recommended.		

5. Publicity

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

Category	Published	Expiry	Publication
Departure	06 December 2019	31 December 2019	Lowestoft Journal
Major Application; Affects Setting of Listed Buildings	28 June 2019	19 July 2019	Lowestoft Journal
Category	Published	Expiry	Publication
Departure	06 December 2019	31 December 2019	Beccles and Bungay Journal
Major Application; Affects Setting of Listed Buildings	28 June 2019	19 July 2019	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Major Application	24 May 2019	17 June 2019	Lowestoft Journal

Category	Published	Expiry	Publication
Major Application	24 May 2019	17 June 2019	Beccles and Bungay Journal

Site notices

General Site Notice	Reason for site notice: Major Application; Affects Setting of Listed Buildings Date posted: 28 June 2019 Expiry date: 19 July 2019
General Site Notice	Reason for site notice: Departure; Major Application; Affects Setting of Listed Buildings Date posted: 29 November 2019 Expiry date: 20 December 2019

6. Planning policy

S38(6) of the Planning and Compensation Act 2004

National Planning Policy Framework

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.12 - Existing Employment Areas (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.13 - New Employment Development (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.14 - Conversion and Replacement of Rural Buildings for Employment Use (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

Planning Policy Background

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the

Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the district (former Waveney area) consists of: The East Suffolk Council - Waveney District Local Plan (adopted 20 March 2019) ("The Local Plan"); and any Neighbourhood Plans in effect, although there is no NP covering the application site. The relevant Local Plan policies are listed chapter 6 of this report.

7.2. Since the previous application and the 2018 appeal decision a new National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration in assessing planning applications; the Local Plan has also since been adopted (March 2019).

7.3. NPPF paragraph 83 states:

"Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."*

Paragraph 84 states:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

Paragraph 170 states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to*

improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

- 7.4. The NPPF supports sustainable growth and expansion of all business in rural areas including through well-designed new buildings and support for the diversification of agricultural operations. The NPPF continues to place a high value on conserving and enhancing the natural environment including by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 7.5. The Local Plan was examined by the Planning Inspector in accordance with the National Planning Policy Framework and adopted in March. It replaces the old Waveney Core Strategy (2009); the Development Management Policies adopted in January 2011; the Site Specific Allocation adopted in January 2011; the Lowestoft Lake Lothing & Outer Harbour Area Action Plan adopted in January 2012; and the associated policy maps. The adoption of the new Local Plan, therefore, represents a significant and material change to relevant planning policies since the previous planning application DC/17/0410/FUL was determined and subsequently dismissed at appeal in 2018.

Principle of Development

- 7.6. The old Waveney Core Strategy contained planning policy CS01 - Spatial Strategy. CS01 directed most of the new growth to Lowestoft, Market towns and large villages. However, CS01 also stated that:

"Outside these locations, development will be regarded as being in the open countryside where the objective is to preserve the countryside for its own sake. Exceptions to this overall approach will be infill housing development and affordable housing that meets a local need, both subject to the character and form of the settlement and access to services and facilities. Other exceptions will be developments of an appropriate scale that contribute to the continued viability of the agricultural industry and/or diversify the local rural economy."

- 7.7. The old planning policy CS01 - Spatial Strategy has essentially been replaced in the new Local Plan by policy WLP1.1 - Scale and Location of Growth. Large areas of Waveney, including the villages and some of the smaller towns, are classified as rural. Policy WLP1.1 directs a significant proportion of growth to Lowestoft, but also directs housing and employment growth to towns and villages located in rural areas. Unlike the old policy CS01, WLP1.1 does not include exceptions for the agricultural industry or diversification. Instead, WLP1.1 provides for "sustainable growth and expansion" through site allocations and policies that permit the "conversion of existing buildings and well-designed new buildings". It also offers the additional flexibility of allowing Neighbourhood Plans to allocate growth to meet local needs. The application site is not allocated for employment in either the Local Plan or in a Neighbourhood Plan.
- 7.8. Planning Policy WLP1.2 - Settlement Boundaries does not permit employment development in areas outside settlement boundaries that are classed as countryside, except where specific policies in the Local Plan indicate otherwise. The site is located some

distance from the nearest settlement boundaries at Bungay, Beccles, Ringsfield and Iketshall St Lawrence and Spexhall and is therefore countryside, for planning purposes.

- 7.9. The new Local Plan has no direct equivalent to the old policy CS07 - Employment. CS07 stated: *"Outside the towns proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to the larger villages. The development should be of a scale and character appropriate to the location and there should be good access to the transport network and public transport. Farm diversification proposals will be supported where they can make a long-term contribution to sustaining the agricultural enterprise as a whole and where the proposal is consistent with its rural location."*
- 7.10. The new Local Plan has three employment policies:
- WLP8.12 - Existing Employment Areas;
 - WLP8.13 - New Employment Development; and
 - WLP8.14 - Conversion and Replacement of Rural Buildings for Employment Use.
- 7.11. The new Local Plan policies collectively allow the development of employment land in existing employment areas, on land allocated in the Local Plan, on land allocated in Neighbourhood Plans (all identified on the relevant policy maps); within settlement boundaries where development is acceptable in principle; on land outside settlement boundaries but adjacent to existing employment land; through the conversion of existing rural buildings; and through the replacement of existing rural buildings.
- 7.12. The application site is not located within an existing or allocated employment area as defined by Policy WLP8.12 and the Waveney District Policy Maps. The existing use of the site is agricultural, not employment use, and the site is devoid of buildings. The principle of development therefore does not accord with the objectives of Policy WLP8.12 - Existing Employment Areas.
- 7.13. The application site is not located in an Existing Employment Area or a within a Settlement Boundary, and the site is also not located adjacent to an Existing Employment Area (as drawn on the policies maps). The principle of development therefore does not accord with the objectives of Policy WLP8.13 - New Employment Development.
- 7.14. The application site is devoid of buildings that could be converted or replaced. Thus, the criteria of policy WLP8.14 is not applicable to this proposal.
- 7.15. Thus, for the reasons given, the principle of development is contrary to the Local Plan spatial strategy policies WLP1.1 and WLP1.2; along with specific employment policies WLP8.12, WLP8.13 and WLP8.14.
- 7.16. Pursuant to the section 38(6) exercise, it then turns to whether there are material considerations that would indicate a decision other than in accordance with the Development Plan. One of those key considerations is the economic case for development, addressed in the next section.

Economic Benefits

7.17. The Local Plan allocates a number of sites for employment use. The allocated employment sites nearest to the application site are at Ellough, Beccles, Halesworth and Bungay and are listed as follows:

- WLP3.1 - Beccles and Worlingham Garden Neighbourhood allocates land for employment development including B8 uses.
- WLP3.3 - Land south of Benacre Road at Ellough Airfield, Ellough allocates 13.4 hectares of land suitable for B8 use.
- WLP4.6 - Broadway Farm, west of Norwich Road, Halesworth allocates 2.64 hectares of land suitable for B8 use.
- WLP5.2 - Land West of St Johns Road, Bungay allocates 3 hectares of employment land. The total site allocation is 21 hectares.

7.18. All of the sites listed have been allocated in the Local Plan because they are viable and deliverable over the plan period. So, the question that follows is: can the proposed development be located on an allocated employment site or within an existing employment area?

7.19. Of critical relevance are some of the conclusions of the Inspector in the 2018 appeal decision:

"St Johns Hall Storage is closely interconnected with St Johns Hall Farm and makes an important contribution to the ongoing viability of the latter. The co-location of the two businesses provides flexibility with storage staff helping on the farm at peak times and vice-versa. The office base on site is also shared and from this and the nearby farmhouse the appellant is able to manage and oversee both operations flexibly, seven days a week. Both businesses benefit, the storage service being more flexible and cost effective than it otherwise would be and the farm benefiting from an important financial contribution putting it on a more solid long term footing." (paragraph 13);

"The interconnected operation and joint oversight of both businesses require a single site and it is therefore most unlikely that St Johns Hall Storage would expand by operating a warehouse elsewhere. Operating from two sites would be less efficient, involving duplication and reduced flexibility" (paragraph 15); and

"To conclude on the economic benefits, there is a good case for the proposal, both to continue the diversification of the farm operation to further secure its future and as a much needed expansion of the successful storage business in its own right. This would generate a significant number of additional jobs both on site and in the local companies which use the storage space to develop their own businesses. In all these ways there would be real benefits for the local economy." (paragraph 16).

7.20. The applicant's Design and Access Statement (DAS) addresses this question and sets out that the economic risk of building a single, serviced building on a separate site does not stack up. There is also the fact that expanding the existing site means that the proposal will benefit from economies of scale and shared resources with the farm. As identified by the Inspector, that sharing of resources with the farm carries mutual benefits for both the

agricultural and storage enterprises - benefits that could not be derived from a split-site operation.

- 7.21. The proposal brings the short-term benefit of a £1.2 million capital investment. The applicant contends that the proposal will generate 4-6 new jobs in year 1 and 8-10 new jobs by the end of year 2; this would be in addition to the existing 12 staff that are employed. That is a considerable public benefit in its contribution to the rural economy.
- 7.22. The more significant benefit to the rural economy relates to the role that St John's Hall Storage (and its proposed expansion) plays in supporting the warehousing demands of businesses in the locality. The operation provides commercial storage for 16 local businesses within a 15-mile radius, in addition to 12 more distant businesses. The operation provides flexible storage where customers can store goods/components by-the-pallet in order to reduce cost and allow for smaller scale storage, particularly for start-up businesses where the cost of renting an entire warehouse space would be prohibitive. The application and DAS also include a number of letters from customers of the storage business setting out how the operation has supported their commercial needs. One of those key businesses is St Peter's Brewery which is a rural enterprise located some 3km from the site. St John's Hall provides all of the brewery's storage requirements which are quite unique in that storage of their product has to be within a 5-mile radius of where it is brewed; St Peter's Brewery is one of the three largest customers at St John's Hall Storage and attended the appeal hearing in 2018 to set out how they would benefit from the increased storage offer.
- 7.23. The applicant sets out that the businesses that currently store goods with St John's Hall provide in the region of 900 jobs. The applicant has also explained that the additional storage building is required because existing buildings are at capacity, yet demand is high for the per-pallet storage offer at the site.
- 7.24. The role that St John's Hall Storage plays in supporting the operational requirements of local businesses is very important to the rural economy in this part of the District. The Council's Economic Development Team has identified that the proposal will support the economic growth ambitions outlined in both local and regional strategies (the East Suffolk Growth Plan, the East Suffolk Business Plan, the Suffolk Growth Strategy and the Norfolk and Suffolk Economic Strategy). The Council's Economic Growth Plan states the importance of supporting entrepreneurs, encouraging existing businesses to grow, and attracting businesses to the area. All of this requires suitable premises to be available in order to meet the needs of start-up businesses and growing businesses and their local supply chain.
- 7.25. The proposed expansion of the site, to meet storage demand and provide continued operational support for local business, is a public benefit that should be given considerable weight.
- 7.26. In the 2018 appeal decision, the Inspector arrived at a similar conclusion on the economic case for development; however, the appeal was dismissed because those benefits were outweighed by the visual impact of the building:

"There is a good case for the proposal both in terms of farm diversification and as a much needed expansion of a successful storage business in its own right. There is also a lack of

alternative provision in the locality to meet the needs of local businesses. However, the undoubted benefits for the local economy are outweighed by the excessive visual impact of the unduly large building in the rural landscape. The planning balance is consequently against the proposal and therefore the appeal should be dismissed." (paragraph 27).

- 7.27. The outcome of the appeal was that the economic benefits of the proposal indicated for the development, but that it was the design/appearance and landscape impact of the proposed building in the countryside that led to the appeal being dismissed. Thus, it then turns to whether the amended proposals subject of this current application overcome the landscape harm previously identified.

Impact on the Character and Appearance of the Countryside

- 7.28. The application is supported by a Landscape and Visual Impact Assessment (LVIA) that is written in accordance with professional standards for such reports; its content has been reviewed by officers, including the Council's Arboriculture and Landscape Manager who has no objections to the proposed development.
- 7.29. Local Plan Policy WLP8.35 - Landscape Character - sets out that: development proposals will be expected to demonstrate that their location, scale, form, design and materials will protect and enhance their environment; and that proposals should include measures that enable a scheme to be well integrated into the landscape. Development will not be permitted where it would have a significant adverse impact on the landscape and scenic beauty of the protected landscapes (Broads area or Suffolk Coast and Heaths AONB) and their settings.
- 7.30. The buildings at St Johns Hall are situated in a large scale gently rolling rural landscape comprising open arable farmland dissected by shallow valleys, some hedgerows and small blocks of woodland. The area of the site allocated for the new storage unit is contained by existing large buildings to the south and west, which effectively screen it in views from these directions. However, there is the potential for longer distance views towards the site from points on lanes and public rights of way in the surrounding landscape. The site also has particular visual sensitivities given its location on the valley side within an area of countryside.
- 7.31. In terms of the 2018 appeal decision, the Inspector's findings on landscape and visual impact are relevant:

"The building would both project several metres closer to Low Road than building B and considerably further east into the field than the grain store building C, thus increasing its visual prominence when seen from the north-west round to the north-east. Whilst joining an existing group of buildings and in many views seen in front of buildings C and B, the new building would appear both closer (therefore larger) and/or extend to the side of the others, sometimes by some distance, resulting in an unduly intrusive addition to the group." (paragraph 21); and

"The building would also have a significant visual impact in a number of medium and long distance views from the east and south-east... The building would project out into the field to the north east of the existing group well to one side of building B behind and the double gable end would draw attention to its bulk compared to the others. The 53 m wide

end elevation of the new building combined with its 11-13.5 m height and position extending the built form of the group would result in an over prominent addition to the landscape." (paragraph 23).

- 7.32. The applicant, in their DAS, succinctly summarises those concerns into three main factors:
1. The extent of protrusion of the building into the open countryside;
 2. The size of the building (especially in comparison with neighbouring buildings); and
 3. The detail (landscaping, appearance of bulk etc).
- 7.33. This application is an amended proposal in order to address those areas of concern. The key changes from the appeal scheme are:
- The orientation of the building has been changed from east-west to north-south;
 - The building has been re-positioned to the southwest closer to existing buildings;
 - The building is now set 15 metres further back from Low Road;
 - The building would project into the field 44 metres less, positioned some 14 metres west (behind) building C;
 - The buildings' length has been reduced by 10.72 metres, and its width reduced by 1 metre - a floorspace reduction of approximately 15%; and
 - The eaves height has been reduced by 1.85 metres (along with a minor reduction in ridge height).

Assessment of Impact

- 7.34. The proposed building is of similar size to the recent new storage units that have been added to the site, although it will sit at a lower level compared to the adjacent grain store to the south. It is inevitable that a building of this size will have some degree of impact on the surrounding landscape and those who are in - and moving through - that landscape. The submitted LVIA accepts that there will be an adverse effect on the landscape and that, immediately post-construction, there will be a change in landscape quality of Medium magnitude. This is a worst-case scenario before new mitigation planting establishes and matures. After 15 years once the new planting is in its established maturing phase, the significance of these adverse effects on landscape are anticipated to reduce from Moderate to Minor. Officers consider that this conclusion can be relied on and has been derived following a full consideration of the prevailing sensitivity of the surrounding landscape; the role that the existing farm buildings play in the landscape; the screening effect of existing surrounding trees and hedgerows; the proposed mitigation planting and the suitability of this planting on the prevailing landscape character. On this latter point, although it has been agreed with the applicant's landscape architect that the existing planted earth bunds can be retained and incorporated in to the proposed mitigation planting, nonetheless the proposed new planting has been carefully selected in terms of species and layout to closely reflect the prevailing surrounding landscape fabric and character. These important extra measures prevent the new planting becoming an anomalous feature in the landscape like the built structure it is trying to screen. New planting that has wider landscape benefits has added value in offsetting any adverse effects of the new building.
- 7.35. With regard to visual effects, it is considered that the new building would have a moderate visual influence on the wider surrounding area, taking due account of the influence of

surrounding existing surrounding buildings, plus hedgerows and woodland blocks further afield. The proposed new planting will progressively screen and break up the outline of the new building and the significance of adverse visual effects will gradually decline. It should be noted that the new planting will also contribute to screening of existing buildings as well and will also bring positive benefits to landscape character in its own right. It is anticipated that there will be some residual visual effects, mainly for viewers from the north east, and that at Year 15 these residual effects would be Moderate-Minor and Neutral in significance for four of the receptors; and for one other receptor there would be a residual effect of Minor Neutral significance. For these receptors there would be no perceived extension of the building cluster footprint. Where the new building would be seen as extending beyond the existing building edges, there are eight receptors where the perceived residual visual effects will be of Minor-Moderate Adverse significance; and two receptors where residual effects would be Negligible. Overall there will be no anticipated Significant Adverse visual effects in the long term.

- 7.36. Overall, it is predicted that there are likely to be some limited landscape and residual effects arising from the proposed development, but it should be recognised that the proposed landscape mitigation planting will bring positive landscape character benefits as it has been designed to reflect prevailing landscape character and fabric. The significant amendments to the size, position and detail of the building - in addition to a comprehensive landscaping strategy - is a marked improvement on the appeal scheme. It is thus considered that the landscape and visual impact of the proposal is acceptable in accordance with the objectives of policies WLP8.35 and WLP8.29 - and that the main ground for the 2018 appeal dismissal has been successfully overcome. This does not change that the principle of development is not supported by the spatial strategy objectives of policies WLP1.1 and WLP1.2; along with employment policies WLP8.12, WLP8.13 and WLP8.14. However, it is relevant that where those employment policies require development proposals are of good design and have an acceptable visual impact, the proposal is policy compliant, in that regard.

Heritage Considerations

- 7.37. The Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act") sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 7.38. This statutory requirement is reflected in chapter 16 of the NPPF which sets out (inter alia):
- That heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (para. 184);
 - That applicants should describe the significance of any heritage assets affected, including any contribution made by their setting (para. 189);
 - That great weight should be given to the conservation of heritage asset's and, the more significant the asset, the greater the weight should be (para. 193);
 - That any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification; and

- That where harm would arise, it must be properly weighed against the public benefits of the development (paras. 195 & 196).

- 7.39. The applicant has provided a Heritage Impact Assessment (HIA) that meets the requirements of NPPF paragraph 189.
- 7.40. The application has been advertised as affecting the setting of listed buildings and, because some of those buildings are listed grade II* and grade I, Historic England has been consulted on the application, but they have no comments to offer.
- 7.41. The key listed buildings affected by this development proposal are the grade II listed St John's Hall; and the grade II* listed Church of St. John the Baptist. Two other listed buildings (the Church of St Lawrence, listed grade II*; and St Andrew's Church, listed grade I) are potentially affected by the development proposal but are a much greater distance from the application site.
- 7.42. The surrounding landscape is defined in the Suffolk County Council landscape character assessment as Rolling Valley Claylands. The assessment states that:

"These river valley slopes, with their combination of closeness to water and better-drained and more easily cultivated soils, have been foci for settlement in the claylands from an early date."

It goes on to say:

"Across the claylands there is a repeated pattern of former manorial halls and their associated churches on the sides of the river valleys, even when some of these 'valleys' are no more than small folds in the plateau. The important combination is access to water and sloping land with good arable potential. The pattern was certainly established by the 11th century and may be at least a century or two older. In places the original hall-and-church complexes have grown into hamlets or villages, but others have retained their original identity."

- 7.43. In respect of the application site and its surroundings, it appears to be the pattern here with the Church of St John the Baptist and St Johns Hall being positioned along the valley. These two key buildings have remained clear separate elements retaining their original identity as isolated structures. Therefore, this relationship is of very high significance between the buildings themselves and as a feature within the countryside.

Current Arrangement

- 7.44. All of the agricultural buildings/yards are located to the north of the hall. A number of these structures are historic farm buildings, these being located closer to the hall with later, larger agricultural buildings - and two warehouses (connected to farm diversification) - placed further away.
- 7.45. There are three vehicular accesses to the various sections of the complex. One is to the farmhouse; one to the farm; and one to the warehouses. The three large buildings of the

complex are sited to the north (warehouse); north/north-east (warehouse); and north-east/east (farm building) of the listed building.

- 7.46. To the south of the hall are garden areas enclosed by features such as a crinkle-crankle wall and a moat. This northern approach to the complex has a predominantly residential character and the grounds are currently well treed.

Views from-and-to the Listed Building and Historic Farmstead

- 7.47. The current arrangement to the north of the hall leaves a gap between the structures which allows a visual connection out from the listed farmhouse (and its environs) north-east to the farmland. Equally, and perhaps more importantly in this case, this gap allows views to be gained between the structures back towards the Listed building on rising ground when traveling west along Low Road towards the Church. The strong historic relationship between the farmhouse and its land is of high significance, that it is why the farmstead evolved where it did.
- 7.48. Equally as important are the views afforded towards the listed building and the farmstead as a whole, from the surrounding countryside. Currently the listed farmhouse can be seen in the distance, tucked between the surrounding large structures, on the rising ground from the adjacent Low Road. Thus, it is clear to the observer that it is an historic site, with an expanded "farmyard" of later larger agricultural buildings. As one travels on along Low Road this relationship between the farmstead and the church can be appreciated. Therefore, development which breaks down this character will have a harmful effect.

Impact of the Proposal

- 7.49. The proposed building will block the gap which currently exists to the historic elements of the site resulting in continuous modern development of buildings around the historic complex viewed to and from the north. This will have a negative impact on the setting of the listed building which causes harm to its significance as a Farmhouse because the proposal will be reduce the inter-visibility between the farmstead and the farmland. However, that intervisibility between the Hall and the farmland will eventually be lost, irrespective of this application, once the existing tree belt planting atop the bund is fully established. In terms of the grade II listed Hall, the proposal would give rise to a low to moderate level of harm.
- 7.50. Given the separation of the site from the three listed churches in the locality, along with proposed mitigation planting and that the building would be positioned adjacent - and read as part of - the existing farm complex, it is considered that there would be no harm to the significance of the listed churches that are all at least 250 metres from the application site.
- 7.51. The harm to the grade II listed Hall would be a low-to-moderate level of less than substantial harm. Even though such harm is 'less than substantial', in NPPF terms, this harm must be given great weight by the decision-taker and properly weighed against the public benefits of the proposal. For the purposes of this recommendation, that balance will be undertaken in the concluding section of this report.

Highways and Transport Impacts

- 7.52. Local Plan Policy WLP8.29 promotes (inter alia) development that is proportionate in scale to the existing transport network and would not result in severe impacts on the highways network. Chapter 9 of NPPF provides clear guidance on considering development proposals:

Paragraph 108 - "it should be ensured that... (b) safe and suitable access to the site can be achieved for all users"; and

Paragraph 109 - "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

- 7.53. Suffolk County Highways Authority are a statutory consultee and they have identified that the existing vehicle access onto the A144 is satisfactory to serve the existing and proposed development. The applicants Design and Access Statement (DAS) sets out that the site currently generates ten HGV movements to the site per day. The DAS goes on to explain that pallets are transported to-and-from the site by third party carriers and then via hubs to and from the HGV distribution network. The applicant considers that the number of pallets will increase but that this is not likely to result in an increase in the number of HGV trips to-and-from the site. It seems likely that the increased floorspace will lead to some additional traffic generation, but it is not likely to be significant or particularly discernible in the context of existing traffic on the A144. The Highways Authority note that even if the proposal does increase vehicular movements to-and-from the site, the access onto the highway is suitable for this and no concerns have been raised over cumulative, residual impacts on the highways network. Whilst the concerns of local residents over traffic generation are noted, the evidence provided and consultation with statutory consultees indicates that the proposal is not unacceptable, in highways terms. The NPPF provides clear guidance on when applications should be refused on highways grounds and this is not an instance where such a refusal is justified. The proposal accords with WLP8.21 and the NPPF transport objectives.

Local Residential Amenity

- 7.54. Local Plan Policy WLP8.29 (Design) requires that development proposals protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. In terms of direct impact such as access to daylight/sunlight and privacy levels, the proposal would have no impact as the complex at St John's Hall is a significant distance from any residential properties. In respect of the listed Hall, the proposed building would be positioned far enough away where no direct losses of light or privacy would arise.
- 7.55. The main amenity concerns raised by local residents relate to a change in outlook and visual impact from the proposal; increase in traffic generation; noise pollution; and light pollution.
- 7.56. As set out earlier in this report, the visual impact of the development is considered to be acceptable and markedly improved from the 2018 appeal proposal. Furthermore, the traffic generation has also been addressed and not deemed to be significantly adverse so as to justify refusal.

- 7.57. In terms of noise pollution, officers walked the site and surroundings inclusive of Lodge Road, Low Road, Great Common Lane, and public rights of way (PRoW) Nos. 2, 3 and 4 which run through fields surrounding St John's Hall. The experience in the area is that the background noise level is fairly high due to the constant flow of traffic along the A144 which is immediately adjacent St John's Hall. Although a rural area, this is not a highly tranquil location where noise from the commercial operation is completely alien and intrusive. It is also relevant that part of the operation at St John's Hall is farming, and the vehicular movements and noise associated with an agricultural use are not controlled by planning. There is also an existing storage use in operation and no evidence has been provided by third parties to demonstrate that there would be significantly increased noise levels at the site. Given how distant St John's Hall is from other residential properties, it seems very unlikely that any noise arising from the new building would be seriously harmful to local amenity, or particularly discernible in the context of the existing use and noisy A-road adjacent.
- 7.58. In terms of light pollution, the proposal shows 4x8 metre lighting columns with floodlights and 11 wall mounted floodlights at heights varying from 8 metres up to 10.5 metres. The County Council Highways Street Lighting Team has provided guidance on the proposed external lighting suggesting that the tilt of higher level lanterns should be set to zero degrees to help reduce light spill which may be seen by local residents from a distance. The applicant has amended the proposed lighting plan as such. Officers consider that this will reduce the light pollutions impacts down to an acceptable level. Furthermore, as mitigation planting establishes over time, the light spill will reduce.
- 7.59. It is accepted that additional lighting will be visible from wider viewpoints, but visibility does not equal harm. The adjacent A-road will be trafficked at night by vehicles with headlamps on and St John's Hall, as a complex, is a significant distance from any residential properties. Therefore, it is not considered that light-spill from the proposals will erode the living conditions of local residents.
- 7.60. For the reasons set out, the amenity impact of the development is acceptable in accordance with WLP8.29.

Surface Water Drainage

- 7.61. Local Plan Policy WLP8.24 (Flood Risk) sets out, among other things, that development proposals should consider flooding from all sources and take into account climate change and that proposals should use sustainable drainage systems to drain surface water that are integrated into the landscaping scheme. Chapter 14 of the NPPF sets out planning for flood risk:
- Development should be directed away from areas at highest risk (para. 155).
 - Local planning authorities should ensure that flood risk is not increased elsewhere, and applications should be supported by a site-specific flood-risk assessment. Development proposals in higher risk areas should demonstrate that:
 - Within the site development is directed to the lowest risk areas;
 - The development is appropriately flood resilient and resistant;
 - The development incorporates sustainable drainage systems;
 - Any residual risk can be safely managed; and
 - Safe access and escape routes are provided. (para. 163)

- Major developments should incorporate sustainable drainage systems (para. 165).

- 7.62. The proposal is supported by a flood risk assessment (FRA) and surface water drainage strategy that has been subject of review by engineers at the Local Lead Flood Authority (LLFA) at Suffolk County Council. The site is considered to be a low risk of flooding from all sources except surface water flooding which is considered to present a low to medium flood risk.
- 7.63. In terms of surface water, the total impermeable areas from existing and proposed development equates to some 0.924 hectares that needs to be properly drained. The proposed development incorporates a sustainable drainage systems (SuDS) that utilises a restricted discharge of surface water runoff into an adjacent watercourse owned by the applicant, that already receives greenfield run-off from the site. An attenuation basin is also proposed to accommodate the 100-year plus climate change (+20%) storm event. The proposal also incorporates a dry swale into the design.
- 7.64. The drainage strategy as updated is acceptable to the LLFA who have removed their holding objection and recommend that any planning permission granted impose conditions to secure the implementation of the strategy as submitted. As such, the proposal accords with policy WLP8.24.

Other Matters

- 7.65. The grain store approved under DC/13/0083/FUL (building C) is currently being used for unauthorised commercial storage, and subject of an enforcement complaint ref. ENF/2018/0285/USE. In response to that, the applicant has explained that should permission be granted for the new storage building, that unauthorised use of the grain store will cease. Resolving an enforcement case is not reason to approve this application; however, nor is an existing enforcement matter considered to be grounds to refuse the current application. Officers consider that, irrespective of the outcome of this application, enforcement processes will need to be followed to ensure the grain store is used for its authorised agricultural purpose, or otherwise the proper applications made seeking an alternative use.
- 7.66. The comprehensive landscaping strategy with mitigation planting, in addition to the attenuation basin, fall outside the red line area shown on the application site plan; however, this land is all in the applicant's ownership denoted by the blue line. Thus, to secure that these important elements of the development proposal are secured and implemented fully, it would be necessary to impose a condition on any planning permission requiring that the landscaping and SuDS features are implemented at the appropriate stage. As the land is in the applicants control and forms part of the wider complex, it is clear that these works can be delivered and therefore a condition as such is an appropriate mechanism of delivery.
- 7.67. In terms of ecology, the site is former farmland and of little habitat value. Thus, the proposal would not lead to losses of protected species and/or habitats. New mitigation planting, once established, is likely to be of greater habitat value than the existing site condition.

- 7.68. The Council's Environmental Health Team have reviewed the application and raise no objections. There are no known ground contamination sources at the site requiring investigation/remediation but, in any event, the proposal is not for a sensitive end-use such a residential development.
- 7.69. The site is not a known area of archaeological interest and thus there is no requirement for ground investigation secured by conditions.

8. Conclusion

- 8.1. The principle of development is contrary to the Local Plan spatial strategy policies WLP1.1 and WLP1.2; along with specific employment policies WLP8.12, WLP8.13 and WLP8.14 - which, in combination, seek to deliver employment growth within existing settlement boundaries; within existing employment areas (or adjacent to those areas); and through conversion of existing rural buildings.
- 8.2. The section 38(6) exercise that gives the development plan primacy in decision-taking would normally indicate that planning permission be refused. However, there are some instances where material considerations indicate a decision should be made otherwise than in accordance with the plan.
- 8.3. The 2018 appeal decision is a material consideration and sets out that the main issue, at that time, was to balance the economic benefits of the proposal against the visual impact on the character and appearance of the countryside. As set out in this report, the proposal has been substantially amended and is considered acceptable in terms of its landscape and visual impact in accordance with Policy WLP8.35; furthermore, the well-designed mitigation planting proposals will actually deliver some landscape character benefits and better screening of existing buildings. There would also be considerable economic benefits. The proposal would bring about, potentially, up to ten FTE positions within the first two years of the building being in use. More significantly, the proposal would expand the commercial storage offer at the site that makes such an important contribution to meeting the operational needs of many local businesses. Supporting the expansion of St John's Hall Storage will also help ensure the long-term viability of the business, and also the closely connected farming enterprise based at St John's Hall. It is unrealistic for the new building to be delivered on a separate site given the close interrelationship between the storage and agricultural enterprises.
- 8.4. The NPPF is also a material consideration and sets out that: significant weight should be placed on the need to support economic growth and productivity (paragraph 80); and that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses (paragraph 83b); and that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements that are not well served by public transport (paragraph 84). It is thus considered that the NPPF position on building a strong, competitive economy is very supportive of the development proposal. The proposal is also supported by the economic growth ambitions outlined in both local and regional strategies (the East Suffolk Growth Plan, the East Suffolk Business Plan, the Suffolk Growth Strategy and the Norfolk and Suffolk Economic Strategy).

- 8.5. There would be a low-to-moderate level of harm to the significance of St John's Hall as a grade II listed farmhouse through development within its setting as the new building will remove some of the visual link between the farmhouse and wider farmland to the north. Although that level of harm, in NPPF terms, is considered to be 'less than substantial' it must still be given great weight by the decision taker and properly weighed against the public benefits of the proposal.
- 8.6. Officers are aware that this is a finely balanced decision with a number of issues to consider. However, weighing all of the issues, giving great weight to the harm to the listed farmhouse, and with regard to all matters raised through the consultation process, officers consider that the economic benefits of the proposal outweigh the harm that would arise, including the conflict with the Local Plan in terms of the principle of development. The amended proposals have overcome the main appeal dismissal ground in terms of visual impact, and this is an instance where a departure from the Local Plan is justified in order to support a rural enterprise and deliver significant economic benefits in accordance with the objectives of the Council's Business Plan. Thus, planning permission should be granted.

9. Recommendation

- 9.1. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (The DMPO) requires that any application that does not accord with the statutory provisions of the development plan in force in the area in which the land to which the application relates is situated, be advertised by site notice and in the local press. That publication process has been undertaken and will close on 31 December 2019. Any further representations received prior to the committee meeting on 19 December 2019 will be reported to members via the update sheet and verbally at the meeting. Officers therefore are seeking authority to approve the application, subject to no new material planning objections being received post-committee, and prior to the 1 January 2020.
- 9.2. **AUTHORITY TO APPROVE**, subject to no new material planning objections being received post-committee, and prior to the 1 January 2020.

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Landscape and Visual Impact Assessment (revised 29th August 2019); and Mitigation Proposal Drawing Nos. E17879-TLP-001 and E17879-TLP-002, received 05 September 2019.

Flood Risk Assessment (FRA) (dated 16/08/2019, ref: BLI.2019.40), received 29 August 2019.

External Lighting Plan No. 0001850397-EX-R1B-220719, received 22 July 2019; and Proposed lighting product details, received 17 June 2019.

Site Location Plan No. 1375/GEN/00 rev A; Proposed Plans and Elevations No. 100; Proposed Site Plan No. 1375/GEN/003 rev A; and Proposed Site Cross-Sections No. 1375/GEN/005 rev A, all received 03 May 2019.

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

3. No works or development shall commence until a full specification of all proposed tree and hedge planting (in accordance with the approved mitigation proposal drawing No. E17879-TLP-002 within the approved Landscape and Visual Impact Assessment) has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a well laid out scheme of landscaping in the interest of good design and mitigating the impacts of the proposal on the character and appearance of the countryside.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques
 - d) storage of plant and materials
 - e) programme of works (including measures for traffic management and operating hours)
 - f) provision of boundary hoarding and lighting
 - g) details of proposed means of dust suppression
 - h) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - j) monitoring and review mechanisms.
 - K) details of deliveries times to the site during construction phase

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

5. 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 approved in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

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

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

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the landscaping strategy is implemented in a timely manner.

7. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated 16/08/2019, ref: BLI.2019.40) shall be implemented as approved in writing by the local planning authority. In addition to the approved FRA, a penstock must be located between the outfall of the approved attenuation basin and the outfall to ordinary watercourse. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

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

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

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. Drainage:
 - Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution.

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

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

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

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

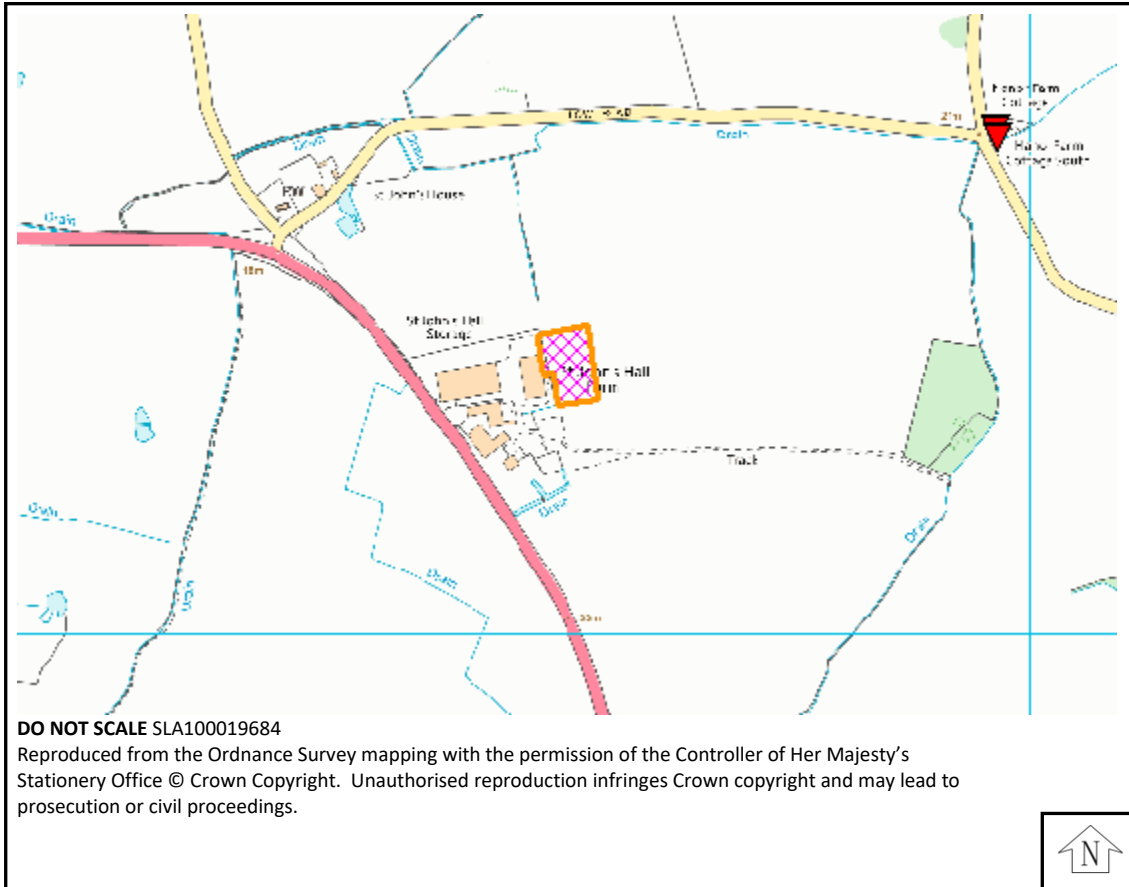
CIL forms can be downloaded direct from the planning portal:

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





Background information

See application reference DC/19/1831/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQXI7NQX07400>

Map



Key

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

Planning Application No DC/19/1831/FUL for a B8 distribution unit at**St Johns Hall****Objection by Ilketshall St John's Parish Meeting and Others**

1. The planning application should be refused because it is contrary to the Local Plan and would cause demonstrable harm to interests of acknowledged importance.

The Local Plan

2. Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise (para 47 of NPPF). The NPPF also states that 'Where a planning application conflicts with an up-to-date development plan ... permission should not normally be granted (para 12). The Waveney Local Plan (WLP) was adopted in March 2019. It has been examined for conformity with National policy. It is therefore very up to date and provides a sound basis for determining this application.

Strategy for Rural Areas

3. Paragraph 7.1 of the WLP states that 'The strategy for rural areas is to deliver approximately 10% of the District's housing growth, supported by ... small scale employment....'
4. The intent of this strategy is exemplified by Policy WLP8.7 – Small Scale Residential Development in the Countryside – which only permits up to 3 dwellings on infill sites if the development does not extend further into the countryside or 5 dwellings *exceptionally* with local support.
5. *The application cannot be described as small scale. It is for a major building in a rural area which would further consolidate what has developed incrementally into a substantial development which, if this application were to be approved, has the potential to develop further into a major employment site in a unsustainable location. The proposal is widely and deeply opposed by local people.*
6. ***The application is clearly contrary to the strategic intent of the WLP.***

Employment Land Policies

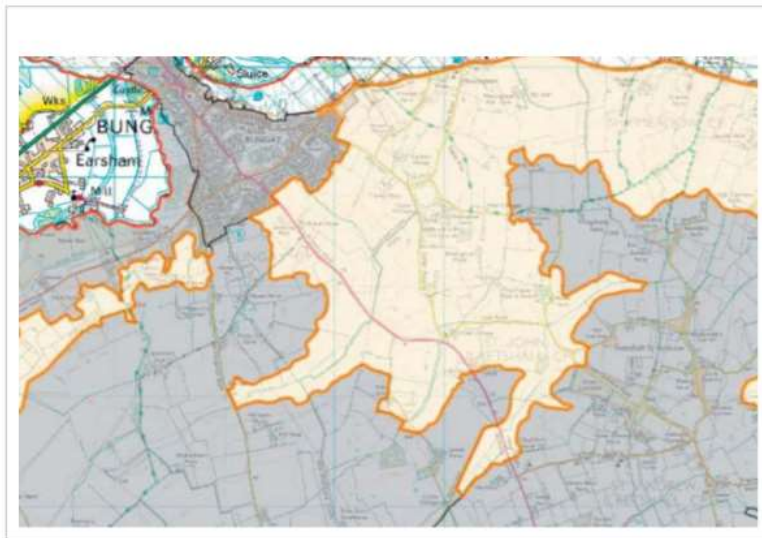
7. Policy WLP8.12 deals with existing employment areas. The policies map identifies these employment areas. The policy states that outside of

existing employment areas redevelopment or change of use of existing buildings for B1, B2 and B8 will be permitted. Given the history of the site was known to the planning authority it must be presumed this was a conscious decision

8. *The application site is not identified as an employment area on the policies map and the proposal is for an extension to an existing activity through the development of an additional building. Therefore, the application is contrary to Policy WLP8.12 the intention of which is to direct employment development to the most appropriate and sustainable locations which does not include extensions to employment premises in locations not identified as employment areas.*
9. Policy WLP8.13 deals with new employment development and sets out preferences for it to be within an existing employment area, within settlement boundaries adjacent to an existing employment area or on adjacent land outside of the settlement boundary.
10. *The application site is not within or adjacent a settlement boundary. It therefore does not meet the criteria for new employment development set out in Policy WLP8.13. The WLP gave all residents and businesses the opportunity to object to the draft Local Plan. However, the Applicant did not object.*
11. Policy WLP8.14 deals with the Conversion and Replacement of Rural Buildings for Employment Use. Replacement will only be permitted where the proposal will result in 'significant environmental gain in terms of improvements to visual amenity, landscape character, pollution prevention....'
12. *The application is neither for conversion or replacement of an existing building. Even if it was it fails the test for replacement because it would cause material harm to visual amenity, landscape character and light, air and noise pollution caused by increased onsite activity and lorry movements, probable use of lighting at night and the increased likelihood of 24 hour working.*
13. ***There is no provision in the Local Plan for the expansion and extension of the application site through the development of a substantial new B8 building in the Countryside but it is also implicitly contrary to these policies and therefore it is contrary to the Development Plan and should be refused in accord with the NPPF.***

The Landscape and Wildlife

14. Policy WLP8.35 requires development to be sympathetic to the distinctive character areas identified in the 2008 Landscape Character Assessment. Development proposals will be expected to demonstrate their location, scale, form, design and materials will *protect and enhance* the special qualities and local distinctiveness and the visual and historical relationship between settlements and the landscape settings. Development will not be permitted where it will have a significant adverse impact on locally sensitive and valued landscapes including Tributary Valley Farmland character areas.

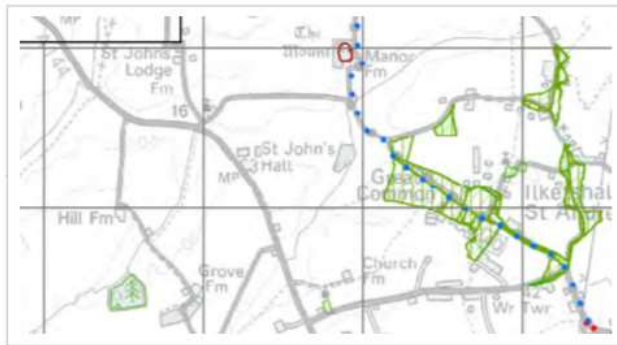


Extract from the 2009 Landscape Character Assessment

15. The application site is within the Mid Waveney Tributary Farmland character area as shown in the extract above.
16. *The application would further extend and consolidate what has become incrementally a collection of substantial buildings which far from protecting and enhancing the special qualities and local distinctiveness of the area significantly detracts from it. It is acknowledged that the proposed landscaping of the site will take many decades to screen it from view and even then, it will be an anomalous feature in the landscape. Furthermore, it will further detract from the visual and historical relationship between what was the St Johns Hall farm and the Ilketshall St John hamlet. The application is therefore contrary to Policy WLP8.35 and would cause harm to interests of acknowledged importance. Furthermore, it would create a precedent for the further extension of the site which would further damage the landscape and the historic setting,*

17. Policy WLP8.34 – Biodiversity and Geodiversity - states that ‘proposals which have a direct or indirect adverse effect on locally recognised sites ...including County Wildlife sites will not be supported...(without)... proposals to mitigate or compensate for the loss’. The application site is in close proximity to a County level wildlife site identified on the policy map.

18. The application is in close proximity to a County level Wildlife site and its impact on that area has not been examined. If approved the proposal would create a precedent for further expansion of the site towards the wildlife area with further potential for damage to the wildlife area.



Extract from the Waveney Local Plan Policies Map (2019)

Coalescence of Settlements

19. Policy WLP8.36 states that development of land and intensification of developed land between settlements will only be permitted when it does not lead to a reduction in openness and space or the creation of urbanising effects between settlements.

20. The continued expansion of the St Johns Hall site is leading to the reduction in openness between the site and Ilketshall St John and to an urbanisation of the area.

21. The proposal is contrary to the policies of the WLP that seek to protect and enhance the landscape, protect historic relationships, protect identified wildlife sites and protect development in the countryside from coalescence and urbanisation.

Material Considerations

Is there is sufficient employment land for B8 uses at locations which conform to Development Plan policies?

Employment Land Allocations

22. The WLP's employment land allocations are based upon the Waveney Employment Land Needs Assessment (2017) which estimated a need for 33.54 ha from past trends plus an uplift assumption of 9.33 ha.
23. Accordingly, the WLP makes provision for a substantial quantity of new industrial land for B1, B2 and B8 uses across the District including new allocations at Beccles (6.3 miles/13 mins away from the application site), Halesworth (8.3 miles/15 mins away) and Bungay (1.6 miles/3 mins away).
24. These allocations together contribute 24.04 additional hectares of employment land distributed as follows:
 - Beccles (Policy WLP3.1 **5 ha** and Policy WLP3.8 **13.4 ha**) - **18.4** ha total
 - Halesworth (Policy WLP4.6) - **2.64** ha
 - Bungay (Policy WLP5.2) - **3** hectares.
25. Policy WLP5.2 states that 'B8 uses will only be acceptable where it is demonstrated that the traffic impact (in particular heavy good vehicles) will not have an adverse impact on the town centre.'
26. *If the traffic assessment indicates that the Bungay allocation is acceptable for B8 uses it provides a more acceptable site for B8 provision that conforms to Development Plan policies. If it isn't suitable for B8 uses the application site, which is only 3 mins away and will use the same routes through Bungay, will also have the same traffic impacts and also be unsuitable. A traffic study should therefore be undertaken as part of the St Johns Hall application to assess its impact cumulatively with the allocation in Policy WLP5.2.*
27. Policy WLP5.2 also requires the employment land to come forward at the same time or in advance of the residential development so it is in the interests of the landowner, who is also the applicant, to bring forward that land.
28. The planning process is backed by East Suffolk's Economic Growth Plan (2018- 2023) which makes a commitment to identify the infrastructure to

bring it forward in a timely way. The allocation at Beccles is further supported by being identified as one of the New Anglia LEPs Enterprise Zones a key part of its Growth Strategy. There is a commitment to fast track development and potential rate relief.

29. The Local Plan allocates sufficient land to accommodate the application proposal 48 times so there is no shortage of allocated employment land.

Current Land and Buildings Availability

30. The 2018 Strategic Housing and Employment Land Availability Assessment identified existing commitments of:

1.18 ha at Beccles

0.03 ha at Bungay

0.55 ha at Halesworth.

31. It also identified other deliverable sites of:

41.62 ha at Beccles

19.96 ha at Halesworth.

32. In addition to the land allocated and available for development within Waveney District there is land and existing industrial estates at Harleston (10 miles away), Eye and Diss (both about 20 miles away).

In the case of Eye, Suffolk storage amounts to the following:

Bartums Group Limited – “You can make use of our 150,000 sq ft warehousing onsite or we will make room for you at the nearby Brome Industrial Estate which boasts a further 75000sqft”.

Anglia Freight – “Let Anglia Freight do it for you. With thousands of square feet of secure warehousing space”.

CW Logistics Limited – “Storage In 80,000 square feet of multi-user warehousing”

A140 Self Storage Warehouse - Business self-storage is a cost-effective alternative to traditional warehousing with no complicated leases, no deposits and no business rates to pay.

33. These are some example of sites and buildings that are being actively marketed:

Extract from Durrants commercial property search:

Hornbill Business Park is located in North Suffolk on the South Eastern margin of Beccles in a popular industrial and business area, comprising of well established industrial estates. 5 miles to the A12 and thence to Ipswich, London and the M25. Direct links to the A143 (Bury St Edmunds) A145 (Lowestoft and the North Sea Coast) A146 (Norwich and Great Yarmouth). 2018 proposed opening of Beccles Southern relief road connecting roundabout is approx 800m from the site.

Hornbill Business Park encompasses about 28 acres of development site on completion and is to be developed either;




1, Through the sale of serviced plots (1/4 acre upwards) with the buyers undertaking self building projects.

2, Completed buildings and site landscaping provided by the site owner on a leasing arrangement with the proposed tenant.

The development will be phased. Phase 1 (plot 1) is under construction and the main access road is now being built. Services are currently being installed.

Hornbill Business Park offers occupiers flexibility with the ability to tailor a site to suit individual requirements with a bespoke solution, subject to agreement and planning.

Extract from Hazell's commercial property search:

 <p>Industrial – TO LET Size: 35,982 sq ft 1, 2 & 3 Ellough Road, Beccles, NR34 7TQ</p> <p>£180,000 pa</p>	 <p>Industrial – TO LET Size: 23,920 sq ft 1, 2 & 3 Ellough Road, Beccles, NR34 7TQ</p> <p>£120,000 pa</p>	 <p>Industrial – TO LET Size: 11,859 sq ft 1, 2 & 3 Ellough Road, Beccles, NR34 7TQ</p> <p>£From 60,000 pa</p>
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Extract from Rightmove commercial property search:

		<p>Warehouse Unit 21, Ellough Industrial Estate, Ellough, Beccles, Suffolk, NR34 7TD Unit 21, Ellough Industrial Estate, Beccles, Suffolk is a substantial warehouse of 27,116 ft² (2,519m²) with eaves height of 29.5 ft (8.89 m), together with a compound area of</p> <p>Marketed by Ellough Industrial Estates Ltd, Suffolk</p>
<p>£5,667 pcm 27,116 sq. ft.</p>		<p>01502 455052 Local call rate</p> <p>Email agent</p>

Extract from current marketing material

	<p>POA St Johns Road, Bungay General Employment Land with outline planning permission for employment within use classes B1 and B2. Offered as a whole or in lots 2.97 hectares (7.34 acres or thereabouts). The site is situated approximately 1 mile to the south of the town centre of Bungay, adjacent the Waveney Valley Swimming Pool.</p>
	<p>VIEW FULL DETAILS ></p>

Extract from Durrants Commercial Property Search:

Showing properties 11 to 20 of 27

Page 1 | 2 | 3



For Rent £16,300 pa

Mayflower Way, Harleston

A light industrial unit suitable for class B1/B2/B8 use. Internally the unit comprises a main warehouse (single loading shutter door), adjacent workshop area (two loading shutter doors), WC and office/staff room. A concrete loading area and common access road is situated to the front of the unit.

[VIEW FULL DETAILS >](#)



34. There is a wide range of sites and buildings currently available for new build or occupation for B8 uses in the vicinity of the application site.

Reliance on the site by existing users

35. Local businesses that use the site can continue to use its existing facilities.

36. St Peters Brewery is identified as one local business that relies on the existing storage at the application site. It cites the need to have storage close by. The distance from the Brewery to the employment allocations/commitments above are as follows:

- To Broadway Farm Halesworth - 7.2 miles/16 minutes
- To South West of Bungay - 4 miles/9 minutes
- To Ellough Beccles - 9 miles/20 minutes

This compares to 3.5 mile/9 minutes to the application site at St Johns Hall.

St Peters Brewery uses Anglia Freight who are based at Eye, Suffolk and offer distribution and warehousing.

Extracts from Anglia Freight website:

Warehousing

Ideally located close to the port of Felixstowe, Anglia Freight provides a full range of ambient temperature 3PL services.

We have the facilities, infrastructure and IT capability to integrate our warehousing, storage and fulfilment services. This means whether we're dealing with batch codes or 'best before' dates, our system provides our customers with full product traceability 24 hours a day, 7 days a week.

Certified by the [Soil Association](#) we are also able to store and transport organic produce, ensuring that full organic standards are complied with throughout their entire journey.

We're always looking to support businesses and provide them with the flexible and effective logistics solutions. Our competitive prices and exceptional service mean Anglia Freight is your ideal partner. Talk to us today to see how we can help you and your business.

The Problem

Based in the heart of Suffolk, St. Peter's Brewery Company uses water from its own deep bore-hole, together with locally malted barley and Kentish hops to produce its excellent range of classical English cask-conditioned ales as well as superb bottled beers. Transporting these products safely and reliably from the heart of the Suffolk countryside across the UK requires a very special distribution partner.

Our Solution

Anglia Freight has been entrusted with this important role and has been working with the company for well over a decade, moving these precious liquids – initially in bottles but now increasingly in casks to meet the growing demand for these popular speciality beers.

With the majority of consignments destined for regional distribution centres, flexibility is the key to a successful service. Deliveries via the Palletline palletised distribution network enable the brewery to comply with varied time slots and delivery specifications in line with the requirements of customers throughout the UK.

"We enjoy an excellent service through Anglia Freight and Palletline – that's why we've been partners for so long," confirmed CEO Steve Magnall for St Peter's Brewery Company. "Key benefits of the service to our organisation include speed and efficiency and limited damages as well as some pretty sophisticated technology in terms of online booking and POD retrieval which matches our own requirements."

37. Another supporter is Body Paks Limited of Beccles located within minutes of the employment land at Beccles which is much closer than the application site at St Johns Hall.

38. *New provision for existing businesses by St Johns Hall Ltd or another provider can be made in locations that are as or more accessible, more sustainable and in accord with the Local Plan than the application site.*

Support for the existing St Johns Hall Businesses

39. The financial needs of a business are not a material planning consideration (see 2007 Inspector's findings below).

40. The applicant owns or owned land allocated in the WLP for residential and business use. It is understood by local residents that the residential allocation south east of Bungay has been sold by the applicant for a considerable sum –so it is likely that the agriculture site of the St John's business is funding the expansion of the storage business not vice versa and any need for cross subsidy has now disappeared.

41. Even so the existing storage usage will continue to support the farm business. Indeed, the storage business is now the predominant use on the site occupying more than 70% of the floor space.
42. The existing buildings can continue to be used and expansion can take place elsewhere. For example, the applicant owns the land allocated for employment to the south west of Bungay –he could expand in that location only 3 miles from the application site (subject to obtaining permission for B8 uses (see above and below) with minimal business disruption and additional costs.
43. There is no evidence that the storage and farm business are interrelated but there is evidence that the farm business is now supportive of and subservient to the storage business. Local residents have noticed that job adverts have either been for the storage business or the farm business but never covering both.
- 44. *The application should be refused because there are no material considerations which indicate that an exception to the Development Plan should be made. There is sufficient employment land available for St Johns or similar businesses to expand into to meet the needs of local businesses.***

Demonstrable Harm to Interests of Acknowledged Importance

45. The application is contrary to the Development Plan and there are no material considerations which justify an exception. In addition, the application would cause demonstrable harm. In addition to the impact on the Landscape Value Character Area and the County Level Wildlife Area further harm will be caused:

Visual and Noise Impacts

46. The proposal is only slightly smaller than the application that was refused by the District Council and on appeal. The photographs in Appendix 1 show the increased visual impact on the surrounding area. To be added.
47. The reorientation of the building is unhelpful and will have an even greater impact on the neighbouring properties. The operational elevation pointing north, with the two doors and new concrete pad means that all vehicle movements, lights vehicle reversing sounders for lorries and fork trucks will affect a much greater audience. It is not clear why two sets of doors are needed. The screening to the North of the building is inadequate and appears to have a substantial gap in it.

48. The continued expansion of the site is likely to lead to 24-hour operation with consequent impact on local residents.

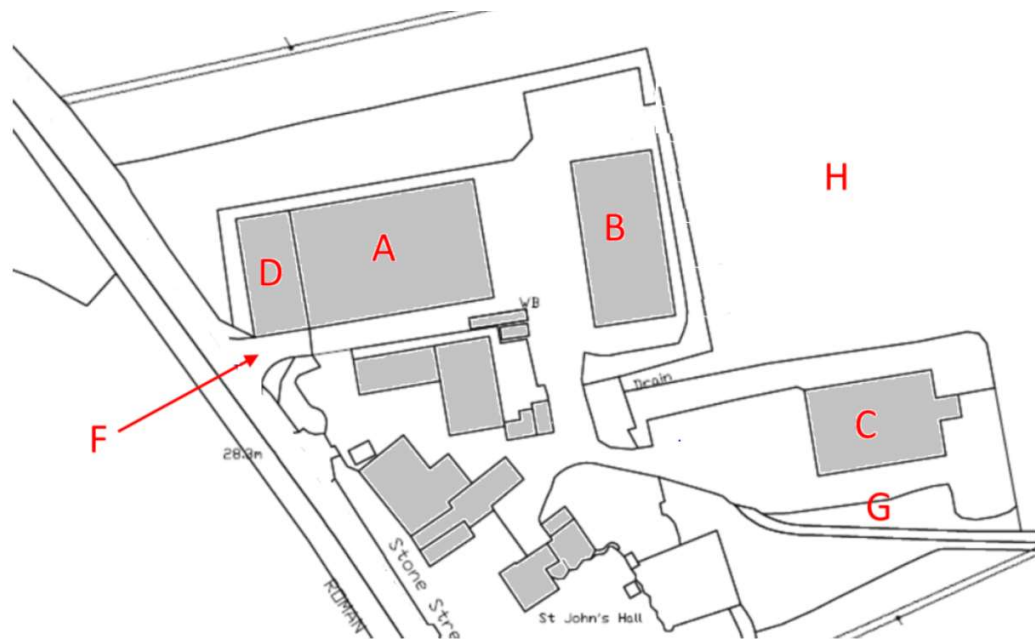
49. *The visual, noise, light and air pollution from the site will have a detrimental effect on local residents and the amenity of the area.*

Expansion Creep

50. The Inspector came to the conclusion that the St John's Hall business as a whole was split about evenly between storage & farming, +/- 50% each. Increasing the storage business by the amount that is proposed will change that ratio to somewhere in excess of 70% storage to 30% farming, meaning that the business is now primarily a storage business with a farm attached.

51. The site has developed in an unplanned way with proposals for new buildings being considered on an ad hoc basis. The planning history shows that permission has been granted for agricultural buildings that have not been used for that purpose and that change of use applications have quickly followed.

52. Building A was originally a general farm building permitted in 1985. A change of use was approved to commercial storage in 1995 and the gradual development of the site for commercial storage had begun only 24 years ago. Building B was approved as a grain store in 1999 but has never been used for that purpose. It is understood that it was in use for commercial storage when the Inspector undertook his site visit in 2018. A further building – building C - was approved in 2012. It is used as a pallet store for at least 11 months of the year and as a buffer store for grain at harvest time.



From Applicants DAS

53. *If the current application is permitted it will further consolidate the site as a storage and distribution facility, despite it not being identified as an employment site in the WLP. The commercial storage activities on the site have increased on a regular basis since 1995 and a similar increase might be expected over the next twenty years if the expansion of the site is unchecked. Further applications for incremental growth are inevitable including hard standings and turning areas, lit at night. A line must be drawn with the refusal of this current application.*

Impact on Bungay Town Centre

54. As noted in para 25 above Policy WLP5.2 allocates employment land south west of Bungay just 3 minutes away from the St John's Hall site. It states that 'B8 uses will only be acceptable where it is demonstrated that the traffic impact (in particular heavy good vehicles) will not have an adverse impact on the town centre.' *Clearly there is a concern that increased commercial storage activity at St Johns Hall could also have this impact.*

55. The proposal would cause harm to interest of acknowledged important because of its environmental impacts which will increase if the incremental expansion of the site continues to be permitted.

Inspector's Conclusions

56. The Inspectors decision to reject the appeal against refusal of the original application was made in April 2018 against the adopted planning policies of the time which dated from 2009 and 2011. The current application falls to be considered against the newly adopted policies of the WLP. The Inspectors conclusions are not therefore a material consideration.
57. However, the applicant relies on the Inspectors' conclusions to support his case. Our comments on these are therefore as follows:
- a. The proposal meets an established demand (para 10 of Inspectors decision) – this may be true but other more suitable and sustainable locations can meet that demand.
 - b. There is a shortage of similar storage facilities in the area (para 10) – any shortage of similar storage facilities can be provided for by the applicant or other providers in more suitable locations. There is a sufficient supply of land for the market to bring forward the storage provision that is demanded.
 - c. National and local policy supports farm diversification (paras 8 and 12)– this is now primarily a storage and distribution business not a farm business and local policy is now established in the WLP and it does not provide unconditional support for diversification. The NPPF (para 83a. requires growth and expansion of business in rural areas to be sustainable and other more sustainable locations are available for B8 development
 - d. There is policy support for rural business growth (para 12) – WLP strategy is for small scale employment and the District Council decided not to identify the site as an existing employment site.
 - e. The storage business is vital to support the farm business (para 13 and 14) – the predominant business is now storage and it is likely that the storage business is supporting the farm business. It is not part of planning policy that any farm business can develop alternative uses simply to support the farming business.
 - f. There is no upper limit on farm diversification (para14) – this is only true if the site otherwise conforms to planning policy and does not cause demonstrable harm otherwise any farm diversification could expand totally uncontrolled by the planning system. The reliance of the applicant on this statement lends support to the concerns of local residents that the applicant will continue to develop and expand the site into an even larger storage facility.
 - g. Both parts of the business require a single site (para 15) – this may be desirable from a business point of view but many businesses

operate from split sites or have to relocate to a more suitable site. This consideration does not override planning policy.

- h. The nearest site where large scale building is acceptable is many miles away (para 15) – the evidence above shows this not to be the case, land and buildings are available in much more sustainable locations.

58. There was a previous appeal against refusal for the erection of an agricultural engineering premises – determined in November 2007. Here the Inspector also found that the intrusion into the countryside was unacceptable even though the building proposed was smaller than proposed in the current application:

Reasons

- 3. At just over 42m in length the proposed building would be smaller than the largest warehouse building within the St Johns Hall farm complex. Nevertheless, and even allowing for the ground level differential, the existing planting on the Halesworth Road boundary and the proposed mound, the new building would be a large structure and from some viewpoints it would be highly visible. The building and the extensive area of land associated with it, combined with the activities intended, would represent an unacceptable incursion into a largely undisturbed area of countryside. The effect would be exacerbated by the likelihood of additional vehicular traffic entering and leaving the site and the inevitable but intrusive effects of noise and lighting.

Extract from Inspectors Report APP/T3535/A/08/2066856

- 59. It is notable that the Inspector was concerned about the effect of vehicular traffic, noise and lighting.
- 60. The Inspector in this case however gave much less weight to the merits of farm diversification and cross subsidy of non-farming activity to support the farm business:

6. The proposed building and the land on which it would be sited is intended to be partly used as a workshop for the existing farm unit. For the most part the building would be occupied by the local branch of a regional engineering company that supply and maintain agricultural machinery, and are currently operating from an industrial estate in Halesworth. The use would be industrial rather than agricultural.
7. I recognise that the St Johns Hall farm unit could benefit from some revenue and services of the company on site. But I question whether the benefits alleged would be vital to the farm, given that it has already diversified into the commercial storage/distribution business which operates from the large industrial buildings to the north of the farmhouse and farm buildings.
8. The evidence before me demonstrates that the farming business on its own is profitable, albeit with a large proportion of the income attributed to contracted farm work. The evidence, however, does not refer to the economic contributions of the storage and distribution business which operates alongside the farm unit. By all accounts the business has allowed the farm to diversify successfully and enables the appellant to maintain a steady workforce. There is no indication in the material before me that the proposed development is critical to the continued success of the farm enterprise or that it could be justified on the grounds of rural diversification.

Extract from Inspectors Report APP/T3535/A/08/2066856

61. Furthermore, the Inspector found the site was unsustainable and that needs of a particular company did not override planning considerations:

9. Relocation of an industrial business from the relative accessibility of Halesworth to a site that is essentially rural, does not accord with sustainable development objectives. With few opportunities for non-car modes of transport in the area, employees and customers would be relying on private cars to reach the site,

case but the particular circumstances of the future occupier of the proposed development are not relevant to the merits of the scheme on the basis of farm diversification. LP Policy E5 is the relevant policy in these circumstances, and it does not permit industrial development in the open countryside. The known reputation of the engineering company and the opportunities it offers for local employment and training are not sufficient, in my view, to override the material harm identified or to warrant a departure from the development plan.

62. *It seems therefore that two Inspectors have taken a very different view of the arguments about farm diversification and the decision of the Inspector in 2018 should not influence the decision now to be made regarding a new planning application to be considered against a new policy framework.*

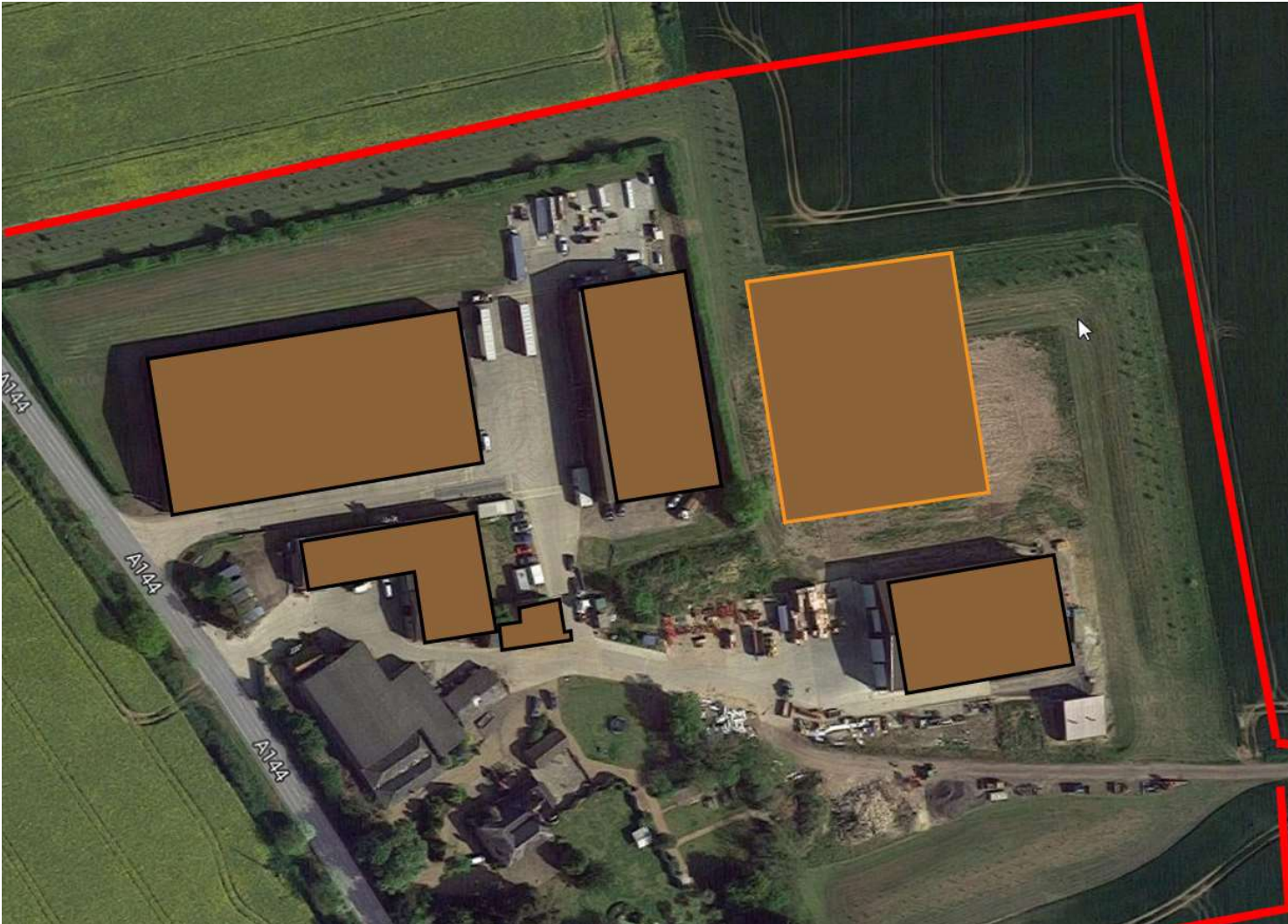
Conclusions

63. The Planning Application for the expansion of the St John's Hall site to accommodate a substantial additions B8 storage unit should be refused because, as demonstrated in this submission, it is contrary to the Development Plan, there are no material considerations that would justify a departure from the Development Plan and it would cause demonstrable harm to interests of acknowledged importance.

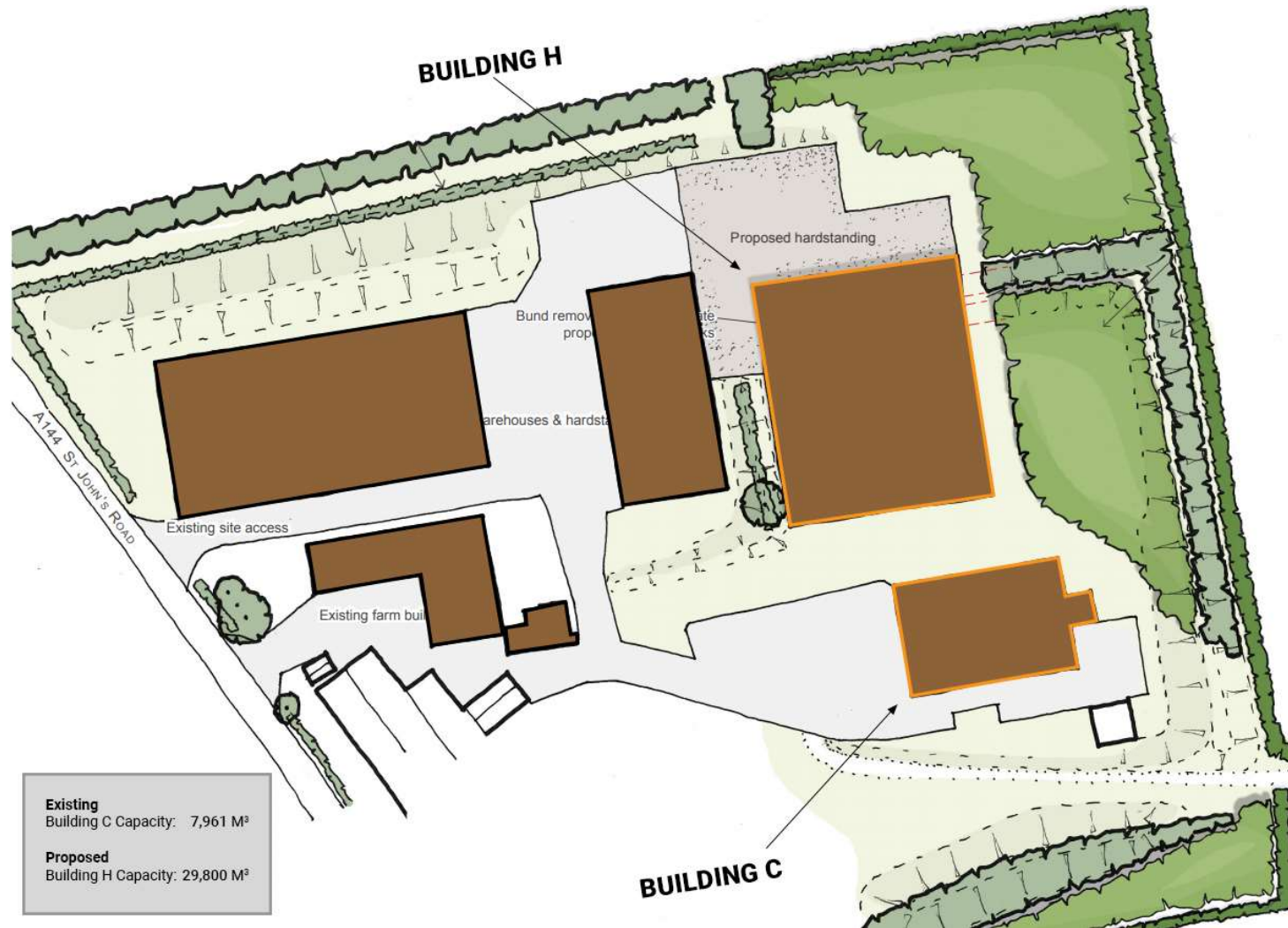
Appendix 1 – Photographs demonstrating the impact of the proposal on the landscape.



Taken from Google Map (satellite view)



Taken from Google Maps (satellite view) showing the scale of the new proposed warehouse



Taken from applicants landscape draft showing the scale of the new proposed warehouse



View from top of Lodge Road



View from top of Lodge Road, showing effect on landscape, with no night pollution shown.



Appeal Decision

Hearing Held on 21 February 2018

Site visits made on 21 and 23 February 2018

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 6th April 2018

Appeal Ref: APP/T3535/W/17/3188362

St Johns Hall, Halesworth Road, Ilketshall St John NR34 8JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Basey-Fisher against the decision of Waveney District Council.
 - The application Ref DC/17/0410/FUL, dated 2 February 2017, was refused by notice dated 3 May 2017.
 - The development proposed is the erection of a new steel frame building to act as a new pallet storage unit for the existing storage business.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Tim Basey-Fisher against Waveney District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is whether the economic benefits of the proposal are outweighed by the effect of the new building on the surrounding landscape.

Reasons

Background

4. The proposal is for a large steel frame building alongside the existing group of buildings at St Johns Hall on the eastern side of the A144 south of Beccles. St Johns Hall is the operational centre of two interconnected businesses run by the appellant, St Johns Hall Farm and St Johns Hall Storage. The new building would be to enable the successful storage business to expand.
5. The farm business was started by the appellant's father in the 1950s and has since developed into a large scale cereal/arable farm with 273 ha of land plus further rented land and a substantial amount of contracting work for other farms. This business is profitable and employs 1 full time and 2 part time workers plus the appellant and family members part-time.

6. In the mid-1980s, when the farm began to diversify into contract grain drying and storage, a large 2,232 m² general purpose farm building (building A¹) was constructed near the road frontage. To better complement the farm work, in 1995 permission was granted for the change of use of this building to general commercial storage, and from this date the appellant has built up a successful pallet storage business alongside the farm business. In 2000 another steel frame storage building 1,300 m² in size (building B) was built behind and at right angles to the first, followed in 2004 by an increase in the size of building A by extending it towards the road. These buildings are used exclusively by the storage business with internal racking in place. More recently, in 2014, to support the farm business, a large agricultural grain store (building C) was erected deeper into the site behind the farm, albeit when not needed for farm purposes this is also used for commercial storage.
7. The listed farmhouse and original farmyard buildings to one side have therefore been joined in the last 30 years by three large warehouse type buildings - A, B and C - which are prominent within the surrounding landscape. The proposal would add a fourth large building to the group, situated to the rear of the other buildings next to buildings B and C. It would be clad in brown metal profiled panels to match the other large buildings on the site.

Economic benefits

8. National policy is to support economic growth in rural areas through expansion of all types of enterprise and the diversification of agricultural businesses whilst at the same time protecting valued landscapes². Policy CS01 of the Waveney Core Strategy 2009 (WCS) is consistent with this, supporting developments of an appropriate scale that contribute to the continued viability of the agricultural industry and/or diversify the local rural economy. WCS Policy CS07 says much the same, encouraging proposals which diversify the rural economy providing they are of a scale and character appropriate to the location, and supporting farm diversification schemes which make a long term contribution to sustaining the agricultural enterprise if they are consistent with their rural location.
9. The appellant claims that Policy DM08 of the Development Management Policies 2011 (DMP) supports the proposal when it states 'where expansion of... B8 uses cannot reasonably take place within an existing [identified] employment area, development will be permitted on adjacent sites...' However, the interpretation that this only applies to uses within identified employment areas³ is confirmed by explanatory paragraph 5.6 which refers to *the* rather than *an* existing employment area. In any event the policy also includes the caveat 'subject to.. no significant impact on the landscape'.
10. As a result of the appellant's undoubted management expertise the commercial storage business at St Johns Hall has grown steadily over the last 20 years. By meeting the needs of local businesses for flexible storage in modern buildings with computerised stock control, a strong customer base has been built, many of whom are seeking additional storage space at the facility. The proposal would provide this and is supported by many satisfied customers, not least St Peters Brewery who attended the hearing to explain how their expansion plans ideally require more storage at St Johns because it is within 5 miles.

¹ Not the lettering used at the hearing.

² National Planning Policy Framework paragraphs 28 and 109.

³ St Johns Hall is not an existing employment area identified on the development plan proposals map.

- There is a shortage of similar storage facilities in the area, the nearest being at Eye 19 miles away, which raises the importance of extra space at St Johns.
11. The storage business currently employs 8 full time and 3 part time staff and the additional capacity created by the new building would generate up to 10 new jobs by year 2. The benefit to the local economy would not just be these jobs but those created off-site by businesses without their own storage who would then be able to expand, St Peters Brewery being an example. The building would represent a capital investment of about £1.2 m which would also benefit the local economy during the construction period.
 12. The storage use is not directly related to agriculture and the business does not therefore *require* a farm location within the countryside. However, as shown in paragraph 8, there is national and local policy support for farm diversification to supplement fluctuating and uncertain farm incomes and there is no policy requirement that the 'non-farm' income should be from some farm related or rural/land based service. In any event, there is policy support for the growth of rural businesses generally whether or not they are land based.
 13. In this case St Johns Hall Storage is closely interconnected with St Johns Hall Farm and makes an important contribution to the ongoing viability of the latter. The co-location of the two businesses provides flexibility with storage staff helping on the farm at peak times and vice-versa. The office base on site is also shared and from this and the nearby farmhouse the appellant is able to manage and oversee both operations flexibly, seven days a week. Both businesses benefit, the storage service being more flexible and cost effective than it otherwise would be and the farm benefiting from an important financial contribution putting it on a more solid long term footing.
 14. The combined profit generated by the two businesses in the last two years has been about £235k and the storage operation and farm have each contributed roughly equally towards this total. The storage business pays about £85k to the farm for ground rent and the appellant's management time and thus makes an appreciable difference to the viability and long term prospects of the farm, allowing more investment in machinery and buildings to maintain the efficiency of its operations. Another storage building would generate even more non-farm income, but there is no upper limit to farm diversification which remains important for St Johns as even large scale cereal farms face an uncertain future with fluctuating income from crop sales and government subsidies.
 15. The interconnected operation and joint oversight of both businesses require a single site and it is therefore most unlikely that St Johns Hall Storage would expand by operating a warehouse elsewhere. Operating from two sites would be less efficient, involving duplication and reduced flexibility, and the nearest potential site where large scale buildings would be acceptable seems to be Ellough, several miles away, where building costs would also be higher.
 16. To conclude on the economic benefits, there is a good case for the proposal, both to continue the diversification of the farm operation to further secure its future and as a much needed expansion of the successful storage business in its own right. This would generate a significant number of additional jobs both on site and in the local companies which use the storage space to develop their own businesses. In all these ways there would be real benefits for the local economy. However, these undoubted benefits have to be weighed against the visual impact of the large warehouse building proposed.

Visual impact

17. The proposed building, 3,846 m² in size, would be the largest at St Johns Hall and is designed to accommodate 4,732 pallets – the anticipated growth in demand for storage by existing and potential new customers over the next 4-5 years. As such the size of the building would be business-led. The building would be very large at 72 m long, 53 m wide, 11 m to the eaves and 13.5 m to the apex of the two ridges, the height being necessary to ensure the storage racking is cost effective. It would be located where it would have existing buildings on two sides, storage building B to the west and grain store C to the south, which together with the other storage and farm buildings would screen it from the south west. However, from all other directions the building would be visible over a wide area of open countryside.
18. The original application proposed tree planting on a 4 m high earth bund and a further hedgerow along the northern and eastern sides of the new building to help screen it from the surrounding farmland but the Council considered this would be ineffective and an anomalous feature in its own right. Responding to this, a revised landscaping scheme was submitted at appeal stage substituting wider ground level woodland blocks and some off-site hedgerow restoration which is agreed would provide improved screening in the medium/long term. The proposal would however involve the removal of some recent landscaping around the grain store thus setting back the screening of that building.
19. The buildings at St Johns Hall are situated in a large scale gently rolling rural landscape comprising open arable farmland dissected by shallow valleys, some hedgerows and small blocks of woodland. To the north the land slopes down towards St John's Church and an east-west valley along which runs Low Road with rising land beyond, whilst to the east a wide valley separates the site from Great Common and the scattered settlement of Ilketshall St Andrew on rising ground. From the south the buildings are less prominent due to a broad ridge which extends to the east of the A144.
20. Published county and district landscape character assessments place St Johns on the boundary of Ancient Plateau Claylands/Saints Plateau to the south and Rolling Valley Claylands/Tributary Valley Farmland to the north, but there is a gentle transition between the two and the whole area can be regarded as a well-managed and largely intact tranquil landscape with considerable overall sensitivity. There are a series of public viewpoints in the surrounding area⁴ from where the building would be seen and these were visited to assess the impact of the proposal with the help of a series of photographs. Unfortunately no accurate visual representations of the building in the context of the existing group were produced illustrating the position either initially or at Year 15.
21. The new building would form a line of three with buildings B and A on the rising ground above Low Road and would be oriented parallel to it. No drawings are provided of the relationship with these buildings but the 72 m long ridgelines would be slightly higher than building B which is gable end to the road. The building would both project several metres closer to Low Road than building B and considerably further east into the field than the grain store building C, thus increasing its visual prominence when seen from the north-west round to the north-east. Whilst joining an existing group of buildings and in many views seen in front of buildings C and B, the new building would appear both closer

⁴ Most fully shown on page 20 of the Save our Saints evidence. These are the references used in this decision.

- (therefore larger) and/or extend to the side of the others, sometimes by some distance, resulting in an unduly intrusive addition to the group.
22. This would be apparent in the intermittent but close views looking upwards to the buildings through gaps in the hedgerow along Low Road (viewpoints E, 9, F), from near Manor Cottages (10), in the important longer distance views from Lodge Road and Manor Farm Road over the valley (B, 11) and to a lesser extent from the A144 and a footpath to the north west (N, O).
 23. The building would also have a significant visual impact in a number of medium and long distance views from the east and south-east. A small scale cross section is provided showing the proposal in relation to building C⁵. This shows a large gap between the grain store and the end elevation of the new building with the ridges of the new building only about 0.5 m lower. The building would project out into the field to the north east of the existing group well to one side of building B behind and the double gable end would draw attention to its bulk compared to the others. The 53 m wide end elevation of the new building combined with its 11-13.5 m height and position extending the built form of the group would result in an over prominent addition to the landscape.
 24. This would be apparent in the long distance views from the well-used rising ground of Great Common (3), most seriously in the medium distance views from the public footpath running towards the A144 from its south west corner (2, K) and in other longer distance views from the same direction (1, L, 4).
 25. The *additional* visual impact of the building would therefore be significant in views from nearby roads, footpaths and Great Common even allowing for the presence of the existing group of buildings in the landscape. The impact would be mitigated over time by the woodland blocks and hedgerow restoration which is proposed but with growth of only 25-30 cm a year even by year 15 the trees would have only partly assimilated the new building into the landscape due to its height⁶. The purpose of the rectangular woodland blocks would be obvious, reducing their value as a positive contribution to landscape character, and off-site hedgerow restoration could be carried out in any event.
 26. For these reasons the proposed building would appear unduly large and over prominent in the surrounding rural landscape which would conflict with WCS Policies CS01 and CS07. In the terms of CS01 the development would not be of an appropriate scale and in the terms of CS07 it would not be of a scale and character appropriate to the location nor consistent with its rural location. Even if DMP Policy DM08 applied the proposal would fail the caveat that there should be no significant impact on the landscape. The proposal would also conflict with WCS Policies CS02 and CS16 and DMP Policies DM02 and DM27. These require development to improve the character, appearance and environmental quality of the area, to conserve and contribute towards the enhancement of landscape character, to be sympathetic to the site and its surroundings and to protect local distinctiveness.

Planning balance and Conclusion

27. There is a good case for the proposal both in terms of farm diversification and as a much needed expansion of a successful storage business in its own right. There is also a lack of alternative provision in the locality to meet the needs of

⁵ Original landscape plan submitted with the application by Westover Landscape Ltd.

⁶ And building C which would have the recently planted landscaping to its east removed.

local businesses. However, the undoubted benefits for the local economy are outweighed by the excessive visual impact of the unduly large building in the rural landscape. The planning balance is consequently against the proposal and therefore the appeal should be dismissed.

David Reed

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Hill BA DipTP	Planning Agent
Simon Neesam BA DipLA CMLI	Technical Director, Landscape Partnership
Matt How BSc	Acorus Rural Property Services
Nick Durrant MSc CEng MRICS FAAV	Durrants Chartered Surveyors
Tim Basey-Fisher	Appellant
Steve Magnall	St Peters Brewery

FOR THE LOCAL PLANNING AUTHORITY:

Ian Robertson DipRUP	Area Planning Officer, Waveney District Council
Philip Perkin BA MRTPI	Development Management Team Leader, Waveney District Council

INTERESTED PERSONS:

Geoffrey Sinclair	Environment Information Services for Save Our Saints group
James Servaes	Local Resident and Save Our Saints group
Paul Birkin	Local Resident and Chair, St Johns Parish
Cynthia Parry	Local Resident
Polly McCarthy	Local Resident
Neil Alger	Local Resident
G W Plenderleith	Local Resident
Rod Apps	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Letter from Mr & Dr Henderson

St Johns Hall planning history submitted by Save Our Saints group

Response to Durrants report from Save Our Saints group

Committee Report

Planning Committee - 19 December 2019

Application no DC/19/3289/OUT

Location

Land South of Leisure Way
Lowestoft
NR32 4TZ

Expiry date 18 November 2019

Application type Outline Application

Applicant Frostdrive Limited

Parish Lowestoft

Proposal Outline Application (All Matters Reserved) - Construction of up to 21 dwellings with associated landscaping, open space and ancillary infrastructure and works. Crown reduction to TPO tree (T7).

Case Officer Melanie Pieterman
01502 523023
Melanie.VandePieterman@eastsoffolk.gov.uk

1. Summary

- 1.1. The submitted application seeks outline approval (All Matters Reserved) for the construction of up to 21 dwellings with associated landscaping, open space and ancillary infrastructure and works. It is also proposed within the scope of the application to carry out crown reduction works to a tree subject to a Tree Preservation Order (T7) as shown on the submitted plans and as approved previously.
- 1.2. The application seeks to increase the number of dwellings previously approved under DC/17/1391/OUT from 17 to 21, changing the dwelling types to include smaller units and a reduction in the number of larger units. This increase in small units can be controlled via conditions and a Section 106 agreement to ensure that the reserved matters are in line with any outline consents that may be granted. The Section 106 is currently being drafted and includes affordable housing provisions and contributions towards Habitat Mitigation.
- 1.3. The site is located outside the physical limits boundary for Lowestoft and therefore the proposal is contrary to the spatial strategy policies in the East Suffolk (Waveney) Local Plan

2019. However, the site is considered to be sustainably located as it is close to existing development including Tesco's super store, a Travelodge Hotel, the Potters Kiln restaurant and other residential developments. Further to the approval for residential development noted above, there has also been previous planning permission on the site for a care home and leisure use.

- 1.4. The site subject to this application represents the residual undeveloped plot within an area of recently developed land. Although located outside the physical limits the site does not form part of a wider rural landscape as it is within a predominantly developed urban area of the town.
- 1.5. The application is recommended for approval. Officer consider it to be a sustainable form of development and the increase from 17 to 21 dwellings will not create any significant additional pressures on facilities or the local highway network and will not adversely impact on the adjacent designated wildlife site.

2. Site description

- 2.1. The site is located in north Lowestoft, approximately 2 miles (3.2km) from the town centre, however it is outside defined settlement boundaries. The site lies to the south side of Leisure Way on ground raised up from the existing highway, above a low embankment. The Tesco supermarket is located to the north of Leisure Way opposite the site. To the west of the site, between the site boundary and Foxburrow Hill/Yarmouth Road (A12), is a Travelodge Hotel and the Potter's Kiln Public House, both of which have vehicular access from Leisure Way. To the western side of Foxburrow Hill is an area of modern residential estate housing.
- 2.2. To the east, the site is adjoined by the Gunton Meadows Nature Reserve which includes a large pond close to the eastern boundary of the site. The nature reserve is bisected by a road leading from the roundabout on Leisure Way. This vehicular and pedestrian access, which also serves the adjoining petrol filling station, leads to the eastern boundary of the site and would serve the proposed development.
- 2.3. To the south of the site is a belt of public open space separating the site and the nature reserve from the adjoining residential area along Gainsborough Drive and beyond. Informal pathways through the public open space have been established, linking parts of Leisure Way to the adjacent streets including Degas Gardens and Holbein Way. These provide pedestrian links to the Tesco store to the north and Gunton Primary Academy approximately 400m to the south. There is also a more formal link provided to Gainsborough Drive via a pedestrian/cycle link via Foxburrow Hill to the west.
- 2.4. The total site area comprises approximately 0.8 ha of relatively flat vacant disused land mostly enclosed by fencing. It is the remaining undeveloped plot from a previously consented and extant mixed-use development including a leisure scheme covering the wider area on land south of Leisure Way.
- 2.5. The site is currently overgrown and contains a number of trees protected by a group Tree Preservation Order (TPO) on the western boundary with the Travelodge Hotel. There is also a mature oak tree located within the site which is protected by an individual TPO.

There are less mature trees located along the southern boundary with the public open space, as well as a chain link fence.

3. Proposal

3.1. This application seeks outline consent with all matters reserved for the residential development of up to 21 homes with ancillary infrastructure. An indicative masterplan has been prepared to demonstrate how the site could be developed, although none of these illustrations are fixed. For reference the indicative masterplan comprises:

- 21 residential dwellings;
- An illustrative mix of 2 x 1 bed apartments, 7 x 2-bed houses, 4 x 3-bed houses and 8 x 3/4 bed houses at a density of approximately 26dph;
- Retention of an existing TPO tree (T7) with crown reduction work, located towards the western central part of the site and existing planting on the site boundaries;
- Removal of two trees located towards the western site boundary that form part of a group TPO;
- Provision of informal public open space;
- Provision of drainage infrastructure including an attenuation pond to the north-western part of the site;
- Vehicular access to the existing service road to the east of the site;
- Provision of roads, footpaths, car parking and garages; and
- Provision of footpath links to Leisure Way and the open space to the rear of Gainsborough Drive to the south of the site.

4. Consultations/comments

4.1. One third party letter of objection received outlining concerns over the following issues (comments précised):

- o Effect on wildlife site due to vehicle and domestic fuel emissions.

Consultees

Lowestoft Town Council

Consultee	Date consulted	Date reply received
Parish Council	29 August 2019	10 September 2019
<p>Summary of comments: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 10 September 2019. It was agreed to recommend refusal of the application. The Committee were concerned of the close proximity to the County Wildlife Site to the development and the detrimental effect this could bring to this site. The Committee felt the design of the site did not seek to reduce the indirect impact on the wildlife habitats in the vicinity particularly the great crested newts.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	4 September 2019

Summary of comments:
Fire Hydrants are required for this development.

Consultee	Date consulted	Date reply received
Anglian Water	3 September 2019	26 September 2019

Summary of comments:
No objection subject to conditions.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 August 2019	20 September 2019

Summary of comments:
Initial objections resolved, conditions to be imposed.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	29 August 2019	18 September 2019

Summary of comments:
No objection subject to the imposition of conditions.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	29 August 2019	18 September 2019

Summary of comments:
No objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes.

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	29 August 2019	10 September 2019

Summary of comments:
Strongly recommend that an application for Secured by Design (SBD) approval is made for this development.

Non statutory consultees

Consultee	Date consulted	Date reply received
CIL Team	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	3 September 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	3 September 2019	No response
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Suffolk County Council Section 106 Officer	3 September 2019	4 September 2019
Summary of comments: Comments received- scheme subject to S.106 Agreement.		

Consultee	Date consulted	Date reply received
Civil Aviation Authority	3 September 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 August 2019	3 September 2019
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 August 2019	14 October 2019
Summary of comments: No objection subject to conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Disability Forum	29 August 2019	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	29 August 2019	19 September 2019
Summary of comments: Comments included in report.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	29 August 2019	No response

Summary of comments:
Comments included in report.

5. Publicity

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

Category	Published	Expiry	Publication
Major Application	6 September 2019	27 September 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Major Application	6 September 2019	27 September 2019	Lowestoft Journal

Site notices

General Site Notice	Reason for site notice: Major Application/Departure from local plan Date posted: 3 September 2019 Expiry date: 24 September 2019
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6. Planning policy

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.1 - Housing Mix (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.2 - Affordable Housing (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.32 - Housing Density and Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

7.1. The relevant planning history for the site is summarised:

- DC/00/0006/FUL: Mixed use development comprising of a petrol filling station, hotel, leisure building and nature reserve. Approved March 2006.
- DC/09/0612/FUL: Construction of 56no. bed nursing home plus staff and ancillary accommodation. Approved September 2009. Not implemented.

- DC/11/1376/FUL: Construction of 80no. bedroom care home plus staff and ancillary accommodation. Approved March 2012. Not implemented.
- DC/17/1391/OUT Outline Application - Construction of up to 17 dwellings with associated landscaping, open space and ancillary infrastructure and works (including Crown reduction to TPO tree (T7)). Approved November 2017 – EXTANT.

Planning Policy

- 7.2. 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.
- 7.3. All submitted planning applications will be determined in accordance with the planning policies set out by East Suffolk District Council. The site is situated within the East Suffolk (Waveney) Local Plan area, which was adopted in March 2019, the key planning policies relevant to this application are set out in section 6 of this report.

Five-year land supply

- 7.4. The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The latest Five-Year Supply was published in August 2019. The Waveney Local Plan area of East Suffolk has a housing land supply of 6.58 years, which is more than the position when the 2017 application was determined.
- 7.5. Officers recognise that the five-year supply is both a rolling figure and is currently 6.58 years; however, housing targets are set at minima and therefore the provision of 21 new homes does carry considerable weight in favour of the development proposal.
- 7.6. The revised National Planning Policy Framework (NPPF) was published in 2019. It sets out the government's planning policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental, and the planning system must perform these three roles.
- 7.7. To achieve these core objectives, the NPPF states that the planning system should ensure that sufficient land and infrastructure is available to support growth, vibrant and healthy communities. The natural environment should be enhanced by making efficient use of land and moving towards a low carbon economy (Paragraph 8).
- 7.8. The NPPF also explains that the basis for every plan and decision is a presumption in favour of sustainable development (Paragraph 10). For decision taking this means, approving development proposals that accord with an up to date development plan without delay (Paragraph 11).

- 7.9. Local Plan Policy WLP1.1 sets the spatial strategy for the District with Lowestoft providing 56% of housing growth. Whilst this proposal is a relatively modest scale of development, it will add to the housing stock within the town and allow for affordable housing to be generated in this popular area of the town.
- 7.10. Policy WLP1.2 considers settlement boundaries which states that land outside of these boundaries is considered as open countryside and that new residential development will not be permitted in the countryside except where specific policies within the local plan indicate otherwise. However, this land is not truly open countryside given its location with other forms of buildings, its proximity to residential properties and its sustainable location close to public and private access routes and facilities such as Tesco directly opposite the site. Furthermore, the principle of development on the site has already been established via previous permissions. In this instance, it is considered that there is sufficient justification to allow development on this particular site as a departure from WLP1.2.
- 7.11. Policy WLP8.1 relates to housing mix and states that at least 35% of dwellings on new residential developments should be 1-2 bedroom properties. The scheme offers a mix as follows: 2 x 1 bed apartments, 7 x 2 bed houses, 4 x 3 bed houses and 8 x 3/4 bed. The provision of 9 dwellings exceeds the 35% requirement by 1.65 dwellings and therefore the scheme is considered policy compliant.
- 7.12. Further to the above is policy WLP8.2, which relates to affordable housing provision with all new housing development of over 11 dwellings in Lowestoft providing 20% affordable properties. 20% on this site would equate to 4.2, and again there are a higher number of affordable dwellings proposed compared to the extant 2017 permission. The provision of four affordable dwellings can be secured in a S106 Agreement if consent is granted. The provision of affordable housing on the site is considered to be a significant benefit.
- 7.13. Local Plan Policy WLP8.29 relates to high quality design; WLP8.30 seeks to demonstrate that the design is inclusive of all ages and abilities; WLP8.31 relates to lifetime design and that development supports the needs of older people through the creation of an appropriate development; and WLP8.32 relates to housing density and design and that development makes the best use of the site in a manner that protects or enhances the distinctiveness and character of the area, the surrounding physical environment of the site, and its surroundings.
- 7.14. The policies noted above list various criteria which requires proposals to consider a high quality and sustainable design that positively improves the character, appearance and environmental quality of an area and the way it functions. Whilst this is an outline planning application with the detailed design of the scheme to be submitted at a later stage, the proposed development is considered to accord with these policies as it includes public spaces to encourage social interaction with neighbours, the site is closely located to existing services and facilities such as Gunton Meadows Primary Academy and Tesco Supermarket encouraging a healthy lifestyle through walking and cycling, with the provision of new pedestrian linkages, the site is well located to an existing bus network on Leisure Way offering frequent services, and finally the scheme has been designed to conserve and enhance biodiversity with a green wildlife corridor provided to the north of the site and further public open space to west, that will also improve movement of great crested newts through the site to the nature reserve to the east

- 7.15. The final policy which requires consideration is that of policy WLP8.34 which relates to biodiversity and geodiversity and that development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contribute to biodiversity through the creation of new green infrastructure and improved linkages between habitats. As will be noted further on in this report, the Council's Ecologist has considered the submitted details and subject to the mitigation measures being carried out, there are no issues arising from this development. Furthermore, the requirement for the per-dwelling financial contribution to the Suffolk Recreation Avoidance Mitigation Strategy is to be included within the S.106 Agreement to mitigate impact on European sites within the District.

Principle of development

- 7.16. The principle of residential development on the site has been established through the granting of outline planning permission ref. DC/17/1391/OUT which is extant and represents the fall-back position. The suitability of the site specifically for development has also been recognised through older, previous planning permissions for a residential care home (DC/09/0612/FUL and DC/11/1376/FUL).
- 7.17. The site is considered to be sustainably located given its very close proximity to the Travelodge Hotel, Potters Kiln Public House and the Tesco superstore. The site is therefore well located in relation to shops, services and community facilities. It is also well linked to transportation infrastructure, including close proximity to bus stops served by regular high frequency services to the town centre and other locations, along with good pedestrian and cycleway linkages to more locally based facilities.
- 7.18. The site is located outside the physical limits boundary for Lowestoft and as such is considered to be "open countryside" for the purposes of planning policy, where there is a presumption against new residential development. However, consideration must be given to the previous planning permissions; the sustainable location; the siting within an area of existing development; and the close proximity to the built-up area of the town and that these factors combine to support the principle of development.

Scale and layout

- 7.19. Care needs to be given to the scale of the proposed development given that the site rises up from the south to north and is noticeably elevated above the level of Leisure Way to the west. 21 residential properties would create a density of approximately 26dph and there would be a mix of 2 x 1 bed apartments, 7 x 2 bed houses, 4 x 3 bed houses and 8 x 3/4 bed houses.
- 7.20. However, it is important to consider the previously approved 80 bed care home on the site was 2.5 storeys in height with an overall height of approximately 10m. Nevertheless, it was set into the sloping land such that its ridge height was 150mm below the height of the previously approved 56 bed care home on the site (height approx. 9.6m). Taken in context with the scale of the proposed dwellings as envisaged in the masterplan which indicates a mix of two and three storey units set well back from the western boundary, the set-back will help reduce the prominence of any dwellings in this location which could be softened

by landscaping including tree planting. However, to ensure that dwellings are not unduly prominent in the newly created street scene it is considered that their overall height should not exceed 2.5 storeys. This can be controlled by condition should consent be granted.

- 7.21. The agent has confirmed that buildings in the southern part of the site are envisaged as two storeys or less. Although the prevailing scale of existing development to the south of the site (along Gainsborough Drive) is single storey, the buffer of public open space buffer will ensure there is no adverse impact on these properties.
- 7.22. The layout of the proposed development, as illustrated on the indicative masterplan, has been arranged so as to relate to the existing vehicular access position, existing TPO trees, the adjacent public open space and nature reserve. The layout is also influenced by a gas main which runs north-south across the western part of the site which was considered during the 2017 application. The proposed illustrative layout continues the existing access roadway to provide an L-shaped cul-de-sac with houses grouped around it. The indicative layout shows that up to 21 dwelling can be satisfactorily accommodated on the site whilst providing sufficient private and shared outdoor amenity space and parking space. Although this is an outline application the indicative layout is generally considered to be acceptable and demonstrates compliance with WLP8.29.

Open Space and Recreation

- 7.23. Open space on the site will be provided in a mix of private, communal and public spaces. There is also an area of informal open space proposed to the west of the site where the existing trees and proposed attenuation pond are to be located and to the north of the site between the proposed terrace of dwellings and Leisure Way. It is intended that the informal open space would create a pleasant grassed area containing a footpath link between the development and Leisure Way to the north and the wider area of public open space to the south.

Drainage and Flood Risk

- 7.24. The site is located in flood zone 1 where there is a low risk of flooding and comprises less than 1 hectare in area. Therefore, it is not necessary for a Flood Risk Assessment to be undertaken for the site. Suffolk County Council Flood Officers have not objected on flood grounds but have requested conditions be attached to any grant of planning permission.
- 7.25. The submitted Foul and Surface Water Drainage Strategy demonstrates how the layout shown on the illustrative masterplan can be satisfactorily achieved with adequate drainage provided, also ensuring that flood risk to surrounding areas is not increased.
- 7.26. The drainage report demonstrates that there is capacity in the local network for foul flows and a suitable connection point has been identified to serve the development.
- 7.27. In relation to surface water, the drainage report shows that infiltration forms of SuDS are not viable and cannot be used appropriately as part of the scheme. However, development of the Travelodge to the west of the site left an allowance for surface water to discharge into the sewers from the development of this site and the drainage report explains how the site can be drained by gravity to an existing manhole at a limited discharge rate. An

attenuation pond is proposed as part of the scheme to store surface water as required, also allowing for a suitable discharge rate to the sewer to be controlled as part of the overall drainage strategy. The drainage strategy includes sufficient sustainable drainage systems to ensure that there are no significant changes in surface water runoff from the redeveloped site compared with the existing greenfield situation.

- 7.28. The foul and surface water drainage proposals address the drainage considerations associated with the proposed development of the site and can be controlled by a planning condition as part of any subsequent reserved matters applications.

Noise

- 7.29. The applicant has submitted an acoustic assessment which was produced following a request from the Council's Environmental Health Officer in respect of the previous planning application to consider possible acoustic disturbance to the proposed development from the Tesco supermarket to the north and the petrol filling station to the east of the site. A noise survey was undertaken in February 2017 to support the development (DC/17/1391/OUT). The report identified that some acoustic mitigation is required, and the councils Environmental Protection Officer has advised that this should be secured using appropriately worded conditions.
- 7.30. This assessment found the existing noise climate to be largely dominated by road traffic. Noise from the Tesco supermarket and petrol filling station was only just audible in breaks in the traffic. The report (dated March 2017) concluded that the site was a suitable environment for housing and appropriate noise mitigation measures, as required by the Environmental Protection Officer, can be incorporated into the scheme at the detailed design stage. The increase in units from 17 to 21 is not likely to generate significant additional noise.

Ecology

- 7.31. There is a history of Great Crested Newt (GCN) presence on the site and newts are present within the pond located to the east. The application is supported by up to date ecological survey work. An updated preliminary ecological appraisal was carried out on the site, which has identified mitigation measures and the habitat survey concluded that the site is of limited nature conservation value and no significant ecological constraints were identified that would adversely affect the overall development of the site.
- 7.32. The GCN Assessment found there to be only small numbers of GCNs present on the site and in the adjoining pond. In summary, the report concludes that a mitigation licence will be required to capture and relocate any newts found on the site which can be controlled via planning condition. The council's ecologist has concurred with the findings and has recommended conditions be applied. The ecologist noted that to avoid impacts on the CWS a greater landscape buffer needs to be achieved along the eastern side of the development. However, this may be able to be achieved as part of the detailed design of the proposal. Detailed design should also include measures to secure Biodiversity Net Gain on the site. The proposal accords with policy WLP8.34 (Biodiversity and Geodiversity).

Trees and Landscaping

- 7.33. There are several trees concentrated in the western part of the site which are protected by Tree Preservation Order (TPO). The approved planning permission for leisure use on the site (DC/00/0006/FUL) includes consent for various TPO trees to be removed.
- 7.34. To facilitate the proposed drainage strategy for the site it is necessary to remove a protected Ash tree and it will also be necessary to remove a further protected tree, however this tree is dead. Two other trees are proposed to be removed under the previous planning permission.
- 7.35. An oak tree which previously was proposed to be removed will be retained in this scheme, but its height reduced to reduce wind loading and to achieve a balanced appearance. The proposed scheme provides new tree planting opportunities which can be secured by condition should consent be granted. As will be noted above the Arboricultural and Landscape Officer agrees with the tree survey and tree protection plan, although this does need to be updated, and agreed it does not raise any significant concerns.

Affordable Housing

- 7.36. As noted earlier in this report, the proposal includes the provision of four affordable homes and the application is subject to a S.106 Agreement. The level of affordable housing is acceptable and compliant with the requirements of the Local Plan.

Community Infrastructure Levy and Planning Obligations

- 7.37. The Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on 1st August 2013. This was updated in 2019 and CIL is required to be paid on all qualifying developments. The site is located within Zone 3 (Lowestoft) where the CIL rate is £84.91sqm for residential developments, subject to index linking.

Economic Development

- 7.38. This housing proposal will bring short term benefits by virtue of construction jobs, and workers spending in the locality and in the longer term there will be economic benefits to the town with local spend in the economy. The provision of dwellings near to the town centre will potentially boost the vitality and viability of that area through resident's support for local shops and services.

Highways

- 7.39. With regards to highways matters there have been some issues with County Highways and discussions regarding the red line and the increase of units and the resultant impact this will have on the surrounding highway network. However, it should be remembered that this application is in outline with all matters (including access) reserved for future determination. The initial concerns from Highways Authority have been addressed and they recommend conditions.

8. Conclusion

- 8.1. The proposal is in conflict with the Development Plan insofar as the site is located outside the physical limits' boundary for Lowestoft. In addition, the Council can also demonstrate a five-year housing land supply; however, it is considered that the provision of housing (including affordable housing) to be delivered on this site in a sustainable location weighs in favour of the application.
- 8.2. Furthermore, the fact that the site benefits from previous permissions for leisure use, and a care home, and most notably the extant outline consent for 17 dwellings are considered to be significant material considerations that weigh in favour of the proposal. The site is also located within an area of existing development and it is in very close proximity to the built-up area of the northern part of the town. Officers suggest, therefore, that it is difficult to argue that the site forms part of the wider open landscape, but it is actually a constrained site with development surrounding it and these are factors which also weigh in favour of the proposal. Consequently, giving consideration to the planning balance it is judged that these material considerations outweigh the conflict with the development plan.
- 8.3. The proposed development reflects the presumption in favour of sustainable development contained within the NPPF and provides for planning benefits across all three elements of sustainable development: economic, social and environmental, as summarised below.
 - Economic gains: enhances the vitality and viability of the area; creation of temporary jobs in relation to the construction and management of the development.
 - Social gains: provision of a mix of dwelling houses that responds to local market demand and the needs of local people, including affordable housing; the proximity of the site to existing facilities and services within the immediate vicinity of the site and within the wider town of Lowestoft.
 - Environmental gains: landscaping throughout the site resulting in net gains for biodiversity including great crested newts; the location of the site encourages sustainable modes of travel; provision of informal public open space on the site that will benefit existing and new residents; improved pedestrian accessibility for existing residents to the south of the site in the Gainsborough Drive area to the services to the north of the site.
- 8.4. It is considered that the principle of allowing residential development in this location is established by the extant residential planning permission for 17 dwellings in 2017. It has been demonstrated to officer satisfaction that the current scheme which proposes four additional homes is sustainable and meets the requirements of local and national planning policy as noted in the report above.
- 8.5. Although contrary to spatial strategy policies, in this case it is considered there is sufficient justification to depart from policy to deliver a sustainable form of development. As a result, the application is recommended for approval, subject to the completion of a section 106 Agreement and with any permission subject to conditions.

9. Recommendation

- 9.1. AUTHORITY TO APPROVE subject to the completion of a section 106 agreement covering affordable housing, habitat mitigation and management of the open space; and the recommended conditions noted below:

10. Conditions:

1. 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.

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), and measures to minimise water and energy consumption and to provide for recycling waste shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. Concurrent with the first reserved matters access application details of a scheme to improve the existing pedestrian only public highway footway on the south side of Leisure Way to create a new shared use cycle track linking the development to the existing cycle track network currently terminating at the Toucan crossing adjacent the Potters Kiln Public House shall be 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 occupation of any dwelling.

Reason: In the interests of highway safety and to encourage the sustainable transport benefits of cycling as per National and Local Planning Policies including Waveney Local Plan Policy WLP8.21 and the Waveney Cycle Strategy

4. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

5. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

6. Before the first occupation of the development 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.

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

Reason: In the interests of highway safety and to encourage the use of sustainable transport. To ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking where on-street parking and manoeuvring could be detrimental to highway safety

8. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved FRA and include:

- a) Dimensioned plans and drawings of the surface water drainage scheme;
- b) Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c) If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the FRA;
- d) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;
- e) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

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

1. Temporary drainage systems
 2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 3. Measures for managing any on or offsite flood risk associated with construction
- h. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

9. 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, in writing, 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.

10. Prior to the commencement of development (including site clearance) a Natural England licence and mitigation strategy plan for the protection of great crested newts shall be agreed by Natural England. The strategy should identify likely impacts on great crested newts and fully describe measures to mitigate for any impacts, followed by translocation of any newts found within the area. The mitigation strategy shall be completed in accordance with the approved specifications at such times as may be specified in the approved scheme.

Reason: To provide appropriate mitigation measures to minimise the impact on Great Crested Newts.

11. Prior to the commencement of development the recommendations made within the Amphibian and Habitat Survey (Phase 1 August 2019) shall be implemented in full.

Reason: To ensure the provision of ecological enhancements.

12. 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 report detailing proposed noise control measures is submitted to, and

approved in writing by, the local planning authority. The report must propose, on a plot by plot basis, the exact noise control measures which are to be installed in accordance with section 4 of the submitted Sharps Redmore acoustic assessment.

Reason: To ensure the development is suitably sound proofed with appropriate noise control measures

13. A validation report, demonstrating and evidencing the effective installation of the noise control measures approved under condition 13, must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development.

Reason: To ensure the development is suitably sound proofed with appropriate noise control measures

14. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide details of:

- proposed hours of work
 - proposed piling methods
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding and acoustic screens
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for the recycling/disposing of waste resulting from construction works
- The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of amenity and to ensure a safe development.

15. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) 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).

2) 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;
- 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 to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 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.

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

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 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.

17. Prior to any occupation or use of the approved development the RMS approved under condition 17 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.

18. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that the RMS approved under condition 2 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.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 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.

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

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

Informatives:

1. HIGHWAY WORKS: SECTION 278 AGREEMENT

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. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the

specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. For further information please visit

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

ADOPTION OF STREETS: SECTION 38 AGREEMENT AND APC

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads. For further information please visit:

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

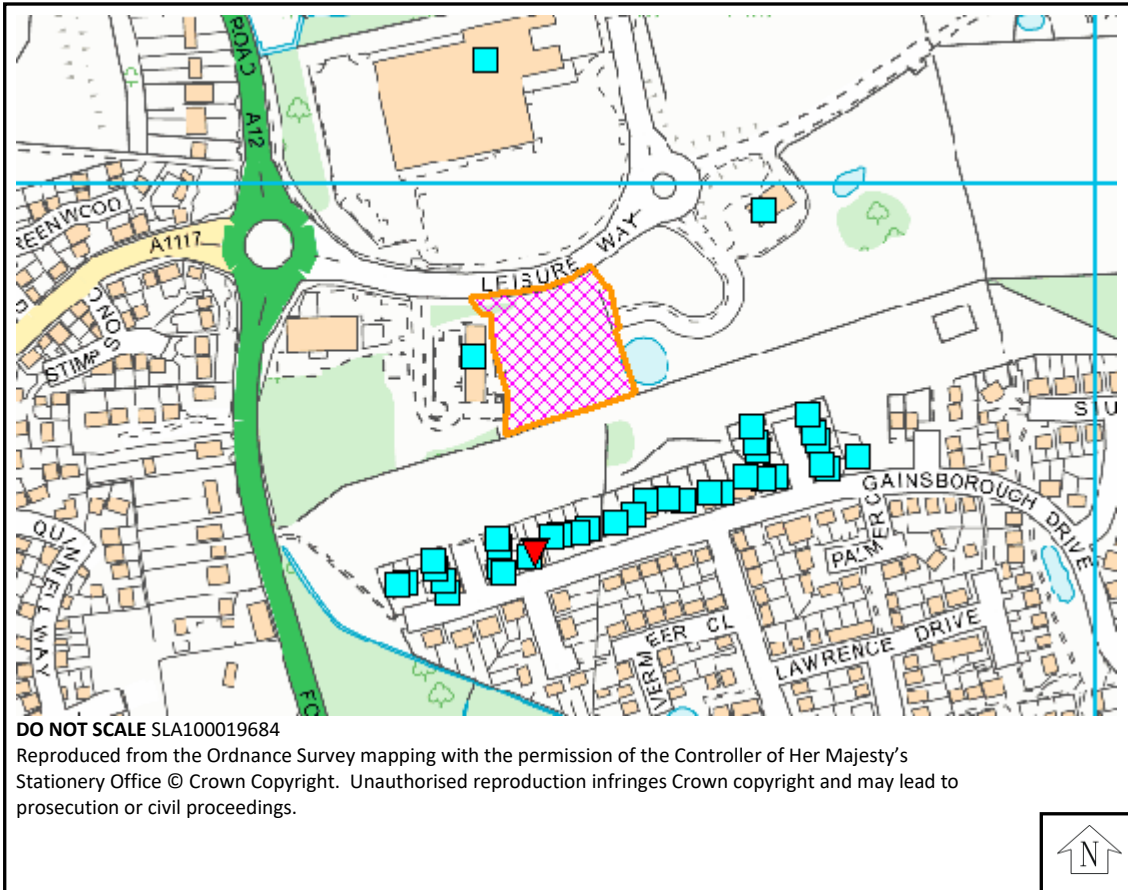
Please note that this development may be subject to the Advance Payment Code.

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





Background information

See application reference DC/19/3289/OUT at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWJITKQXM0K00>

Map



Key

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

Committee Report

Planning Committee - 19 December 2019

Application no DC/19/3317/FUL

Location

37 And 39 Field Lane
Kessingland
Lowestoft
Suffolk
NR33 7QA

Expiry date 31 October 2019

Application type Full Application

Applicant Mr Gerald King

Parish Kessingland

Proposal Full Planning Permission for Erection of 2 No. Dwellings with Associated Works, Including; Creation of Vehicular Access, Provision of Internal Access Road, Car/Cycle Parking and Landscaping.

Case Officer Joe Blackmore

01394 444733

Joe.Blackmore@eastsoffolk.gov.uk

1. Summary

1.1 The application seeks planning permission for the development of two new dwellings on land to the rear of numbers 37 and 39 Field Lane, Kessingland.

1.2 It is considered that the amended proposals for two dwellings represents efficient use of land within the settlement boundary in a manner appropriate for its residential context. The Kessingland Neighbourhood Plan recognises the careful consideration that needs to be given to infill and backland development within the parish, and policy H2 of the plan provides clear guidance on how such proposals should be considered. Officers consider that the proposal is compliant with the Neighbourhood Plan and represents a sustainable form of development. Accordingly, it is recommended that planning permission be granted.

- 1.3 The item has been referred to committee by the Referral Panel due to the site history of refused applications for residential development, in addition to the level of local objection to the current application.

2. Site description

2.1 The application site comprises numbers 37 and 39 Field Lane, Kessingland. The site is located to the northern side of Field Lane - which is a classified road, continuing eastward toward Wash Lane and westward to the B1437. The properties comprise single storey dwellings with associated amenity land and vehicular access. The site lies within an existing residential area with properties located to the south, east and west. Properties within the locality comprise a mixture of detached and semi-detached dwellings of single and two storey scale.

2.2 The site lies within the Kessingland settlement boundary which is recognised as one of six 'larger villages' within the Waveney area of the District. The settlement provides reasonable services and facilities including: a doctor's surgery; primary school; public house; small supermarket; and village hall, among other things.

2.3 The site is in Flood Zone 1 where there is a very low probability (less than 1 in 1000 annually) of flooding. The site is not within or adjacent to a Conservation Area, nor is it within or adjacent to an Area of Outstanding Natural Beauty; Site of Special Scientific Interest; Air Quality Management Area; Special Landscape Area. It is, however, within the Kessingland Neighbourhood Plan area which forms part of the District Development Plan. There are no designated heritage assets affected by the development proposal.

2.4 The planning history for the site is summarised:

DC/05/1326/OUT: Outline Application - Construction of 5no. Bungalows.
Refused on 08 November 2005.

DC/06/0840/OUT: Outline Application - Construction of 3no. bungalows together with the partial demolition of one of a pair of semi-detached bungalows.
Refused on 27 March 2006.

DC/06/0841/FUL: Construction of 2no. bungalows with detached garages
Refused on 04 April 2007.

DC/18/3273/FUL: Demolition of an existing dwelling, construction of 8 single storey dwellings and creation of a new vehicular access.
Refused on 08 November 2018.

2.5 The planning history for the site highlights a consistent issue with housing proposals representing over-development; being out-of-character with the area; and resulting in harm to local amenity.

3. Proposal

3.1 As first submitted, the application sought planning permission for the development of 4no. dwellings. Officers expressed concerns that this level of development would be cramped

and a poor-quality long, tandem form of development. The proposed development has since been amended to the following:

Full Planning Permission for the Erection of 2 No. Dwellings with Associated Works, Including; Creation of Vehicular Access, Provision of Internal Access Road, Car/Cycle Parking and Landscaping.

- 3.2 A full re-consult has been undertaken with the local community and all consultees on the amended proposals.
- 3.3 The amended proposal is for two dwellings in tandem form, accessed via a new private drive running between Nos. 37 and 39, connecting with the highway (Field Lane). The development proposes private amenity areas, vehicle/cycle parking and detached garaging along with associated landscaping. In addition, vehicle parking to Nos. 37 and 39 would be re-located to the rear of the respective properties with their frontages being lawn front gardens. The proposed dwellings would be three-bedroom single storey units covering T-shaped ground footprints. Externally, the buildings would be of brick and tile construction; traditional and simple in form. Proposed eaves height is approximately 2.25 metres; and ridge height is approximately 5 metres. Primary glazed openings would be front and rear facing.

4. Consultations/comments

4.1 16 letters of objection have been received raising the following matters:

- Over-development;
- Loss of privacy to neighbouring properties;
- Contrary to the neighbourhood plan;
- Inadequate and unsafe vehicle access to-and-from the site;
- Will endanger neighbouring vehicular accesses;
- Additional traffic onto Field Lane which is unsuitable for additional development;
- Turning head on site is too small;
- Burden on sewerage facilities; and
- Burden on existing local services.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	8 October 2019	22 October 2019
Summary of comments on amended proposal: "The Planning Committee of Kessingland Parish Council met this morning and would recommend that the application for 2 x Bungalows at 37 & 39 Field Lane be refused for the following reasons:-		

1. Safety Grounds - access and egress to the properties onto Field Lane is inadequate and that the new proposed road is only 5.1m wide reducing to 4.5m and 4.1m which we believe is not within the Highway Authority's regulations.
2. We believe that the access onto Field Lane is still inappropriate and dangerous because it is onto a busy road which is used for parking and is a bus route.
3. The application does not give any details of sewage drainage or other services.

Please note

If the application should be successful, we would ask the Council to remove the permitted development regulations to prevent the bungalows being converted into Chalet Bungalows which would then overlook neighbouring properties.

If this application is to be discussed at the full Planning Committee, then we would appreciate it if you would contact us to advise the date of the meeting as this is the 7th application on this plot of land."

Consultee	Date consulted	Date reply received
Parish Council	6 September 2019	24 September 2019

Summary of first comments:

"The Parish Council Planning Committee considered the above application at our meeting today and unanimously recommended that Application DC/19/3317/FUL - 37 & 39 Field Lane, Kessingland be REFUSED for the following reasons:

1. That it constitutes an undesirable backland development which would have a detrimental and adverse effect on the amenities of and occupiers of neighbouring adjacent properties.
2. That the position of the access road and some of the parking spaces immediately adjacent to the boundary fence and properties in Francis Road and Northacre, would result in an unacceptable level of additional noise and disturbance to the occupants of the properties.
3. With a potential 15 vehicles coming from this site onto Field Lane, the close proximity of the junctions with Northacre, Lloyds Avenue and Francis Road, which will be within approx. 30yds of the site entrance, there is a danger to road safety. There is also the question of servicing this site - this is an issue to be referred to SCC Highways
4. The position of the bins on Field Road is not appropriate."

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	8 October 2019	10 October 2019

Summary of comments:

No objections; conditions recommended.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 September 2019	19 September 2019
Summary of comments: No objections; standard conditions recommended.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	8 October 2019	14 October 2019
Summary of comments: No objections; standard condition recommended regarding unexpected contamination.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	8 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	8 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	8 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	6 September 2019	24 September 2019
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 September 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	6 September 2019	No response
Summary of comments: No comments received.		

6. Publicity

None

7. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 26 September 2019

Expiry date: 17 October 2019

8. Planning policy

National Planning Policy Framework

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019))

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.33 - Residential Gardens and Urban Infilling (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

PL1 - Physical Limits Boundary (Kessingland Neighbourhood Plan - 'Made' January 2017)

H2 - Residential Infill and Backland Development (Kessingland Neighbourhood Plan - 'Made' January 2017)

TM1 - Parking Standards for New Residential Development (Kessingland Neighbourhood Plan - 'Made' January 2017)

9. Planning consideration

Principle of Development

9.1 Kessingland is identified in the Local Plan as a 'Larger Village' with a defined settlement boundary within which the site would be located. These villages are considered to have a reasonable provision of everyday services and facilities and are sustainable locations. The Local Plan identifies that the larger villages in the district will deliver approximately 70% of new housing development in the rural areas over the plan period. Thus, the principle of housing development in this location is supported by the Local Plan spatial strategy policies WLP1.1, WLP1.2 and WLP7.1; and Neighbourhood Plan policy P1 (Physical Limits Boundary). It turns to the detail of the development and relevant policies on design and infill/backland development to determine the acceptability of the proposal.

Assessment of the Development Proposal

9.2 East Suffolk (Waveney) Local Plan Policy WLP8.33 (Residential Gardens and Urban Infilling), in conjunction with WLP8.29 (Design), sets out district-wide guidance on design of housing development proposals within existing residential areas. More specifically, the Kessingland Neighbourhood Plan (NP) sets out a clear strategy for considering proposals for residential infill and backland development under policy H2. This is the critical policy test to apply in the determination of this application and compliance with policy H2 indicates acceptability with the district-wide design and amenity objectives of the Local Plan.

9.3 The proposal for two dwellings to the rear of Nos. 37 and 39 is 'backland' development which is defined as development on land behind the rear building line of existing housing or other development - and is usually land that has previously been used as gardens or is partially enclosed by gardens. One of the issues raised by the community of Kessingland through the neighbourhood plan process was the over-bearing nature of some infill and backland developments. In the past there have been some infill and backland developments which have been permitted on very small plots at high densities, creating issues in terms of amenity for neighbouring properties. To deal with this local issue, policy H2 provides detailed and specific criteria that must be applied to relevant development proposals:

"Within the physical limits boundary of Kessingland, planning permission for residential development proposals on infill and backland sites will be permitted subject to the following criteria:

- *Proposals should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours.*
- *Proposals that would lead to over-development of a site or the appearance of cramming will be resisted. It should be demonstrated that development is of a similar density to properties in the immediate surrounding area.*

The particular issues that must be considered in demonstrating that an infill or backland scheme is acceptable are as follows:

- *Plot width - plots must be of sufficient width to allow building(s) to be sited with adequate separation between dwellings. The width of the remaining and the new plot should be similar to that prevailing in the immediate area.*
- *Building line - where the prevailing depth of existing dwellings is a feature of the area new development should respect that building line.*
- *Visual separation - new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced the new development should normally adjoin the adjacent property(s).*
- *Building height - new buildings should reflect the height of existing buildings. Where existing buildings are of a uniform height, new buildings should respect that height.*
- *Daylight and sunlight - new buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden or window. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing and is not acceptable.*
- *Neighbour amenity - sufficient private amenity space should be provided for the existing dwelling and proposed residential development.*
- *Parking and access arrangements - satisfactory arrangements will be required for parking and access and must address the requirements of Policy TM1. Parking areas to the front of the property using the front garden will only be acceptable in the following circumstances: - this is the prevailing pattern of parking in the locality; or - in design terms, it is not possible to address the requirements of Policy TM1.*
- *Boundary treatment - boundary treatment along the frontage should reflect that prevailing in the area. Proposals for open frontages or the use of the frontage for parking will not be acceptable in areas where enclosed front boundaries prevail.*

This policy also applies to applications for two or more properties on a site previously occupied by a single property."

- 9.4 The first criterion of H2 is that plot widths must be appropriate to allow adequate separation between buildings. The site itself is considerably wider than existing properties

to the east and west which are all within narrow plots. Because of the tandem form of proposed development where the dwellings are positioned linearly in a north-south direction, the buildings are well-separated from the side (east and west) boundaries where residential properties adjoin the site. The proposed plot widths are therefore considered adequate and far more spacious than the adjoining properties.

- 9.5 The building line criterion is more applicable to infill development, or backland development in a location where the predominant character is one-plot-deep 'ribbon' development. In this instance, there is development to the north side of Field Lane at both Northacre and Francis Road - so development of the site would not be unacceptable. It is perhaps more unusual that the site is undeveloped and did not form part of those adjacent residential developments; in any event, there is no uniform building line that the proposal would challenge.
- 9.6 The criterion on visual separation relates to infill, rather than backland development; but, in any event, the proposed dwellings are well-separated from one another - and also the adjoining, existing dwellings.
- 9.7 The surrounding dwellings are predominantly single storey and the proposal would respect that prevailing building height: the dwellings are modest bungalows with low eaves and simple hipped roofs. It is also notable that to the south and east the dwellings are one-and-a-half storey of which the proposal dwellings will be lower than.
- 9.8 Regarding neighbour access to daylight and sunlight, the proposal dwellings are modest and single storey in scale - adequately separated from the dwellings at Francis Road whereby it is unlikely there would be any discernible impact on their access to light. The main properties affected are Nos. 10 and 11 at Northacre. However, because of the low eaves height of the proposed dwellings and their separation from the western site boundary, it is not considered that there would be any significant impact on 10 & 11s access to sunlight. The proposal dwellings would not be overbearing. All new window openings would be at ground floor thus no potential for high-level overlooking. Residents of the new dwellings would be somewhat overlooked from existing rear dormer windows at the Francis Road properties; however, it would not be excessive given the separation and orientation of the new dwellings at ninety degrees to those neighbour dwellings.
- 9.9 The proposal being amended to two dwellings ensures that both the existing and proposed properties will benefit from acceptable sized gardens and outdoor amenity space in accordance with the neighbour amenity objectives of NP policy H2.
- 9.10 Policy TM1 of the Kessingland NP sets parking standards for residential development. Specifically, 3-bed dwellings should have 2 off-road car parking spaces. The proposal would provide 2 spaces and garaging for the new dwellings; the existing dwellings (also 3-bedroom units) would each be provided with 2 spaces. The parking provision is thus in accordance with NP Policy TM1. In terms of vehicle access, clear visibility of 43 metres in each direction along Field Lane would be provided from the access which the County Highways Authority (a statutory consultee) are satisfied with. Within the site, there would be room to manoeuvre so that vehicles could enter the highway in a forward gear. For these reasons, the parking and access arrangements proposed are considerable to be acceptable in accordance with NP policy H2.

- 9.11 The proposal would remove existing frontage parking and replace it with lawn front gardens so, in terms of the boundary treatment requirements of policy H2, the proposal would bring about a minor improvement to the existing situation.
- 9.12 For these reasons, the proposal is considered to accord with Kessingland NP policy H2.

Other Matters

- 9.13 The proposal falls within the Suffolk RAMS area in respect of Benacre to Easton Bavents SPA. Prior to planning permission being granted a per-dwelling financial contribution to RAMS would be required to mitigate recreational impacts in accordance with Local Plan policy WLP8.34. The appropriate mitigation payment has been made and thus the LPA can conclude no likely significant effects on the integrity of European sites arising from this proposal.
- 9.14 Standard conditions would also be required in respect of highways/parking and land contamination but the responses from relevant consultees are all positive on these matters.
- 9.15 The Parish Council would like permitted development rights (PDR) to be removed, should permission be granted, to restrict the insertion of dormer windows into the new dwellings that would essentially allow them to become chalet bungalows. The concern is regarding overlooking of neighbouring properties. Government planning practice guidance is clear that PDRs should only be removed in exceptional circumstances where there is clear justification to do so. Given that any new PD dormers could permit overlooking of the dwellings at Northacre, the removal of PDRs as suggested seems to be reasonable to ensure that neighbour living conditions are protected.

10. Conclusion

- 10.1 The Kessingland NP sets clear criteria for considering backland development. Officers consider that the proposal accords fully with the NP objectives and overcomes a long history of refused applications. The proposal will make good use of a sustainable site to deliver two modest bungalows. It is understood that the Parish Council and local residents are not supportive of the application; however, the officer assessment indicates compliance with the NP and Local Plan, in addition to the broad objectives of the NPPF. A main concern for local residents is on highways safety; however, the County Highways Authority are satisfied with the proposal. It is not considered that significant material harm would arise from this development and thus, in the view of officers, there are no grounds to refuse planning permission.

11. Recommendation

- 11.1 That planning permission be granted subject to conditions.

12. Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Application Form and Drawing Nos. TL-3286-19-100A & TL-3286-19-101A, received 08 October 2019; and Site Location Plan No. TL-3286-19-102A, received 24 September 2019.

Reason: For the avoidance of doubt as to what has been considered and approved, and to secure a properly planned development.

3. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with the details presented within Drawing No. TL-3286-19-100A. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. TL-3286-19-102A with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: to ensure safe and suitable access to the development can be achieved, and so that vehicles exiting the site can enter the highway safely.

5. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway.

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

6. The hereby approved dwellings shall not be occupied until the areas within the site shown on Drawing No. TL-3286-19-100A, for the purposes of manoeuvring and parking of vehicles, including cycle storage, has been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking and manoeuvring of vehicles is provided and maintained.

7. There shall be no development above slab level until precise details of the materials to be used in the construction of the external surfaces of the approved buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: to secure a high-quality finish in the interest of good design.

8. The approved landscaping scheme (as shown on drawing no. L-3286-19-100A) shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

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

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination are minimised, in the event that unexpected contamination is found.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended [or any Order revoking or re-enacting the said Order with or without modification] no development of any kind specified in Part 1, Class B of Schedule 2 of the said Order (additions to the roof of a dwellinghouse) shall be carried out unless otherwise express planning permission for such development is granted by the local planning authority.

Reason: To protect the living conditions of adjacent properties at Northacre.

Informatives:

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

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday

let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

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

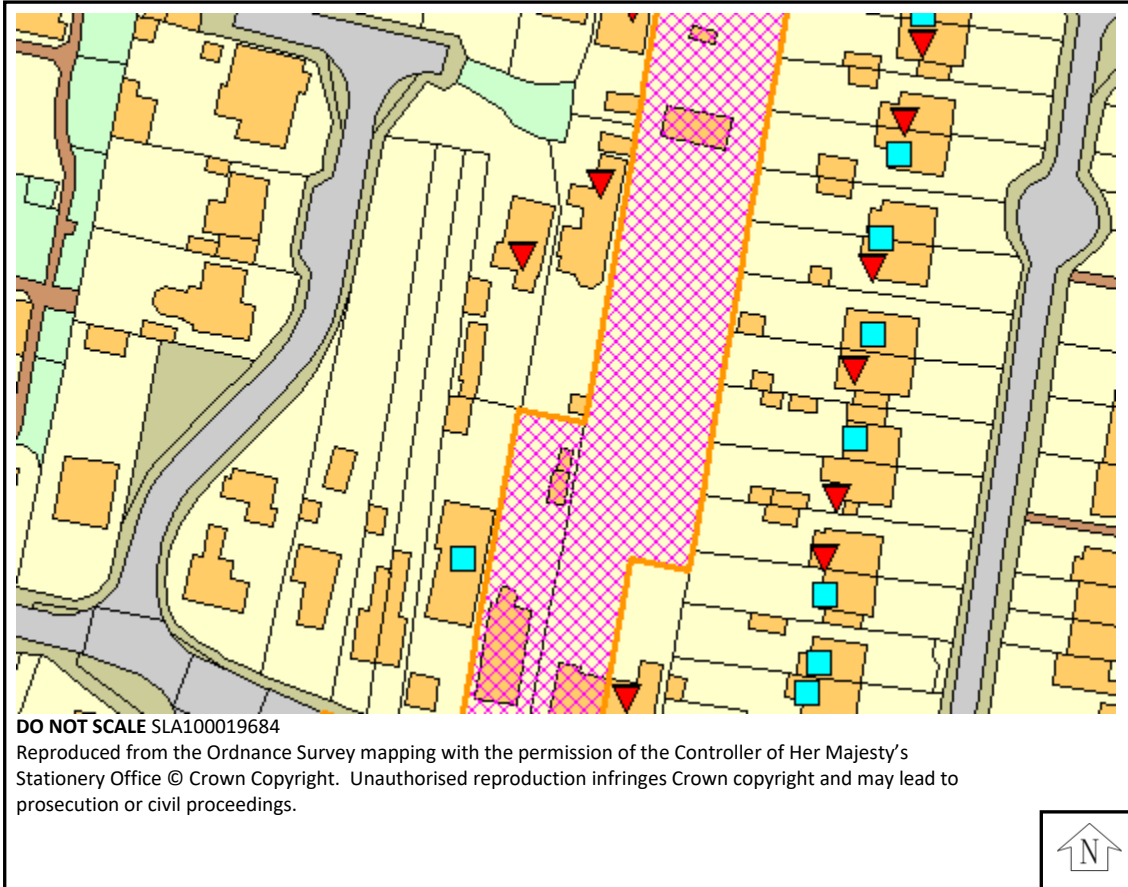
CIL forms can be downloaded direct from the planning portal:

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





Background information

See application reference DC/19/3317/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWMU8IQXM2100>

Map



Key

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

Committee Report

Planning Committee - 19 December 2019

Application no DC/18/4469/FUL

Location

Woods At Harmony
London Road
Weston
Beccles
Suffolk
NR34 8TE

Expiry date 23 December 2018

Application type Full Application

Applicant Mr Mick Arnold

Parish Weston

Proposal Retrospective Application - Approval of existing live/work building.

Case Officer Phil Perkin
(01502) 523073
philip.perkin@eastsoffolk.gov.uk

1. Summary

- 1.1. Retrospective planning permission is sought to retain a live/work unit on the application site. The proposal is contrary to policy as the site lies outside any defined physical limits boundary and therefore is regarded as being within the open countryside for planning policy purposes. However, a material consideration in the determination of this application is that planning permission for a live work unit on the site was approved, albeit significantly different in appearance to the live/work unit that has been constructed and has only recently expired.
- 1.2. The building that has been erected is somewhat unconventional in its method of construction and appearance. However, the structure sits relatively unobtrusively both within its woodland setting and within the surrounding countryside. In planning terms, the form and appearance of a modest timber clad, dark stained building within a woodland setting is considered acceptable and is recommended for approval.
- 1.3. The application is referred to Committee as it is a Departure.

2. Site description

- 2.1. The site is served from an unmade track off the A145 London Road. This track is approximately 1.8 kilometres to the south of the southern edge of Beccles (taken as the junction with Cromwell Road) and the site is to the east of the A145 approximately 300 metres down the track. The site is located within Flood Zone 1, an area at least risk of flooding. It is not located within a conservation area or a designated landscape area.
- 2.2. There are two existing dwellings between the A145 and the application site (New House Farm and Barn Owl Barn) and a third (Harmony Hall) a short distance beyond the site to the east.
- 2.3. The application site is roughly rectangular in shape measuring 26m x 20m. It lies within a treed area adjacent to the existing track. There are views of open countryside to the south but views out of the site to the north are restricted by the rising topography.
- 2.4. A modest dwelling has been constructed on the site formed from reclaimed materials. It has a steeply pitched roof with dark stained timber clad walls and corrugated sheet metal roof. A number of items and materials are stored in amongst the trees surrounding the dwelling.

3. Proposal

- 3.1. The applicant used to live in Harmony Hall adjacent to the site where permission for the conversion of a cart-lodge into a workshop for craft pottery making was granted in 1975 (W2390). The applicant had to sell Harmony Hall for personal reasons but retained some of the land as he wished to retain a pottery on the site, together with some form of associated living accommodation.
- 3.2. In 2016 outline consent was granted for the construction of a live/work unit on the application site followed by the approval of the detailed design and appearance of the unit in 2017. The approved details were for a contemporary one bed unit and a combined studio living and dining space and a work area of some 20-25 sqm on a single level with sleeping accommodation above. External materials comprised horizontal timber boarding with a flat sheet metal roof.
- 3.3. The applicant has erected a live/work unit on the site that differs significantly in appearance from the approved details. In essence however the unit provides a similar amount of living and work space to the approved scheme. This application seeks retrospective planning permission.
- 3.4. The live/work unit that has been erected has been constructed by the applicant using reclaimed materials. As such it has a somewhat unconventional appearance. It has a steeply pitched roof providing sleeping accommodation in the apex. Ground floor accommodation comprises the applicants work and living space. There is equipment associated with a small pottery including storage space, racking and a kiln. The workspace area is approximately 20sqm with ancillary storage space. Living accommodation comprises a small kitchen/dining area and living room.

- 3.5. The unit has dark stained timber clad walls and a corrugated metal roof covering. Household and other items mainly associated with the applicant's small pottery, including gas cylinders, are stored in amongst the trees surrounding the dwelling giving a somewhat untidy appearance.

Planning History

- 3.6 DC/09/0606/COU - Retrospective Application - Change of Use to campsite for seasonal usage and associated facilities
Approved 28 August 2009

DC/16/1272/OUT - Outline Application (All Matters Reserved) - Construction of a dwelling live/work unit.
Approved 17 November 2016

DC/17/1697/ARM - Approval of Reserved Matters of DC/16/1272/OUT - Construction of a dwelling live/work unit - use (proposal), amount, layout, scale, appearance, landscape, access and sustainability
Approved 31 August 2017

4. Consultations/comments

- 4.1. One letter of objection has been received raising the following material planning considerations:

- Object as the building is not constructed in accordance with the approved plans.
- The construction was completed without any involvement with the building control department.
- Foul sewerage appears to be into an uncontrolled hole in the ground. Rodents have been seen running around the site.
- The application appears incomplete as it does not include other structures opposite the dwelling.
- There are hazardous substances on the site.
- The site can be seen from a footpath which skirts the outer fence of Harmony Hall.

4.2 Ringsfield & Weston Parish Council

Consultee	Date consulted	Date reply received
Parish Council	31 October 2018	19 November 2019

“Summary of comments:

Ringsfield & Weston recommended refusal to the above for the following reasons:

- 1) *It is not a complete application as this one mentions applications for 2 other structures which were not enclosed.*
- 2) *All previous conditions have not been fully met - There is still a caravan on site & there is a question of what is happening with the foul water drainage.”*

Statutory consultees

Consultee	Date consulted	Date reply received
4.3 Suffolk County - Highways Department	31 October 2018	19 November 2018

Summary of comments:
No objection

Non statutory consultees

Consultee	Date consulted	Date reply received
4.4 Waveney Norse - Property And Facilities	31 October 2018	No response

Consultee	Date consulted	Date reply received
4.5 WDC Environmental Health - Contaminated Land	31 October 2018	3 December 2018

Summary of comments:
No objection

Consultee	Date consulted	Date reply received
4.6 WDC - Arboricultural And Landscape Officer	31 October 2018	9 November 2018

Summary of comments:
No objection

Consultee	Date consulted	Date reply received
4.7 Essex And Suffolk Water PLC	31 October 2018	13 November 2018

Summary of comments:
No objection

5. Publicity

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

Category	Published	Expiry	Publication
Departure	1 November 2019	22 November 2019	Beccles and Bungay

Category	Published	Expiry	Publication
Departure	1 November 2019	22 November 2019	Lowestoft Journal

6. Site notices

General Site Notice
Reason for site notice: Contrary to Development Plan
Date posted: 28 October 2019
Expiry date: 18 November 2019

General Site Notice
Reason for site notice: New Dwelling
Date posted: 9 November 2018
Expiry date: 30 November 2018

7. Planning policy

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

7.2. The Development Plan consists of

7.3. The relevant policies of the East Suffolk Council – Waveney Local Plan (March 2019) are:

- WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP7.1 - Rural Settlement Hierarchy and Housing Growth (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

7.4. There is no Neighbourhood Plan covering this area of the district.

8. Planning considerations

Principle of Development

8.1. Whilst not directly relevant to this application Policy WLP8.14 allows for the conversion and replacement of buildings in the countryside for employment use. In relation to businesses in the countryside, the NPPF states:

“Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”

- 8.2. Waveney Local Plan Policy WLP1.2 defines settlement boundaries and restricts the development of new residential, employment and retail uses outside of settlement boundaries. Land which is outside of development boundaries is considered as the Countryside where new residential development will not be permitted except where specific policies in the Local Plan indicate otherwise. The application site is outside any defined
- 8.3. Policy WLP7.1 states that development in the Countryside will come forward through Neighbourhood Plans and windfall sites in accordance with Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11.
- 8.4. There is no Neighbourhood Plan covering the application site. Policy WLP8.6 concerns proposals for affordable housing in the countryside and is not relevant to this application.
- 8.5. Policy WLP8.7 concerns small scale residential development in the Countryside. It permits up to three dwellings where:
 - the site constitutes a clearly identifiable gap within the built up area of a settlement in the countryside;
 - there are existing residential properties on two sides of the site; and
 - the development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.
- 8.6. The application site sits in relative isolation within the countryside. Whilst there are two residential properties between the site and the A145 and a residential property beyond the site to the north, it is not considered that the site constitutes a clearly identifiable gap nor are the existing residential properties on two sides of the application site.
- 8.7. Policy WLP8.8 states that proposals for permanent dwellings in the Countryside for rural workers where they support an existing and viable rural business will only be permitted where:
 - there is a clearly established functional need and this could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so;
 - the need relates to a full time worker, or one who is primarily employed in the rural sector; and does not relate to a part time requirement;
 - the unit and the rural activity concerned has been established for at least three years, has been profitable for at least one of them and is financially sound and has a clear prospect of remaining so; and
 - the proposed dwelling is sensitively designed, landscaped and located to fit in with its surroundings and of a scale that reflects its functional role to support the agricultural activity.
- 8.8. As stated above the applicant used to live in Harmony Hall, to the north of the site, where he used to operate a small pottery after obtaining planning permission in 1975, before he had to sell it for personal reasons. Whilst it might be argued that a pottery is not a typical

rural business, the applicant has been making pottery from the age of 22 and for the past 3 years has been making pottery from the live/work unit that is the subject of this application. There are therefore no other dwellings that the pottery could operate from. The applicant has advised that making pottery is and always has been his sole source of income.

- 8.9. In terms of landscape impact, the live/work unit is located in a small woodland and is therefore almost entirely surrounded by trees and as such is not considered to be prominent in the surrounding landscape. The building has been constructed primarily from dark stained reclaimed timber and as such has a somewhat unconventional design and appearance. Nevertheless, it is a relatively modest structure and whilst the land surrounding the building has a somewhat untidy appearance, the building itself sits rather inconspicuously on the site due to the screening effect of the trees which surround it. It is acknowledged that the building appears unconventional but nevertheless it is considered to be an appropriate structure for its woodland setting that fits in with its immediate surroundings.
- 8.10. Policy WLP8.11 is concerned with the conversion of rural buildings to residential use and is therefore not relevant to this application.
- 8.11. Whilst the proposal is contrary to Policy WLP1.2 in that the site is located in the Countryside it is considered that there is some conformity with Policy WLP8.8 in that a small pottery has operated from the applicants former home close to the application site and continues to operate from the unit that has been erected on the site.
- 8.12. Whilst there is some conflict with planning policy consideration has to be given to whether there are any other material considerations to take into account in the determination of this application. In this regard the planning history of the site is relevant. As will be noted in paragraph 3.6 above outline planning permission for a live/work unit on the site was granted in 2016 which has established the principle of a dwelling on the site. Although the outline application has recently expired (on 17th November) it is nevertheless considered relevant to this application that a live/work unit has previously been permitted on the site.
- 8.13. Whilst there is no doubt that the live/work unit the applicant has built differs significantly from the details approved by the reserved matters application, the design and appearance of the unit is nevertheless considered acceptable for the reasons given above.

Design Considerations

- 8.14. Policy WLP8.29 states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. The applicant has built a relatively modest live/work unit out of reclaimed materials. Although a somewhat unorthodox building its appearance is not considered to be particularly objectionable in itself. It is a bespoke structure that responds to the woodland setting within which it sits. The form of the building and the materials it is built from are for the most part, considered appropriate to the woodland setting.

Landscape Impact

- 8.15. As noted above the building is located within a small woodland. It is almost entirely surrounded by existing trees and vegetation which, for much of the year, almost entirely screen it from view. There is a public footpath which runs to the north and east of the

neighbouring property, Harmony Hall, but the structure is not considered to be particularly prominent in the landscape or detrimental to the prevailing landscape character and as such accords with the provisions of Policy WLP8.35.

Ecology

- 8.16. The proposal falls within the Suffolk RAMS area in respect of Benacre to Easton Bavents SPA. Normally applications for new dwellings are required to make a financial contribution to RAMS prior to determination in order to mitigate recreational impacts in accordance with Local Plan policy WLP8.34.
- 8.17. If this retrospective application was determined prior to the expiry of the outline consent it wouldn't have been eligible for a RAMS contribution due to the extant consent for a dwelling on the site. The application form says that the building was completed in 2017 and so the recreational in-combination impact will have been occurring since then. 2017 predates the publication of the RAMS and the LPA collecting contributions from single dwelling schemes, and so this dwelling would effectively be part of the baseline from which RAMS was calculated (as there was an existing consent for a dwelling in place).
- 8.18. However, this application is being determined shortly after the expiry of the outline consent (17 November 2019). The Council's ecologist is not aware that this situation has arisen on any other site. However, he is of the view that given that the property predates RAMS and therefore, ecologically, any impact would already be occurring, he would conclude that, on balance, the dwelling the subject of this application would not require a contribution being made.

Other Matters

- 8.19 The objection letter summarised in paragraph 4.1 above states that the building was completed without the involvement of the building control department. However, the building regulations are concerned with separate legislation and compliance or otherwise with them is not a planning consideration. The Head of Building control is however aware of the building.
- 8.20 The outline planning consent for a live/work unit on the site was subject to a S106 Agreement which controlled the occupation and use of the unit to prevent the two uses being used independently from one another or by different persons. It is suggested that if this application is approved it should be bound by the same terms through a varied S106 Agreement.
- 8.21 It is understood that the applicant did not have the funds to build the dwelling approved by the reserved matters consent in 2017. The Design and Access Statement states that the applicant has managed to build a temporary structure from reclaimed materials in order that he may continue to live and work on this site.
- 8.22 Whilst it is acknowledged that the building is somewhat eccentric and unorthodox it is not for the planning system to question a person's choice of lifestyle. The Council could continue to offer advice on Building Regulation compliance, but such advice is outside the planning considerations.

9 Conclusion

- 9.1. It is acknowledged that the building the applicant has erected is somewhat unconventional in its appearance and method of construction. However, this timber clad building sits relatively unobtrusively in its woodland setting. The building enables the applicant to continue to live and work on the site as he had done for many years after he obtained planning permission in 1975 to operate a pottery from an outbuilding of the neighbouring dwelling which he used to own. Planning permission was previously approved for a live/work unit on the site which has only recently expired, and this is considered to be a material consideration in favour of this application. The building is not considered harmful to the character or appearance of the surrounding countryside. Accordingly, it is recommended that the application be approved.

10 Recommendation

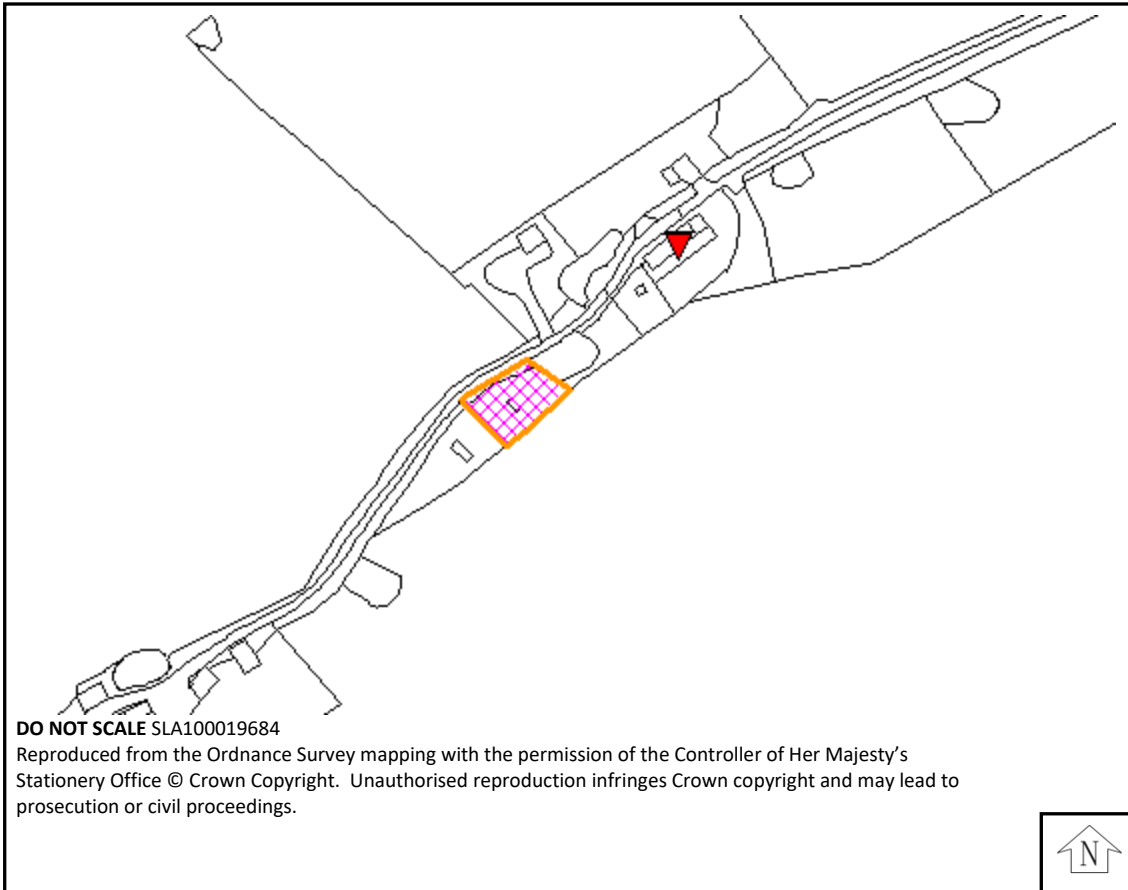
- 10.1. AUTHORITY TO APPROVE, subject to a S106 legal agreement to control the occupancy and use of the live/work unit; and subject to the following planning condition:
1. The development hereby permitted shall be in accordance with the following drawings: Site Plan, Existing North West Elevation (AB3), Existing North East Elevation (AB4), Existing South East Elevation (AB5), Existing South West Elevation (AB6) received 22 October 2018 and Existing Ground Floor Plan and Existing First Floor Plan received 30 October 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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





Background information

See application reference DC/18/4469/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHD53ZQX0GC00>

Map



Key

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

Committee Report

Planning Committee - 19 December 2019

Application no DC/19/3546/FUL

Location

Stables
Yarmouth Road
Lound
Suffolk

Expiry date 3 November 2019

Application type Full Application

Applicant The Trustees of the 1971 Somerleyton Settlement

Parish Lound

Proposal Change of use and alterations to barns to create a single dwelling and associated landscaping and creation of a second vehicular access.

Case Officer Chris Green
(01502) 523022
chris.green@eastsoffolk.gov.uk

1. Summary

- 1.1. This proposal is for the conversion of barns to a single residential dwelling including a link element. The proposal requires full planning permission as it is not permitted development under Part 3 Class Q of the GPDO, which allows for some conversions of agricultural buildings to dwellinghouses.
- 1.2. The proposal is brought to committee as the works are considered to exceed those deemed a true conversion, because of the need to rebuild the roof over one of the two ranges that comprise this barn group.
- 1.3. The applicant or landowner is not East Suffolk Council; the applicant, or agent, is not an East Suffolk Councillor or an East Suffolk Council employee, or close relative of a Councillor or employer.

- 1.4. The 'minded to' decision of the Planning Officer was initially contrary to comments received from Suffolk Highways. This has been addressed. The proposal is not contrary to expressed views of the Parish Council, Ward Member or other statutory consultee. The parish had raised concerns over highway matters, resolved in the amended plans.
- 1.5. The proposal is considered to be acceptable and officers are seeking authority to approve the application.

2. Site description

- 2.1. There is no relevant planning history to report. This is a brownfield site with former agricultural function; while in poor condition, some storage of silage has occurred in recent times. The land is outside Lound village physical limits. The site stands on higher ground to the north of Lound village with Yarmouth Road passing along the east site boundary; and Border Lane serving Ashby and Somerleyton to the north, with the road junction in the north east corner of the site. The building itself is set on a flat area that is to the north of a slight counter gradient such that the site is difficult to see from the southern approach now that the surrounding field hedges are in full leaf.
- 2.2. Within the site are two ranges of single storey, pantile pitched roof local brick barns - running north to south and extended into the site on each side with later, corrugated sheet clad low pitch roof additions.
- 2.3. The south roofs are hipped, that of the west range has collapsed but the walls suggest both ranges hipped at the south and both are gabled to the north. The north gable walls have been entirely replaced with blockwork, and this is presumed to represent a partial demolition.
- 2.4. There are no proximate footpaths around the site. The buildings are not listed and of limited heritage value, though not unattractive in their rural landscape context. There is ecological potential, and appropriate survey work has been provided.

3. Proposal

- 3.1. The proposed development seeks permission to convert the barns to create a single new home. The existing corrugated roof structures will be removed. A new link will be created between the two barns which will re-instate an existing structure that was shown in the 1927 OS plan and which was then removed. A new flat roofed, glazed extension will be created to improve the internal layout.
- 3.2. The proposal retains the vertical scale of the two existing ranges of barns and links them on the south side to create one dwelling with a central courtyard. Existing brickwork is shown as repaired and reinstated. The submitted plans, form and D and A statement do not specify the roof finish, so a condition is required.
- 3.3. The submitted planning statement considers these barns could be converted under Part 3 Class Q of the 2015 GPDO were it not for alteration to the building envelope required to provide a link between the two existing barns so that it can function as a single dwelling.

4. Consultations/comments

4.1 No third party representations received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	11 September 2019	30 September 2019

Summary of comments:
 Lound Parish Council has viewed the documentation for this application and has no objection in principle to the proposed development, and takes a positive view of the re-use of what has become a neglected and derelict brownfield site, subject however to the following observations and limitations:-

- o special consideration needs to be given to the safety of the two vehicular accesses proposed, particularly the eastern-most one. This will be very close to a blind corner in a very narrow lane, which itself has high hedges and poor visibility. The gates of any access will need to be set back from the road edge by at least a car-length plus a metre, in order to allow drivers to open and close gates safely, i.e. to stop outside the gates, but well off the road.
- o on the same basis the Council considers that the north-east corner/hedge of the site, from Yarmouth Road into Boundary Lane should be taken back and kept clear of high hedging in order to provide a better and safer visibility splay in both directions.
- o consideration will need to be given to foul drainage; how will this be managed? As far as the Council is aware there is no main sewer near the site and nearby properties have septic tank drainage.
- o clarification is required regarding CIL payment calculations. The Planning Application Form Pt.17 states 315 sq. metres; the CIL Form Pts 6 & 7 states 321 sq. metres.

Consultee	Date consulted	Date reply received
Lound Parish Council	19 November 2019	20 November 2019

Summary of comments:
 Lound Parish Council has viewed the documentation for this application and has no objection in principle to the proposed development, and takes a positive view of the re-use of what has become a neglected and derelict brownfield site, subject however to the following observations and limitations:-

- special consideration needs to be given to the safety of the two vehicular accesses proposed, particularly the eastern-most one. This will be very close to a blind corner in a very narrow lane, which itself has high hedges and poor visibility. The gates of any access will need to be set back from the road edge by at least a car-length plus a metre, in order to

allow drivers to open and close gates safely, i.e. to stop outside the gates, but well off the road.

- on the same basis the Council considers that the north-east corner/hedge of the site, from Yarmouth Road into Boundary Lane should be taken back and kept clear of high hedging in order to provide a better and safer visibility splay in both directions.
- consideration will need to be given to foul drainage; how will this be managed? As far as the Council is aware there is no main sewer near the site and nearby properties have septic tank drainage.
- clarification is required regarding CIL payment calculations. The Planning Application Form Pt.17 states 315 sq. metres; the CIL Form Pts 6 & 7 states 321 sq. metres.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	19 November 2019	18 October 2019
<p>Summary of comments:</p> <p>County Council as Highway Authority recommend conditional approval: that access is laid out before commencement with an entrance width of 3.0 metres. Visibility splays shall be provided before use to the amended plan, that a bound material surface is used. That gates be set back a minimum distance of 5 metres from the edge of the carriageway. Details of bin storage and presentation before use are asked for.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	25 September 2019	15 October 2019
<p>Summary of comments:</p> <p>No objection providing the recommendations of the Ecological Appraisal (BasEcology, February 2019) are secured by condition.</p> <p>A RAMS financial contribution must be secured prior to the determination of this application.</p>		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	11 September 2019	No response
<p>Summary of comments:</p> <p>No response.</p>		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 September 2019	26 September 2019
Summary of comments: No objection providing unexpected contamination condition is added.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	11 September 2019	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	19 November 2019	20 November 2019
Summary of comments: No objection subject to compliance with our requirements, and a condition that a water connection made onto our Company network.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	19 November 2019	19 November 2019
Summary of comments: No objection: The Unexpected Contamination condition is required.		

5. Publicity

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

Category	Published	Expiry	Publication
Departure	29 November 2019	20 December 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Departure	29 November 2019	20 December 2019	Lowestoft Journal

6. Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: Expiry date:
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7. Planning policy

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

7.2. The Development Plan consists of:

- East Suffolk Council – Waveney Local Plan (March 2019)
- Relevant Neighbourhood Plans

7.3. The relevant policies of the East Suffolk Council – Waveney Local Plan (March 2019) are:

- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)
- WLP8.11 - Conversion of Rural Buildings to Residential Use (East Suffolk Council - Waveney Local Plan (March 2019)
- WLP7.1 - Rural Settlement Hierarchy and Housing Growth (East Suffolk Council - Waveney Local Plan (March 2019)
- WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019)

7.4. There is no adopted Neighbourhood Plan covering this area of the district.

8. Planning considerations

8.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle and Sustainable Development

8.2. This site is outside physical limits in open countryside and needs therefore to be considered in the context of policy WLP8.11 - Conversion of Rural Buildings to Residential Use which states that *"the conversion of redundant rural buildings in the Countryside to residential use will be permitted where it secures or safeguards a heritage asset or...the building is locally distinctive and of architectural merit"*.

8.3. The building is not of great merit architecturally. It is however a traditional barn in brick and tile. The government's permitted development relaxations are reflected in the National Planning Policy Framework paragraph 83 where the rural economy is supported

by conversion of existing buildings and the recent Local Plan policy reflects this liberalisation, in making such conversions easier by removing the sequential preference for commercial conversion over other uses (such as residential)

- 8.4. WLP8.11 also requires that "*The conversion requires only minimal alteration*"; this is not the case with this proposal in that the two main ranges will be retained and adapted, but one will require an entirely new roof, though the proposed replacement will follow the pitch and form of that once in place as evidenced by the gable end. Upon the proposition that there is a need to replace the roof, the proposal goes beyond the works that are necessary to qualify as a true 'conversion'. Officers consider that there is some conflict with WLP8.11 through elements of re-building; the proposal is not strictly a conversion and thus represents a departure from the Local Plan. The item has been referred to committee and advertised as a departure.
- 8.5. WLP8.11 requires that the design maintains or enhances the structure, form and character of the rural building; the design submitted is considered to fulfil this requirement, as an attractive building emerges from the current situation of partial ruin.
- 8.6. The policy requires that the creation of a residential curtilage does not have a harmful effect on the character of the countryside or settlement; with the careful landscape strategy shown this should be the case here, if reinforced by a condition restricting permitted development rights for curtilage buildings and residential paraphernalia in areas that are sensitive around the site.
- 8.7. The conversion should enhance the immediate setting of the area according to policy. Given the neglected current state of the site and the result of the proposal which would be a well-designed residential development with appropriate landscaping, this criterion is considered to be fulfilled.
- 8.8. The site is served by an appropriate existing access. In this regard there was initially concern expressed by the County Council Highways Authority given the speed limit; the access, however, is at a point where speeds cannot be high due to the junction and road geometry. The County also criticised the in-and-out driveway and the resulting distance of the closest access to the corner and requested the formation of vision splays. This matter is addressed in the latest drawings and the County now offer a positive recommendation, with conditions.
- 8.9. In this case, the development when considered cumulatively with other developments in the Countryside would not result in a level of development which would be contrary to the strategy outlined in Policies WLP1.1 where 10% of housing growth over the plan period is predicted as occurring in the smaller villages and also WLP7.1 which identifies Lound as benefitting from a settlement boundary thus becoming a village where some development can occur in a manner considered sustainable.

Visual Amenity, street scene and landscape

- 8.10. The existing barns are quite visible at the highway junction as a result of the rising nature of the land. This area is characterised as estate farmland with enclosure fields and the proposed change is small scale in character providing domestic paraphernalia in the landscape is carefully controlled by condition. Barns are often diminished aesthetically by

21st century industrial agriculture clutter. The domestic curtilage is sufficient for the property created. The proposal is therefore considered compliant in this regard with policy WLP8.29 (Design) of the Adopted East Suffolk (Waveney Area) Local Plan Policies.

Heritage Considerations

- 8.11. There are no designated Heritage assets affected directly or indirectly by the proposal. The site is not in or adjacent to a conservation area, the application site itself can be considered an undesignated asset, where the work proposed will positively preserve the building. The proposal is therefore considered compliant in this regard with policy WLP8.37 - Historic Environment of the Adopted East Suffolk (Waveney Area) Local Plan Policies

Residential Amenity

- 8.12. There is no material impact on other residences as these are across the other side of Yarmouth Road. The proposal is therefore considered compliant in this regard with policy WLP8.29 (Design) of the Adopted East Suffolk (Waveney Area) Local Plan Policies.
- 8.13. Design amenity: The mood board in the design and access statement shows proposed materials that utilise the basic historic fabric with modern insertions of non-domestic high-tech character judiciously used to retain the more robust flavour of barn character. There is some indication that carbon footprint reducing measures are part of the proposal. This development is below the threshold of 10 dwellings and therefore does not require assessment under Policy WLP8.28 - Sustainable Construction, although the inclusion of sustainable technologies is encouraged.

Highway Safety and Parking Provision

- 8.14. Suffolk County Council Highway development team have recommended conditional approval of the revised scheme. There is adequate space on site for the parking needs created. This does require a slight relaxation of vision splays by the County, justified by the low speeds achievable close to a junction. In the wider planning balance, the desire of the estate to preserve native hedgerow as much as is possible given safety needs is considered to represent a good compromise. The proposal is therefore considered compliant in this regard with policy WLP8.29 (Design) of the Adopted East Suffolk (Waveney Area) Local Plan Policies.

Flood Risk / SUDS/ Protected Aquifers

- 8.15. This proposal is in Flood Zone 1, the low risk zone and there is no record of localised surface water flooding. The site is not within a "source protection zone" but is close to the drinking water safeguard zone associated with Lound Water Works, but this does not impinge on planning consideration for this site.
- 8.16. The proposal does not significantly alter land permeability so no requirement for Sustainable Drainage (SUDs) requires imposition and building regulations will deal with surface water drainage for this site.

Biodiversity and Geodiversity

- 8.17. The Ecological Appraisal (BasEcology, February 2019) is considered satisfactory, providing the implementation of the recommendations made within the report are secured by condition.
- 8.18. The site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). This was received 18 October 2019 with the requisite form. The local planning authority can conclude there would be no likely significant effects on the integrity of European sites and the proposal accords with WLP8.34 (Biodiversity and Geodiversity).

Trees and hedgerows

- 8.19. There are no trees with Tree Preservation Orders in the vicinity of this site and no protected hedgerows. The site is within the "settled estate farmland" character area where a single storey building is relatively suppressed as a landscape feature by the mature "Enclosure Act" hedgerows. The character of the landscape is considered protected in terms of Policy WLP8.35 - Landscape Character, providing domestic paraphernalia is restricted beyond the immediate area of the dwelling created. Permitted rights for extensions to the proposed dwelling need to be restricted as this is not a part Q, permitted development conversion.

9. Conclusion

- 9.1. This application is contrary to policy due to the works proposed exceeding those representing true conversion. However, the proposal does make use of existing built form but extends it and re-roof's the more incomplete range to create a well-designed dwelling. The divergence from policy is therefore of note, but not substantial. The proposal will preserve a modest yet characterful building in the rural landscape. There would be enhancement of the site in its immediate setting and the proposal will deliver public benefits through return to the economy of the area in build terms and modest contribution to housing supply. It is therefore considered that the proposal is acceptable and planning permission should be granted.

10. Recommendation

- 10.1 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (The DMPO) requires that any application that does not accord with the statutory provisions of the development plan in force in the area in which the land to which the application relates is situated, be advertised by site notice and in the local press. That publication process has been undertaken and will close on 20 December 2019. Any representations received prior to the committee meeting on 19 December 2019 will be reported to members via the update sheet and verbally at the meeting. Officers therefore are seeking authority to approve the application, subject to no material planning objections being received post-committee, and prior to the 21 December 2019.

10.2 AUTHORITY TO APPROVE, subject to no material planning objections being received post-committee, and prior to the 21 December 2019.

Conditions:

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

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

2. The development hereby permitted shall be completed in all respects strictly in accordance with PL372 A02-02A, floor plan and PL372 A02-03A elevations, received 10 September 2019, and site layout PL371 A02-01B and the updated design statement received 18 October 2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 3.0 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

4. Before the access is first used visibility splays shall be provided as shown on the Amended Plan with an X dimension of 2.4 metres and a Y dimension of 42 metres (West) and 20.8 metres (East) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

5. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

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

6. Gates shall be set back a minimum distance of 5 metres from the edge of the metalled carriageway.

Reason: In the interests of road safety.

7. Before the development is commenced details of the areas to be provided for storage and presentation 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.

8. Before the development is commenced details of the areas to be provided for the secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that the minimum cycle parking provision outlined within SGP 2019 is achieved and to promote sustainable transport.

NOTE: The garage is required to have a minimum internal depth of 7.0 metres to be considered as adequate cycle storage.

9. The use shall not commence until the area within the site shown on the Amended Plan for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

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

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (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, with the exception of a storage shed for bicycles 2 x 1m footprint on plan x 2.5m maximum height within 10m of the dwellinghouse, 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.

12. The recommendations of section 5 of the Ecological Appraisal (BasEcology, February 2019) for limiting and mitigating impacts on Ecology shall be implemented in full and mitigation features shall be retained thereafter.

Reason: To protect and enhance ecology.

13. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

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

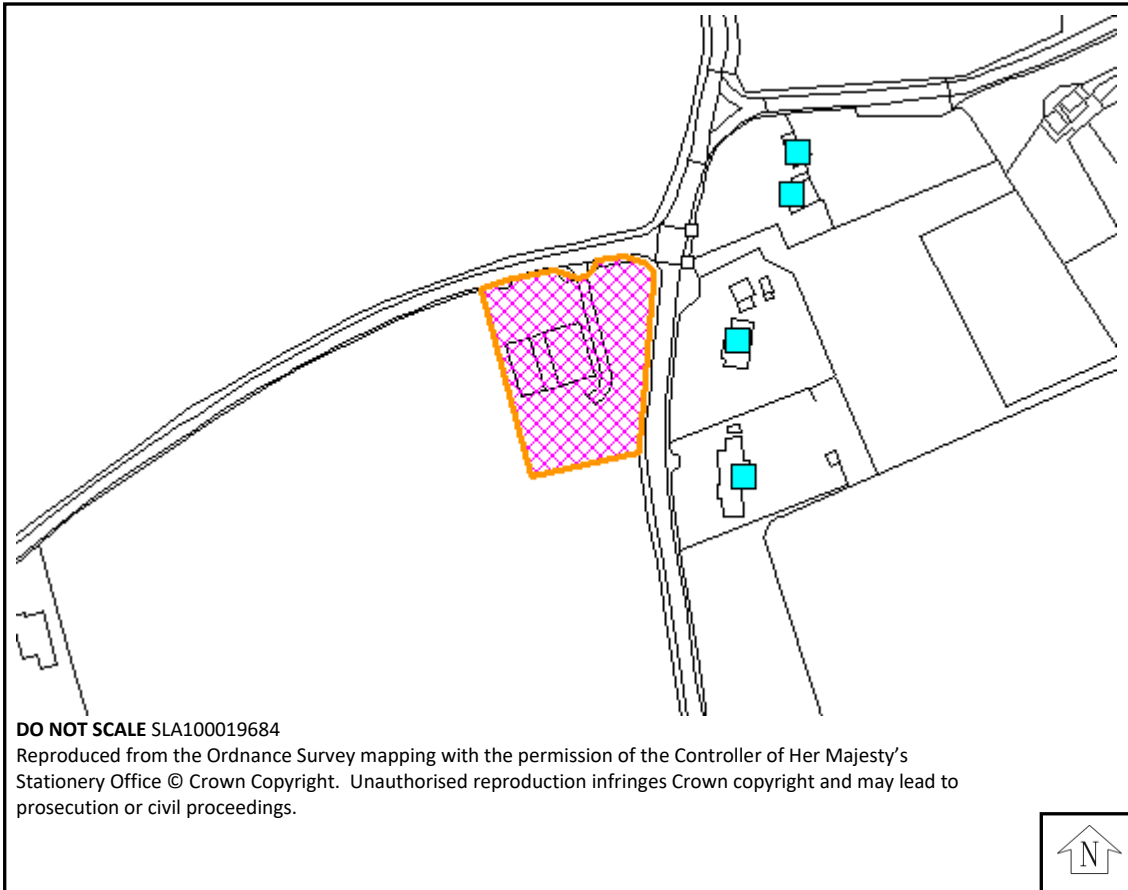
Informatives:

1. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.
The customer services contact number is 0345 606 6171 and Information regarding dropped kerbs is available at <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>
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.





Background information

See application reference DC/19/3546/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXKK5VQXMERO0>

Map



Key

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

Committee Report

Planning committee - 19 December 2019

Application no DC/19/4154/LBC

Location

9 St Marys Flats
Ballygate
Beccles
Suffolk
NR34 9NF

Expiry date 25 December 2019

Application type Listed Building Consent

Applicant Mr Gareth Hutchings

Parish Beccles

Proposal Listed Building Consent - Replace three rotten casement windows with new casement windows to match existing as closely as possible in joinery grade softwood.

Case Officer Chris Green
(01502) 523022
chris.green@eastsoffolk.gov.uk

1. Summary

- 1.1. This is an application to replace timber windows of mid-20th century date not contemporary with the date or design of the host listed building in a location not visible to public view.
- 1.2. The proposal is to be determined by planning committee as the applicant and landowner is East Suffolk Council.
- 1.3. The 'minded to' decision of the Planning Officer is not contrary to comments received from the Town or Parish Council, Ward Member or any statutory consultee.
- 1.4. The proposal is considered to be acceptable in design and heritage terms and the recommendation is for approval.

2. Site description

2.1. This building is the Council owned, Grade II listed, St Marys Flats - once a grand residence now subdivided.

2.2. Listing description:

Early 19th century. 2 storeys. Suffolk yellow brick. Wood modillion cornice. Slates. Plinth. 5 windows, sash with glazing bars and flat arches. 6-panel door with patterned fanlight, in wood case with panelled reveals continuing under arch, Doric 3/4 columns and modillion entablature. This house was occupied by a succession of headmasters of a school which was endowed by Dr Henry Falconbridge LLD under a will dated 1712, but which became effective in 1770 after the death of intervening beneficiaries. St Mary's was left as such by Dr Falconbridge for use as a school, which was held in a succession of buildings including the Town Hall. During the present century the extensive stabling was converted for use as school-rooms, and a modern tablet with the Falconbridge coat of arms, and HF17 1712 inscribed, was put up to record the origin of the school.

2.3. The building has been much altered internally to create the subdivision into flats. The grand entrance at ground floor faces to the south and still retains a very fine stone entrance vestibule.

2.4. The site of the proposed three replacement windows is in a light well created in the attic second floor level.

2.5. The windows occupy the east, west and north sides of the lightwell with the south wall blind.

2.6. This lightwell illuminates the original grand staircase from ground to first floor level via a polycarbonate skylight of mid to late 20th century date. The walls of the lightwell at attic storey are brick painted and solid 225mm construction with bricks of differing size indicating probable 19th century date with some perhaps earlier. The windows to be replaced are modern softwood unequal divided top hung types, and the internal render is smooth hard modern cementitious type to the interior.

3. Proposal

3.1. The proposal is to replace the three windows at attic level facing into the light well with timber "slimlite" double glazed equivalents. This type of glazing unit is highly regarded in historic situations as it is an unusually thin 9mm thick sealed unit allowing frame thickness to be traditionally proportioned. The windows are to be fitted from the inside requiring the disturbance of existing cills and jamb plasterwork.

4. Consultations/comments

4.1. No third party representations received.

Consultees

4.2. Beccles Town Council

Consultee	Date consulted	Date reply received
Town Council	31 October 2019	20 November 2019

Summary of comments: Approved.

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	8 November 2019	29 November 2019	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	8 November 2019	29 November 2019	Lowestoft Journal

6. Site notices

General Site Notice	Reason for site notice: Conservation Area, Listed Building Date posted: 5 November 2019 Expiry date: 26 November 2019
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7. Planning policy

7.1. In addition to considering the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's Development Plan unless material considerations indicate otherwise.

7.2. The Development Plan consists of

- East Suffolk Council – Waveney Local Plan (March 2019)
- Relevant Neighbourhood Plans

7.3. The relevant policies of the East Suffolk Council – Waveney Local Plan (March 2019) are:

- WLP8.29 - Design
- WLP8.37 - Historic Environment
- WLP8.39 - Conservation Areas

7.4. There is no Neighbourhood Plan covering this area of the district.

8. Planning considerations

8.1 The Council has a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1900:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Visual Amenity, street scene and landscape

- 8.2 The proposal cannot be seen in the public domain and therefore no harm to the character and appearance of the conservation area would arise. The proposal is compliant with the objectives of WLP8.39.

Heritage Considerations

- 8.3 The fabric disturbed by this proposal is all of recent date so there is no negative impact. If considered under the test set out at paragraph 196 of the National Planning Policy Framework "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". It is considered that the test is passed in that there is no material harm arising. In any event, there is the public benefit of improved thermal performance in publicly owned affordable housing arising that weighs in favour of the application.
- 8.4 Given the modern nature of the materials into which this is inserted there is no need to require further detail and the sectional joinery details provided are considered sufficient.
- 8.5 The proposal is therefore also considered compliant in this regard with policy WLP8.37 - Historic Environment of the Adopted East Suffolk (Waveney Area) Local Plan Policies

Residential Amenity

- 8.6 The works are entirely within one flat and so there is no amenity impact and the proposal is considered compliant in this regard with policy WLP8.29 (Design) of the Adopted East Suffolk (Waveney Area) Local Plan Policies

9. Conclusion

- 9.1 The proposal would not cause harm to the listed building or wider conservation area, and therefore the development is acceptable in terms of the heritage objectives of the NPPF and Local Plan policies WLP8.29, WLP8.37 and WLP8.39.

10. Recommendation

- 10.1 Approve.

11. 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 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with the attic plan drawing and the elevational and sectional drawings of the windows; received 23 October 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

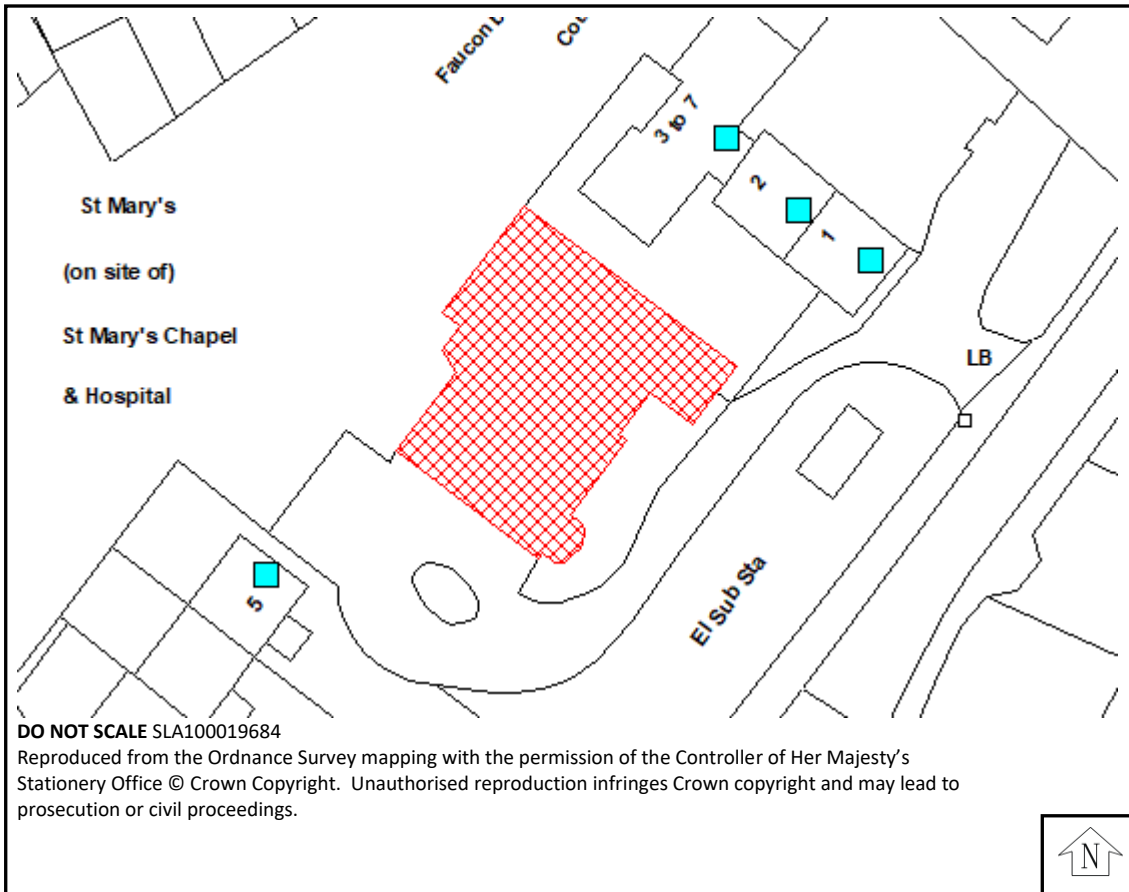
Informatives:

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/19/4154/LBC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZU1JWQXFLQ00>

Map



Key

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